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**ПРАВО. КОМУНІКАЦІЯ. СУСПІЛЬСТВО**

**LAW. COMMUNICATION. SOCIETY**

**DAS RECHT. DIE KOMMUNIKATION. DIE GESELLSCHAFT  
LE DROIT. LA COMMUNICATION. LA SOCIÉTÉ**

Матеріали Всеукраїнської науково-практичної конференції  
здобувачів вищої освіти  
(українською та іноземними мовами)

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Право. Комунікація. Суспільство. Law. Communication. Society. Das Recht. Die Kommunikation. Die Gesellschaft. Le Droit. La Communication. La Société: матеріали Всеукраїнської науково-практичної конференції здобувачів вищої освіти (українською та іноземними мовами) / за заг. ред. канд. психол. наук, доц. Л.І. Кузьо. Львів: ЛьвДУВС, 2026. 904 с.

У збірнику подано тези доповідей учасників Всеукраїнської науково-практичної конференції – здобувачів закладів вищої освіти України. Матеріали відображають актуальні наукові підходи до дослідження взаємозв'язку правових явищ, комунікаційних процесів і розвитку суспільства.

У роботах учасників розглядаються проблеми функціонування громадянського суспільства в умовах воєнного часу, питання забезпечення та захисту прав людини, особливості діяльності правоохоронних органів, а також роль комунікації у сучасному правовому середовищі.

До збірника увійшли тези українською та іноземними мовами (англійською, німецькою, французькою), що сприяє розширенню міжнародної академічної взаємодії, обміну науковими ідеями та розвитку міждисциплінарного діалогу у сферах права, комунікації та суспільних процесів.

The collection presents the abstracts of reports delivered by participants of the All-Ukrainian Scientific and Practical Conference – students of higher education institutions of Ukraine. The materials reflect current scholarly approaches to studying the interrelationship between legal phenomena, communication processes, and societal development.

The contributions address issues related to the functioning of civil society in wartime conditions, the protection and safeguarding of human rights, the specific features of law enforcement activities, as well as the role of communication in the modern legal environment.

The collection includes abstracts in Ukrainian and foreign languages (English, German, and French), which promotes international academic cooperation, the exchange of scholarly ideas, and the development of interdisciplinary dialogue in the fields of law, communication, and social processes.

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**Шановні колеги – освітяни і науковці!**

**Шановні здобувачі та молоді вчені!**

Всеукраїнська конференція «Право. Комунікація. Суспільство», що проводиться українською та іноземними мовами, вже стала сталою науковою платформою для обговорення актуальних питань розвитку правових інституцій, суспільних комунікацій та сучасних соціальних процесів. У сучасних умовах повномасштабної військової агресії проти України українське суспільство переживає значні трансформації, які впливають на політичну, економічну, соціокультурну та правову сфери життя. Ці процеси зумовлюють потребу в нових наукових дослідженнях, спрямованих на осмислення актуальних викликів та пошук ефективних шляхів їх подолання.

Львівський державний університет внутрішніх справ традиційно виступає осередком наукового обговорення актуальних проблем розвитку держави та суспільства. Цьогорічна конференція знову об'єднала здобувачів вищої освіти з різних закладів освіти України для обміну думками щодо функціонування права, ролі комунікації та суспільних процесів у різних сферах життєдіяльності. Тематичні напрями роботи конференції охоплюють ключові питання сучасності: функціонування громадянського суспільства в умовах війни, забезпечення прав людини у сучасному правовому просторі, актуальні проблеми діяльності правозахисних і правоохоронних органів у контексті міжнародного досвіду та українських реалій. Водночас значну увагу приділено ролі комунікації у розвитку суспільства, аналізу соціальних викликів сьогодення, а також питанням мовної політики та мовної ідентичності в умовах сучасних трансформацій.

Особливе місце у наукових дослідженнях учасників посідає аналіз впливу війни на розвиток українського суспільства та держави. Складні обставини воєнного часу водночас сприяють консолідації суспільства, формуванню спільної відповідальності та прагненню до зміцнення державності. У цьому контексті важливим є осмислення майбутніх шляхів відновлення країни та побудови сильної, демократичної і європейської України після завершення війни.

Попри складні умови воєнного часу, освітня та наукова діяльність в Україні продовжує активно розвиватися, що засвідчує стійкість і духовну силу українського народу. До участі в конференції долучилося понад 200 здобувачів вищої освіти з 24 закладів освіти України. Це свідчить не лише про високий рівень зацікавленості молодих дослідників актуальними проблемами сучасності, а й про їхнє прагнення долучатися до наукового пошуку та інтелектуального діалогу.

До збірника увійшли тези українською та іноземними мовами (англійською, німецькою, французькою), що сприяє розвитку міжнародної академічної співпраці, обміну науковими ідеями та розширенню міждисциплінарного діалогу у сферах права, комунікації та суспільних досліджень.

Сподіваємося, що представлені у збірнику наукові розвідки здобувачів вищої освіти стануть важливим внеском у дослідження впливу масмедійного простору на правову свідомість, ролі комунікаційних технологій у формуванні правової культури, а також соціокультурних аспектів правового регулювання. Отримані результати можуть стати основою для подальших наукових пошуків і глибших досліджень у цих напрямках.

**Слава Україні!**

**Героям слава!!**

**Dear colleagues – educators and scholars!**

**Dear students and young researchers!**

The All-Ukrainian Conference “Law. Communication. Society,” held in Ukrainian and foreign languages, has already become a well-established academic platform for discussing key issues related to the development of legal institutions, public communication, and contemporary social processes. In the current context of full-scale military aggression against Ukraine, Ukrainian society is undergoing significant transformations that affect the political, economic, socio-cultural, and legal spheres of life. These changes create the need for new scholarly research aimed at understanding current challenges and identifying effective ways to address them.

Lviv State University of Internal Affairs traditionally serves as a center for scholarly discussion of pressing issues concerning the development of the state and society. This year’s conference has brought together students from various higher education institutions across Ukraine to exchange ideas on the functioning of law, the role of communication, and social processes in different areas of human life. The thematic areas of the conference cover key issues of our time: the functioning of civil society under wartime conditions, the protection of human rights in the contemporary legal space, and current challenges in the activities of human rights and law enforcement institutions in the context of international experience and Ukrainian realities. Particular attention is also devoted to the role of communication in societal development, the analysis of contemporary social challenges, as well as issues of language policy and linguistic identity in the context of ongoing transformations.

A special focus of the participants’ research is the analysis of the impact of the war on the development of Ukrainian society and the state. The difficult circumstances of wartime simultaneously contribute to the consolidation of society, the development of a sense of shared responsibility, and the strengthening of statehood. In this regard, it is essential to reflect on future pathways for national recovery and the construction of a strong, democratic, and European Ukraine after the war.

Despite the challenging conditions of wartime, educational and scientific activities in Ukraine continue to develop actively, demonstrating the resilience and spiritual strength of the Ukrainian nation. More than 200 students from 24 higher education institutions across Ukraine have participated in this conference. This not only indicates the strong interest of young researchers in addressing contemporary challenges but also reflects their commitment to engaging in academic inquiry and intellectual dialogue.

The collection includes abstracts presented in Ukrainian and foreign languages (English, German, and French), which contributes to the development of international academic cooperation, the exchange of scholarly ideas, and the expansion of interdisciplinary dialogue in the fields of law, communication, and social studies.

We hope that the research presented by students in this volume will make a valuable contribution to the study of the influence of the mass media environment on legal awareness, the role of communication technologies in shaping legal culture, and the socio-cultural aspects of legal regulation. These findings may serve as a foundation for further scholarly inquiry and more in-depth research in these areas.

**Glory to Ukraine!**

**Glory to the Heroes!**



## **Das Vorwort**

**Sehr geehrte Kolleginnen und Kollegen, Wissenschaftlerinnen und Wissenschaftler! Sehr geehrte Studenten!**

Die gesamtukrainische Konferenz "Recht. Kommunikation. Gesellschaft", die in ukrainischer Sprache und in Fremdsprachen abgehalten wird, ist bereits zu einer traditionellen wissenschaftlichen Plattform für die Erörterung der wichtigsten Fragen der Funktionsweise von Rechtsmechanismen und öffentlicher Kommunikation im modernen Kontext geworden. Die neue Realität - die militärische Aggression, gegen die sich unser Land aktiv wehrt - hat erhebliche Auswirkungen auf verschiedene Aspekte der ukrainischen Gesellschaft gehabt.

Lwiwera Staatsuniversität für Innere Angelegenheiten spielt eine wichtige Rolle bei der Untersuchung aktueller Fragen der modernen Gesellschaft und wird erneut zu einer Plattform für Treffen und Diskussionen von Hochschulstudenten. Die Themen der Konferenz spiegeln die dringendsten Fragen wider, die die Ukrainer heute beschäftigen. Die Probleme des Funktionierens der Zivilgesellschaft im Kontext des Krieges, die Menschenrechte im modernen Rechtsraum sowie die Aktivitäten der Strafverfolgungsbehörden, die Kommunikation und ihre Rolle bei der Entwicklung der Gesellschaft, die sozialen Herausforderungen unserer Zeit und die Sprachenpolitik - diese Themen spiegeln sich in den wissenschaftlichen Untersuchungen der Studenten wider.

Besondere Aufmerksamkeit wird auf die Untersuchung der Bedingungen des militärischen Konflikts gelegt. Die Herausforderungen des Krieges ermutigen die Ukrainer, sich zusammenzuschließen und gemeinsam zu kämpfen. Schon heute müssen wir über Wege zur Wiederherstellung und zum Aufbau einer starken europäischen Ukraine nach dem Krieg nachdenken und aktiv planen.

Auch in den Zeiten des Krieges entwickelt sich die Wissenschaft aktiv weiter, was ein Beweis für die unwiderstehliche geistige Kraft der Nation ist. Die Konferenz, an der mehr als 200 Teilnehmer aus 24 ukrainischen Hochschulen teilnehmen, ist nicht nur ein wichtiges intellektuelles Ereignis, sondern auch ein Beweis für das große Interesse an der Erforschung des Phänomens der Ukraine und ihrer Rolle in der modernen Welt.

Die Sammlung enthält Zusammenfassungen sowohl in ukrainischer als auch in ausländischen Sprachen (Englisch, Deutsch, Französisch), was den internationalen Erfahrungsaustausch erleichtert und den wissenschaftlichen Dialog im Bereich Recht, Kommunikation und Gesellschaft vertieft.

Wir sind davon überzeugt, dass die von den Studenten durchgeführten wissenschaftlichen Untersuchungen einen Beitrag zur Erforschung der Probleme des Einflusses der Medien auf das Rechtsbewusstsein, der Rolle der Kommunikationstechnologien bei der Gestaltung der Rechtskultur und der soziokulturellen Aspekte der rechtlichen Regulierung darstellen, der Anstoß für weitere vertiefte Forschungen geben wird.

**Ruhm der Ukraine!**

**Ruhm den Helden!**

**Chers collègues – éducateurs et chercheurs !**

**Chers étudiants et jeunes chercheurs !**

La conférence nationale ukrainienne « Droit. Communication. Société », qui se tient en langues ukrainienne et étrangères, est déjà devenue une plateforme scientifique stable pour discuter des questions actuelles liées au développement des institutions juridiques, des communications sociales et des processus sociaux contemporains. Dans les conditions actuelles de l'agression militaire à grande échelle contre l'Ukraine, la société ukrainienne traverse des transformations importantes qui influencent les sphères politique, économique, socioculturelle et juridique de la vie. Ces processus déterminent la nécessité de nouvelles recherches scientifiques visant à comprendre les défis actuels et à rechercher des moyens efficaces de les surmonter.

L'Université d'État de Lviv des Affaires intérieures agit traditionnellement comme un centre de discussion scientifique des problèmes actuels du développement de l'État et de la société. La conférence de cette année a de nouveau réuni des étudiants de l'enseignement supérieur provenant de différents établissements d'enseignement de l'Ukraine afin d'échanger des idées concernant le fonctionnement du droit, le rôle de la communication et les processus sociaux dans différents domaines de la vie. Les axes thématiques de la conférence couvrent les questions clés de l'actualité : le fonctionnement de la société civile en temps de guerre, la garantie des droits de l'homme dans l'espace juridique contemporain, ainsi que les problèmes actuels de l'activité des organisations de défense des droits de l'homme et des organes chargés de l'application de la loi dans le contexte de l'expérience internationale et des réalités ukrainiennes.

Une attention particulière est également accordée au rôle de la communication dans le développement de la société, à l'analyse des défis sociaux contemporains ainsi qu'aux questions de politique linguistique et d'identité linguistique dans les conditions des transformations modernes.

Une place importante dans les recherches scientifiques des participants est occupée par l'analyse de l'influence de la guerre sur le développement de la société et de l'État ukrainiens. Les circonstances difficiles du temps de guerre favorisent en même temps la consolidation de la société, la formation d'une responsabilité commune et le désir de renforcer l'État. Dans ce contexte, il est important de réfléchir aux voies futures de la reconstruction du pays et à la construction d'une Ukraine forte, démocratique et européenne après la fin de la guerre.

Malgré les conditions difficiles du temps de guerre, l'éducation et la science en Ukraine continuent de se développer activement, ce qui témoigne de la résilience et de la force spirituelle du peuple ukrainien. Plus de 200 étudiants de l'enseignement supérieur provenant de 24 établissements d'enseignement de l'Ukraine ont participé à la conférence. Cela témoigne non seulement d'un niveau élevé d'intérêt des jeunes chercheurs pour les problèmes actuels de notre temps, mais aussi de leur volonté de participer à la recherche scientifique et au dialogue intellectuel.

**Gloire à l'Ukraine !**

**Gloire aux héros !**

**Babych Andrii**

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## **LEONARDO DA VINCI AS THE CREATOR OF A UNIQUE PROFESSIONAL TERMINOLOGY: A PHILOLOGICAL PERSPECTIVE**

Leonardo da Vinci's figure is traditionally interpreted primarily within the context of the history of art, engineering thought, and natural sciences [1]. However, his intellectual legacy has another important dimension – linguistic creativity. Leonardo da Vinci's manuscript notebooks demonstrate not only the universality of his scientific interests but also an active process of forming specialized vocabulary in various fields of knowledge [3]. From a philological perspective, he appears as an author who worked on expanding the expressive potential of the Italian vernacular language, adapting it to the needs of scientific description.

The linguistic situation in Renaissance Italy was characterized by the coexistence of Latin as the traditional language of science and numerous regional variants of the vernacular [6]. Unlike many scholars of his time, Leonardo da Vinci deliberately did not choose Latin as the primary instrument for recording knowledge [7]. Instead, he wrote in the Tuscan variety of Italian, which was of fundamental importance for the further development of the national scientific language. Such a choice was not only practical but also ideological: in his view, knowledge should be connected with experience and accessible to understanding. Consequently, the need arose to develop an appropriate conceptual apparatus.

In many manuscripts, particularly the *Codex Trivulzianus*, da Vinci demonstrates a striving for the utmost precision in naming [4]. He combines Latin borrowings with descriptive constructions of the vernacular language, often creating his own designations to specify the structure of organs and physiological processes. In this same manuscript, the artist's vocabulary is distinguished by semantic concreteness and the absence of scholastic abstraction. Complex concepts are frequently conveyed through metaphorical models based on analogies with mechanics or architecture. Such a combination of imagery and scientific precision indicates the formation of an interdisciplinary terminological system in which different branches of knowledge interact at the linguistic level.

Particularly illustrative are his notes on mechanics and hydrodynamics in the *Codex Trivulzianus*. Describing the movement of water, the principles of levers, or the transmission of force, Leonardo da Vinci actively uses verb forms that emphasize the processual nature of phenomena [5]. His texts reveal a tendency toward the verbalization of dynamics, which corresponds to the experimental character of his research. At the same time, he strives for the unification of concepts, repeating the

same lexical units in similar contexts, which indicates the emergence of systematicity in terminological usage.

A philological analysis of the *Codex Trivulzianus* manuscript also reveals specific word-formation models. Da Vinci actively employs the derivational possibilities of the Italian language, forming new words through suffixation [3], as well as combining existing lexemes into complex nominations. Such practice demonstrates a conscious aspiration for precision and economy of linguistic means. In many cases, he rejects cumbersome Latin formulations, replacing them with shorter and clearer equivalents of the vernacular language.

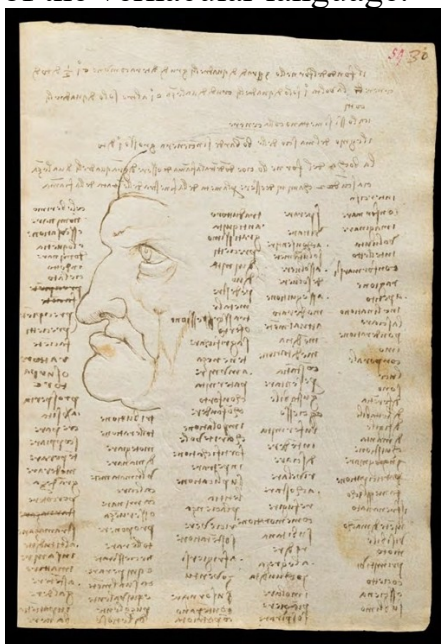


**Fig. 1.** A page from Leonardo da Vinci's manuscript in the *Codex Trivulzianus*

Attention should also be paid to the graphic form of his texts. Mirror writing, the fragmentary nature of the notes, and the combination of text with diagrams and drawings create a peculiar **polysemiotic space** [2], in which the verbal component interacts with the visual one. This also affects the structure of terms: often a word functions in close connection with an illustration, clarifying or specifying its meaning. Leonardo da Vinci's terminology is formed not only within the boundaries of the linguistic system but also in the context of intersemiotic communication.

In the field of painting theory, da Vinci also develops his own conceptual apparatus. His reflections on light and shadow, perspective, and the proportions of the human body are accompanied by attempts at precise verbal definitions of artistic categories [2]. He seeks to grant art the status of a science and therefore considers a clear delineation of terms necessary. This is manifested in the consistency of the use of key concepts and in their explanation through analogies with natural phenomena.

Overall, Leonardo da Vinci's linguistic activity demonstrates the transition from the medieval Latin scientific tradition to the formation of national professional languages [7].

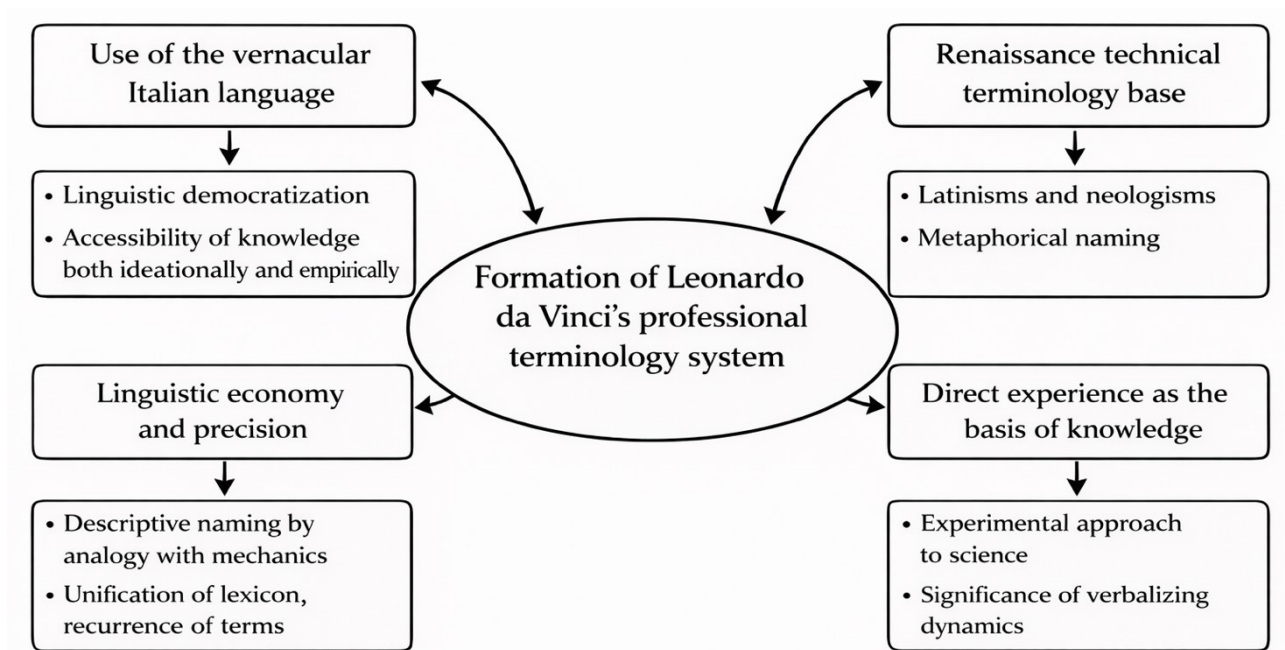


**Fig. 2.** *Formation of Leonardo da Vinci's professional terminological system*

The texts of Leonardo da Vinci demonstrate the process of the birth of terminology as a system based on the principles of precision, clarity, and functional expediency. A philological analysis of this heritage makes it possible to consider da Vinci not only as a brilliant artist and scientist but also as one of the pioneers of modern scientific language. It is in his manuscripts that the formation of an individual terminological system can be observed, combining empirical observation with linguistic creativity and laying the foundations for the further development of European scientific discourse.

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2. Leonardo da Vinci. *Trattato della pittura*. Milan: Rizzoli, 1996.
3. Leonardo da Vinci. *The Notebooks of Leonardo da Vinci*. Ed. J. P. Richter. Oxford: Oxford University Press, 2008.
4. Pedretti, C. *Leonardo da Vinci: The Complete Notebooks*. New York: Abrams, 1994.
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6. Eco, U. *La ricerca della lingua perfetta nella cultura europea*. Rome: Laterza, 1993.
7. Hall, B. S. *Renaissance Science and the Origins of Modern Scientific Terminology*. Cambridge: Cambridge University Press, 1994.

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## **SPEECH CULTURE AS A KEY INDICATOR OF A LAWYER'S PROFESSIONAL COMPETENCE**

In the legal profession, language is not just a means of communication, but a fundamental tool for implementing the law. Through language, a lawyer forms legal positions, prepares documents, argues in court, and communicates with clients, colleagues, and the community. Without the appropriate linguistic culture, even profound legal knowledge can lose its effectiveness or be perceived with scepticism.

The fundamental interaction and deep interdependence of language and thought, which have been thoroughly proven by representatives of philosophy, psychology, linguistics and jurisprudence, provide compelling reasons to consider a lawyer's speech not simply as a means of conveying information, but as the main tool of their professional communicative activity. The quality, effectiveness and persuasiveness of such tools are directly determined by the perfection of thought processes, since words are a form of expression of thought, and thought is the content of words. In this context, the professional skill of a lawyer is inextricably linked to the mastery of a system of complex speech skills that allow for the effective implementation of legal protection and law enforcement functions.

First and foremost, it is critically important to be able to correlate the content and structural characteristics of a statement with current linguistic norms. A lawyer must be able to express their thoughts competently and clearly, using language that is correct, meaningful and pure, because any inaccuracy in a legal document or speech can lead to legal conflicts or loss of evidentiary value. At the same time, a dry presentation of facts is often insufficient, so a specialist's speech should be enriched with imagery, expressiveness and emotion, while maintaining stylistic unity and grammatical diversity. The ability to speak expressively, choosing the right tone of conversation, placing logical emphasis and finding the right intonation, allows you to focus the attention of the court or client on the key aspects of the case, turning a monologue into an effective means of influence [1, pp. 87-88].

The ability of a lawyer to express themselves 'holistically', achieving semantic completeness in every statement, deserves special attention. This requires developed strategic thinking, which manifests itself in the ability to build a strategy for a speech and independently develop a plan for a conversation. A high level of professionalism demonstrates the ability to speak without relying on a written text, relying solely on one's own in-depth analysis of the problem and the internal logic of the argument. Freedom from 'paper' allows one to respond quickly to changes in the court hearing, to speak extemporaneously without prior preparation, and to engage in real-time debate with opponents.

The final element in this system of competencies is the ability to express one's own assessment of facts and events in speech. A lawyer must not only record reality, but also interpret it, accurately conveying what they have seen or heard through linguistic means. The objectivity and accuracy of such reproduction are crucial for establishing the truth in a case, since linguistic reconstruction of events often becomes the only available source of information for the court [1, p. 89].

The professional language of a lawyer is a complex, multidimensional tool that goes far beyond the simple transmission of information, transforming into a means of influencing social relations and a mechanism for establishing the truth. A fundamental characteristic of legal discourse is its structure, which requires impeccable consistency and logical coherence of presentation. Every thesis voiced by a legal expert requires careful legal argumentation, where rhetorical skill is inextricably linked to references to verified facts, relevant evidence and applicable regulatory legal acts, which ensures persuasiveness, transforming subjective opinion into an objectively justified position capable of withstanding critical analysis by an opponent or court.

Immanuel Kant considered the imperative requirement to comply with high moral and ethical standards and norms of professional conduct to be an important aspect of a lawyer's communicative culture [2, p. 112]. The ethical component acts as a filter that prevents professional discussion from turning into personal conflict or manipulation. At the same time, dry formalism is not always effective, so a lawyer's speech palette should be distinguished by expressiveness and a wide range of emotional means of influence.

In many countries, including Ukraine, lawyers are increasingly faced with the need to use English in their professional activities: to work with international clients, participate in cross-border projects, familiarise themselves with English-language legal literature, international treaties, court practice, participate in conferences, arbitrations, translations, etc. According to international standards, English often serves as the 'language of the legal community.' However, research on the legal labour market shows that the characteristics of Ukrainian job vacancies and the actual level of English proficiency among candidates do not always meet the needs. For example, according to a 2024 study, only about 15% of vacancies in the legal field required knowledge of English [3].

An analysis of foreign language proficiency among candidates for legal positions shows that most have basic or intermediate English skills. In fact, there is a significant gap between the requirements of modern legal practice and the current level of English language training among a large part of the legal community. This discrepancy has a number of negative consequences: it limits the opportunities for lawyers in the field of international practice and creates significant difficulties in accessing up-to-date global legal information, contracts and case law. Low language competence lowers the overall professional level and limits employment prospects in large or international law firms. A particularly critical issue is the increased risk of errors and misinterpretation of legal documents in situations requiring the representation of foreign clients or participation in transnational litigation.

A high level of proficiency in English legal terminology should become the standard for training lawyers. For example, some institutions, such as NaUKMA, offer a course in English for Lawyers, which enables students to master professional English communication, both written and oral, using legal vocabulary [4]. Such courses should be expanded and incorporated into the curricula of all law schools, and made compulsory for those who intend to pursue international or foreign economic activities.

Thus, professional communication skills are a basic competence for lawyers. They ensure the accuracy, logic and clarity of legal documents and arguments, shape image and guarantee the quality of legal work. At the same time, proficiency in English is becoming an increasingly important element of this competence, as it opens up access to international legal resources, allows one to work at the transnational level, increases competitiveness, and expands career potential.

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## **PROTECTION AND REPRESENTATION OF THE INTERESTS OF VULNERABLE PARTIES IN CRIMINAL PROCEEDINGS**

**Abstract.** The paper deals with the protection and representation of the interests of the vulnerable participants in criminal proceedings. The relevance of the topic is underlined. The purpose of the study is determined. The main objectives is the research are formulated.

**Key words:** *vulnerable participant, criminal proceedings, protection and representation in criminal proceedings, criminal procedural legislation, criminal procedural relations. criminal procedural relations*

The modern rule of law is based on the principle of the supremacy of law, one of the key elements of which the effective protection of the rights and legitimate interests of every person, regardless of their social status, age, health or other



characteristics is ensured. The purpose of building a state governed by the rule of law is to create a legal order in which every person has a stable opportunity to protect their rights, freedoms and interests by the legal means. In such conditions, the issue of protecting and representing the interests of the vulnerable participants in the criminal proceedings becomes particularly important. These include: minors; elderly persons; persons with disabilities; persons with physical, mental, psychological or sensory impairments that prevent them from fully participating in society; persons who are victims of: human trafficking, crimes against sexual freedom and sexual integrity, domestic violence, crimes committed with the use of violence or the threat of its use, war crimes, crimes against humanity, genocide, terrorism; persons who are close relatives or family members of a person whose death was the result of a crime; persons whose close relatives or family members remain on the temporarily occupied territory; persons who do not speak the official language and other persons who, due to certain characteristics (personal, socio-economic, national, anatomical), can be classified as the 'vulnerable participants' in criminal proceedings.

The issue of protecting and representing the interests of the vulnerable participants in criminal proceedings has been partially addressed in the scientific works of the Ukrainian researchers, in particular R.A. Avramenko, A.O. Gavlovska, I.V. Glovyuk, O.V. Giruk, O.M. Dufenyuk, D.O. Koval, G.Yu. Nikitina-Dudikova, M.V. Popovich, O.S. Soluta, G.K. Teterianyk, and Yu.M. Chornous.

The relevance of the chosen topic is determined by several factors, in particular:

- modern criminal procedural science lacks a comprehensive research on the protection and representation of the interests of the vulnerable participants in criminal proceedings, taking into account the modern international principles and standards;

- the international human rights standards, in particular the provisions of the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, the practice of the European Court of Human Rights, as well as the recommendations of the United Nations Committee on the Rights of the Child and the Committee against Torture, require the States Parties to establish the special procedures to ensure the effective access to justice for the vulnerable persons;

- due to the state of war and the consequences of the Russian Federation's armed aggression against Ukraine, the number of the persons falling into the category of the vulnerable persons (victims of war crimes, internally displaced persons, victims of gender-based violence) has increased significantly, requiring the additional legal regulation of the mechanisms for their protection and representation in criminal proceedings. The insufficient development of the issues related to the differentiation of the procedural status of such participants, the lack of a unified approach to define the concept of a 'vulnerable participant in criminal proceedings' and the mechanisms for the implementation of their procedural rights create the problems for law enforcement practice, which necessitate a comprehensive scientific research aimed at

developing the theoretical and practical recommendations for improving the mechanisms for the protection and representation of the interests of the vulnerable participants in criminal proceedings.

The purpose of the study is to develop the theoretical and legal foundations and practical recommendations for improving the mechanisms for protecting and representing the interests of the vulnerable participants in criminal proceedings in Ukraine in accordance with the national and international human rights standards.

To achieve this goal, the following main objectives are to be addressed:

- to analyse the theoretical and legal foundations of the institutions of protection and representation in criminal proceedings;

- to define the concept and criteria for classifying the persons as the ‘vulnerable participants’ in criminal proceedings;

- to study the international legal standards for the protection of the rights of the vulnerable persons and the possibilities for their implementation in national legislation;

- to define the peculiarities of the procedural status of the vulnerable participants and the problems of their implementation at the various stages of criminal proceedings;

- to reveal the role of the defender, legal representative, lawyer and other actors in ensuring the rights and interests of the vulnerable participants in criminal proceedings;

- to analyse the effectiveness of the existing mechanisms of the state and non-state institutions in the field of providing assistance to the vulnerable participants in criminal proceedings;

- to develop the proposals for improving criminal procedural legislation in terms of protecting and representing the interests of the vulnerable participants;

- to develop the practical recommendations for effectively ensuring the rights and legitimate interests of the vulnerable participants in criminal proceedings.

The subject of the study is the protection and representation of the interests of the vulnerable participants in criminal proceedings.

The object of the study is the criminal procedural relations that arise and develop in connection with the protection and representation of the interests of the vulnerable participants in criminal proceedings.

The methodological basis of the study is based on a comprehensive approach combining the general scientific and special methods of cognition, such as induction, deduction, analysis, synthesis, generalisation, comparison, abstraction, classification, and modelling. The dialectical method is used to study the institutions of protection and representation in their constant development, interconnection and interdependence, which can facilitate the study of the research object. The use of the systemic method allows to consider the protection and representation of the interests of the vulnerable participants as an integrated system of the legal norms, guarantees and practical mechanisms functioning within the criminal process. The method of analysis and synthesis is used to study the individual aspects in detail and then generalise them to form the conclusions and recommendations. The comparative

legal method consists of comparing Ukrainian national legislation with the international standards and the practice of the European Court of Human Rights regarding the protection and representation of the interests of the vulnerable participants in criminal proceedings. The formal legal (dogmatic) method is aimed at analysing the content of the criminal procedural rules governing the representation and protection of the interests of the vulnerable participants, identifying the gaps and contradictions, and formulating the proposals for improving legislation. The modelling and forecasting method allows the development of the possible scenarios for the development of law enforcement practice and the formulation of the sound recommendations for improving criminal procedural legislation.

The practical significance of the expected results lies in formulating in the research the theoretical and practical provisions, conclusions and proposals on this topic, which can be used in:

- the educational process – for the preparation of academic and methodological support for the academic disciplines ‘Criminal Procedural Law of Ukraine’, ‘Criminalistics’ and ‘Current Problems in the Application of Criminal Procedural Legislation’;

- the law-making activities – the results of the research can serve as a basis for the amendments and additions to the Criminal Procedure Code of Ukraine and other regulatory and legal acts in order to eliminate the gaps in the legal regulation of the protection and representation of the interests of the vulnerable persons;

- the practical activities of the pre-trial investigation bodies, the prosecutor's office, the bar and the court in the process of developing and improving the methodological recommendations on the protection and representation of the interests of the vulnerable participants in criminal proceedings.

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## **MANAGEMENT OF SOCIAL CAPITAL IN TIMES OF WAR: THE ROLE OF COMMUNICATION IN BUILDING TRUST AND SOCIAL SOLIDARITY**

The ongoing full-scale war in Ukraine, which began in 2022, has led to profound transformations in socio-economic processes and social relations, increasing the significance of social capital as a resource for self-organization, mobilization, and the maintenance of social cohesion. In wartime, communication becomes an essential tool for shaping and supporting social capital, strengthening trust in state institutions, promoting transparency in decision-making, and encouraging citizen engagement. This study focuses on the role of communication in

strengthening trust and social solidarity as key components of social capital amidst wartime transformations, with the aim of exploring management mechanisms for developing social capital through effective communication strategies.

Research on the role of social capital and communication is crucial for the development of public administration, enhancing the effectiveness of interactions between the state and society, as well as ensuring social resilience during wartime. The main approaches to social capital include economic, sociological, and managerial perspectives. The economic approach views it as a resource for improving the efficiency of economic interactions, the sociological approach focuses on trust and social ties that facilitate self-organization, and the managerial approach sees it as a tool to enhance the effectiveness of public administration [1, p. 47; 2, p. 45]. Studies in Ukraine confirm that social capital plays a key role in resilience during the war, particularly through the activation of civil society and volunteer initiatives, which compensate for the limitations of state institutions [3, p. 14].

Communication processes, including media and digital platforms, contribute to the mobilization of citizens and the formation of a shared identity, which enhances trust in public institutions [4, p. 56–57]. However, not all aspects of effective management of social capital in wartime, particularly interactions through digital communications, have been sufficiently studied [5, p. 452]. This underscores the importance of examining the theoretical foundations of social capital formation and its impact on trust and social solidarity, which is essential for the practical use of this resource in managing the resilience of society.

Social capital is a multidimensional resource that manifests through trust, social ties, and norms of interaction, forming the potential for collective actions and resource mobilization in critical situations [1, p. 45–47]. Its structure includes three components: trust, which reduces transaction costs and enhances the effectiveness of interactions [6, p. 105]; social ties, through which information and resources are exchanged [3, p. 14–16]; and norms of interaction, which regulate joint actions and support social cohesion [2, p. 15].

During wartime, social capital becomes an essential resource for the functioning of civil initiatives and volunteer movements, contributing to self-organization and adaptation to extreme conditions [7, p. 24]. From a managerial perspective, social capital is a tool for effective management, as trust and social networks allow for resource optimization and increased effectiveness of support programs for the population. Communication strategies strengthen trust in institutions and enhance the resilience of socio-economic systems in crisis conditions [5, p. 451–470]. The transformation of social ties in wartime strengthens horizontal networks, enabling rapid information exchange and resource mobilization through volunteer initiatives, NGOs, and informal support groups [3, p. 16–17].

Social capital becomes a key factor in resilience, as it supports social solidarity and resource mobilization in crisis situations, reducing the negative consequences of war [9, p. 131]. The transformation of social capital underscores the importance of communication as a mechanism for building trust and solidarity during wartime. State communication policy focuses on transparency and speed, which increases trust

in institutions [4, p. 55–57]. Digital communications and social networks enable rapid coordination of humanitarian efforts and create horizontal networks of interaction, compensating for the limitations of state structures [8, p. 37]. Effective communication strategies enhance the legitimacy of decisions, reduce social tensions, and foster social cohesion [5, p. 461]. Thus, communication not only transmits information but also serves as a mechanism for developing social capital and supporting social solidarity, creating the foundation for further analysis of management mechanisms.

The development of social capital during wartime requires a systemic approach and the application of mechanisms that mobilize resources, strengthen trust, and support social solidarity. Key instruments include communication strategies that provide transparent and timely information, stimulate civic engagement, and strengthen social cohesion [1, p. 46-49; 4, p. 56-58].

Effective formation of social capital requires an integrated approach, which includes public-private partnerships and cooperation with non-governmental organizations that optimize resources and increase the legitimacy of decisions [2, p. 157]. The activation of volunteer initiatives and civic projects strengthens social cohesion and stimulates horizontal networks of interaction [7, p. 23-27]. Digital platforms and social networks facilitate the rapid exchange of information, coordination of actions, and support for social projects, increasing the transparency and effectiveness of decisions [8, p. 37].

Thus, the combination of communication strategies, partnerships, support for social initiatives, and digital tools ensures effective management of social capital, creating a foundation for further research into the role of these mechanisms in building societal resilience.

**Conclusions.** The conducted research has shown that in the context of the full-scale war, social capital is a key factor in societal resilience: the transformation of social ties, the activation of civil society, and volunteer initiatives form horizontal networks of interaction, compensate for the limitations of traditional institutions, and contribute to resource mobilization. Communication, transparency of information, and the active use of digital platforms enhance trust in institutions, strengthen solidarity, and promote effective interaction between the state, business, and civil society. The integration of social capital into management practices ensures the adaptability of society, the consolidation of citizens, and the effectiveness of collective actions in crisis conditions. The prospects for further research lie in the development of integrated models for managing social capital that combine communication strategies, digital tools, public-private partnerships, and support for volunteer initiatives, thereby increasing the resilience of Ukrainian society even in the most challenging conditions of war.

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## **TERRORIST METHODS OF WARFARE AND LEGAL METHODS OF PREVENTING THEM**

The rapid development of technology in the 21st century has led to the active creation of new terrorist methods of warfare. The use of violence against civilians as a means of achieving political or military goals grossly violates the principles of humanity. Unfortunately, these methods develop along with technological progress, which requires constant improvement of the systems of norms of international and national law designed to prevent terror and ensure the inevitability of punishment for the war crimes. International law has come a long way from general rules of warfare to highly specialized anti-terrorist norms. This development can be divided into key stages:

- Establishment of foundational norms (Hague Conventions of 1899 and 1907): First attempts to limit means of destruction and establish the obligation to distinguish between combatants and civilians.

- Institutionalization of protection (Geneva Conventions of 1949): Article 33 of the Fourth Geneva Convention for the first time explicitly prohibited “all measures of intimidation or terror” against civilians, laying the foundation for the qualification of terrorist acts as war crimes.

- Criminalization of methods (Rome Statute and ICC): The creation of the International Criminal Court allowed individuals to be prosecuted for using terrorist methods (e.g., targeted attacks on educational or medical facilities) regardless of their status or position.

- Modern coordination (UN Security Council Resolutions): After the events of September 11, legal instruments shifted towards prevention: global standards for combating the financing of terrorism (FATF) and the mandatory implementation of anti-terrorism legislation in the national systems of all UN member states.

Despite the extensive system of instruments, critical problems remain in the field of legal regulation, which significantly reduce the effectiveness of international preventive measures. One of the most difficult barriers is legal attribution, since proving a direct link between a state and the "proxy groups" under its control that commit terrorist acts requires high threshold of proof. This creates conditions under which aggressors successfully evade responsibility, disguising their actions as third-party activity. The situation is aggravated by the systemic crisis of international institutions, in particular through the abuse of the veto right in the UN Security Council.

Law has a decisive influence on limiting terrorist methods of warfare, acting both as a preventive barrier and as an instrument of restoring justice. The evolution of legal instruments demonstrates the transition from simple prohibition to complex systems of digital monitoring and international prosecution. However, to preserve the integrity of the international order, constant adaptation of legal norms to hybrid threats is necessary.

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## **CRIMINAL RESPONSIBILITY OF MINORS**

Illegal behavior by children and teenagers has remained a serious challenge for society for many years. The measures provided by criminal law can't be seen as the only or primary tool for solving this problem. It is important to remember that the rise in crimes committed by young people occurs alongside growing wealth inequality, falling living standards for many citizens, difficult family relationships, and the spread of violence against children. Ukraine's criminal law separately regulates how teenagers are held responsible, dedicating a special section to the specific rules for sentencing young lawbreakers.

The law defines punishment as a mandatory measure of state enforcement applied by a court to a person whose guilt has been proven. This impact involves legal restrictions on the rights and opportunities of the convicted person [1]. In a broad sense, criminal responsibility means giving a person guilty of a crime or offense the punishment set by the Criminal Code of Ukraine.

Therefore, to understand the specifics of liability for minors, one must establish the minimum age of responsibility, the types of acts for which teenagers are held accountable, and the list of possible penalties.

According to the Criminal Procedure Code of Ukraine, the term "minors" includes both children under fourteen and individuals aged fourteen to eighteen [3].

At the same time, the Criminal Code of Ukraine states that, as a general rule, people are held liable if they have reached the age of sixteen at the time of the crime. However, for certain dangerous acts, the law allows for the prosecution of teenagers between fourteen and sixteen years old. Between the ages of sixteen and eighteen, minors can be held responsible for most crimes listed in the Criminal Code of Ukraine [2]. The exceptions are offenses that, by their nature, can only be committed by adults with a special status, such as officials, business owners, or military personnel. This significantly reduces the share of such acts in youth crime statistics, though it is impossible to rule them out entirely.

The Criminal Code of Ukraine contains a separate chapter on the specifics of holding minors responsibility and sentencing them [4]. Its rules are based on the age and psychological characteristics of children and teenagers, their understanding of the law and educational and social factors. Even when a teenager has reached the age of criminal prosecution, the law provides the possibility of not applying punishment.

The Criminal Code of Ukraine allows a minor who has committed a misdemeanor or a minor negligence-based crime for the first time to be released from liability if they can be changed without punishment. In such cases, the court applies special educational measures defined by law. These include an official warning,



restrictions on leisure time and extra rules of behavior, placing the minor under the supervision of parents or guardians (or, with consent, a teaching staff or community group), the duty to pay for property damage in a case of having their own funds, or placement in a special educational institution for up to three years.

If a minor is found guilty of a crime, the court may issue basic punishments such as fine, community service, correctional labor, short-term detention, or imprisonment for a set term. Additional penalties may include a fine or a ban on certain activities.

Recently, an increase in crimes involving minors has been recorded, sparking debates on whether the age limits for criminal liability should be changed. Some legal experts, noting cases of dangerous behavior by children under fourteen, advocate for adjusting Ukrainian law regarding the age at which such liability begins [5].

The lawmaker's special approach to minors shows an acknowledgment of lower social maturity and higher personality flexibility at this age. This means the legal system is based on the presumption that a child can be reformed, rather than on the concept of retribution. This approach forms the foundation for justice, where the keys are resocialization, compensation for harm and restoring social bonds instead of isolation and stigmatization. Having formal age limits for liability shows an attempt by the law to set clear criteria for sanity, though the actual level of psychosocial maturity among teenagers varies significantly. This creates a hidden tension between the principle of legal certainty and the individualization of responsibility. In the future, the development of juvenile justice should logically move toward the wider use of psychological and social expertise when choosing measures of influence, allowing the legal response to better match the development of a specific child. Special attention should be paid to the balance between punitive and educational measures. Their side-by-side existence in the legal system reflects a compromise between the state's protective function and the principle of the best interests of the child. However, the effectiveness of educational measures depends directly on the existence of institutional infrastructure: trained specialists, specialized facilities and social support programs, rather than just their formal assignment. Without proper resources, even progressive laws risk remaining only on paper.

Therefore, the system of liability for minors should be seen as part of a broader policy for child protection, where criminal law plays a supporting rather than a dominant role. Its success is measured not by the severity of sanctions, but by the state's ability to combine legal influence with social support, individual approaches, and a focus on the child's long-term integration into a safe and law-abiding environment.

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## **CONCEPTS, CHARACTERISTICS, AND TYPES OF REPRESENTATION IN CRIMINAL PROCEEDINGS**

**Abstract.** The article deals with the characteristics and features of representation in criminal proceedings. The importance of this institution is focused on. The definition of the term 'representation' is given. The characteristics of the function of representation are presented. The classification of the types of representation in criminal proceedings is provided.

**Key words:** *representation, criminal proceedings, types of representation, rights and duties, function of representation.*

In a democratic state, every person has rights and freedoms. These fundamental, inalienable and binding rights are enshrined, first and foremost, in the Basic Law of Ukraine, as well as in most domestic legislative documents and international conventions, agreements, treaties, etc. However, democratic rights and freedoms do not guarantee that there will be no violations or crimes of various kinds in the state. The modern world is largely characterised by the various types of the illegal acts that lead to the disruption of stable and established social life. Some people seek to enrich themselves and obtain the certain benefits not through hard work, which requires effort, time and perseverance, but through illegal appropriation, taking these benefits from other members of society. In addition, the traffic accidents, robberies, assaults, etc. occur in the country on an almost daily basis. In other words, it can be said that the offences, including the criminal offences, are a reality of the modern world, and in order to achieve fair justice, the diligent work of the relevant authorities is necessary.

Therefore, one of the pressing issues in the development of a democratic, law-based society, which has undergone the significant transformations in the social and legal spheres in recent years, is the issue of the legal protection in criminal proceedings. In the current conditions of our state's development, the key priority should be to ensure the proper and effective protection of the rights, freedoms and

legitimate interests of individuals, based on the universal human values. The task of effectively ensuring the legal protection for the victims of the criminal offences is one of the most important for the state.

Article 59 of the Constitution of Ukraine guarantees every person the right to legal assistance: "Everyone has the right to professional legal assistance. In cases provided for by law, such assistance shall be provided free of charge. Everyone is free to choose a defender of their rights" [1]. One of the areas of the proper legal protection that is relevant to defence is the institution of representation in criminal proceedings [2, p. 175]. The institution of representation occupies a fundamental place among the main issues of criminal procedural law and determines the legal status of persons representing the rights of subjects in criminal proceedings [3, p. 157].

The bar association operates in Ukraine to protect against prosecution and provide the legal assistance during the consideration of the cases in courts and other state bodies. Representation by a lawyer of the interests of the accused, suspect, victim and other subjects in criminal proceedings is the main way of protecting the rights of the latter. The defence lawyers may also exercise the procedural rights of the persons whose interests they represent, except in cases where the direct participation of the person is required [3, p. 157].

According to paragraphs 1 and 2 of Part 1 of Article 1 of the Law of Ukraine "On the Bar and the Practice of Law," a lawyer is "a natural person who practises law on the grounds and in the manner provided for by this Law. Advocacy is the independent professional activity of a lawyer in relation to the defence, representation and provision of other types of legal assistance to a client" [4]. One of the types of advocacy is representation.

In the most general terms, representation is understood as "the performance of certain actions by one person on behalf of another or others" in proceedings [2, p. 175].

The legally regulated definition of this concept can be found in paragraph 9 of part 1 of Article 1 of the aforementioned Law of Ukraine "On the Bar and Advocacy": "representation is a type of advocacy that consists in ensuring the realisation of the client's rights and obligations in commercial, civil, administrative and constitutional proceedings, in other state bodies, before legal entities and individuals, the rights and obligations of the victim in the course of proceedings on administrative offences, as well as the rights and obligations of the victim, civil plaintiff, civil defendant in criminal proceedings" [4].

The scientific doctrine defines the following characteristics of the function of representation:

1) as an activity, representation consists of the actions and operations, the components of which are means, methods and ways that have both the internal and external forms. In criminal proceedings, the internal form of the means, methods and ways of a representative's activity includes the rights and obligations provided for by the Criminal Procedure Code of Ukraine. At the same time, the external form of a

representative's activity in criminal proceedings is procedural acts (petitions, statements, explanations, etc.) [5, p. 52];

2) the main purpose of the activities of representatives is to protect and safeguard the rights and legitimate interests of the persons they represent;

3) the activities of representatives contribute to the occurrence of certain legal consequences based on the application of legal methods, means and ways [3, p. 158].

In view of the above, the following can be attributed to the characteristics of the function of representation in criminal proceedings:

1. the activity is carried out only within the framework of criminal proceedings;

2. a participant in criminal proceedings is a special subject;

3. the actions of a representative are regulated by the current criminal procedural law.

Therefore, the function of representation in criminal proceedings is an important mechanism for protecting the rights and legitimate interests of the participants in the process, ensuring the equality of the parties and the effective administration of justice. Representation may be carried out by the lawyers, prosecutors, legal representatives, as well as other authorised persons, in accordance with the provisions of the Criminal Procedure Code of Ukraine. The function of representation implies that the representative assists the party he represents in effectively defending their rights in the proceedings. Representation contributes to the implementation of the adversarial principle of criminal proceedings.

Let us consider the most common approaches to the classification of the types of representation in criminal proceedings:

1. According to the manner of occurrence:

a) legal representation (representation by law, statutory (for legal entities) – representation in criminal proceedings, which is directly provided by law;

b) contractual representation (representation by contract (agreement)) – representation in criminal proceedings, which is carried out on a voluntary basis, based on a contract. Contractual representation arises as a result of the mutual expression of will of the parties – the person being represented and their representative. It is based on a concluded contract, which may take the form of either a contract of agency, where the representative undertakes to protect the interests of the principal, or a power of attorney to represent interests in the relevant state bodies. At the same time, under a contract of agency, any person may act as a representative, unless the law establishes restrictions.

Both representation by law and representation by contract are regulated by legislation. However, the main difference is that in the first case, representation is established by law and may take place even without the will of the person being represented, whereas in the case of representation by contract, the representative's participation in court proceedings is entirely dependent on the mutual will of the parties;

2. According to the nature of the obligation:

a) mandatory. Mandatory representation in criminal proceedings means that the certain participants in the process, in particular the accused, are guaranteed the right to a defence lawyer, who is required by law to represent their interests. If the accused does not have their own lawyer, the court or the state shall appoint a defence counsel to ensure the fair protection of their rights during the trial;

b) voluntary. Voluntary (also known as optional) representation in criminal proceedings consists of concluding an agreement (legal assistance or power of attorney) with a representative. Here, the law does not oblige a person to directly represent the interests of another person in criminal proceedings, since the latter agrees to representation on a voluntary basis and representation prior to the conclusion of the relevant agreement is not mandatory for this person, in other words, it is optional;

3. In accordance with the scope of the representative's powers (the essence is that the representative does not have the right to exercise the rights and perform the duties that are not provided for by the Criminal Procedure Code of Ukraine, and moreover, to go beyond the powers granted to him by the principal:

a) unlimited. The essence of unlimited representation in criminal proceedings lies in the fact that the representative exercises all the rights and performs all the duties granted to him by criminal procedural law, in the absence of any restrictions in the contract on the basis of which representation may arise;

b) limited. The essence of limited representation in criminal proceedings lies in the fact that the latter may contain the restrictions on the representative's powers. Thus, a participant in criminal proceedings may make the reservations regarding the use of rights or the performance of the criminal procedural duties by the representative;

4. In accordance with the procedural status of a person in criminal proceedings. This classification is "determined by the difference in the interests of the participants and the different procedural status of the person represented in criminal proceedings" [7, p. 230]. That is, the basis for the division is the procedural role in which persons participate in criminal proceedings. According to this criterion, the following types of representation in criminal proceedings can be distinguished:

a) representation of the victim (Articles 55, 58 of the Criminal Procedure Code of Ukraine);

b) representation of the civil claimant (Articles 61, 63 of the Criminal Procedure Code of Ukraine);

c) representation of the civil defendant (Articles 62, 63 of the Criminal Procedure Code of Ukraine);

d) representation of the applicant (Article 60 of the Criminal Procedure Code of Ukraine);

e) representation of a legal entity against which proceedings are being conducted (Article 63-1 of the Criminal Procedure Code of Ukraine);

f) representation of a third party against whom proceedings are being conducted (Article 64-2 of the Criminal Procedure Code of Ukraine) [8];

5. According to the level of professionalism of the representative in criminal proceedings:

a) procedural. Professional representation in criminal proceedings is carried out by the lawyers and legal advisers. A representative may also be a person with legal education who is not in an employment relationship with the representative and acts on the basis of a contract or power of attorney;

b) non-professional. With the adoption of the amendments to the Constitution of Ukraine relating to the provision of the qualified legal assistance (in accordance with the provisions of Article 131-2 of the Constitution of Ukraine), a lawyer has the right to represent a client at all stages of criminal proceedings, including in court, while the legal advisers and other non-professional representatives who do not have a lawyer's certificate may only represent the clients at the pre-trial stages of criminal proceedings;

6. According to the stage of criminal proceedings:

1) representation in pre-trial investigation (Section III of the Criminal Procedure Code of Ukraine);

2) representation in court proceedings in the first instance (Section IV of the Criminal Procedure Code of Ukraine);

3) representation in court proceedings for the review of court decisions (Section V of the Criminal Procedure Code of Ukraine);

4) representation in the enforcement of court decisions under the Criminal Procedure Code of Ukraine) [1; 3; 12; 10; 11].

It should be noted that, depending on the type of legal entity and its organisational and legal form, there are requirements regarding the grounds for representation, the scope of powers (restrictions for the state bodies and local self-government bodies in concluding a settlement agreement), etc. [6].

Thus, based on the conducted research, it can be summarised that representation is a type of legal practice that consists in ensuring the realisation of the client's rights and obligations in commercial, civil, administrative and constitutional proceedings, in other state bodies, before the legal entities and individuals, the rights and obligations of the victim in the course of proceedings on administrative offences, as well as the rights and obligations of the victim, civil claimant, civil defendant in criminal proceedings. The function of representation in criminal proceedings is an important element of the mechanism for protecting the rights, freedoms and legitimate interests of persons involved in criminal proceedings. This function is implemented through the provision of the professional legal assistance to the persons who, due to the objective or subjective circumstances, cannot independently defend their rights and interests. The purpose of the representation function is to ensure the equality of the parties in the process, to implement the principle of adversarial proceedings, and to guarantee the observance of the human rights during criminal proceedings. The function of representation in criminal proceedings is a key instrument for protecting the rights and freedoms of the participants in the process and contributes to the implementation of the principles of legality, justice and the rule of law.

Thus, we can summarise that the approaches to the classification of representation in criminal proceedings considered above have made it possible to identify the types of representation in criminal proceedings, which allows for an in-depth study of the institution of representation. The classification of representation in criminal proceedings makes it possible to reveal the essence of this legal phenomenon, to determine the properties and characteristics of the certain types of representation in criminal proceedings, and to systematise the legal norms that regulate the latter.

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## **THE LEGAL NATURE OF THE INTERNATIONAL CRIMINAL COURT**

International criminal justice, in the form we understand today, took shape during the 20th century and continues to develop, gradually moving from temporary tribunals to the establishment of the permanent International Criminal Court (ICC). Although the idea of holding individuals accountable for international crimes can be traced back to earlier centuries, real institutional mechanisms began operating systematically only after World War II.

International criminal courts fulfil a fundamental mission: they ensure accountability for individuals responsible for the gravest breaches of international law. These bodies aim to guarantee that even influential officials cannot avoid justice by invoking immunity or privileged status. As a result, international criminal justice strengthens global human rights protection and demonstrates a clear movement in international law away from absolute state dominance toward a more human-centred approach. When the most serious violations occur, states can no longer rely solely on sovereignty or insist on exclusive jurisdiction over crimes committed within their borders [4, pp. 102–103].

### **The Permanent International Criminal Court**

The modern phase of international criminal justice revolves around the functioning of the ICC, which was created through the adoption of the Rome Statute – a multilateral treaty adopted on 17 July 1998 and in force since 1 July 2002 [4, pp. 102–108].

The ICC is a standing judicial institution empowered to prosecute individuals who commit crimes of the utmost concern to the international community. Operating under the principle of complementarity, the Court intervenes only when national jurisdictions are unwilling or unable to act. Its activities are strictly regulated by the provisions of the Rome Statute, and its headquarters are located in The Hague, Netherlands.

Article 5 of the Rome Statute specifies four categories of crimes within the ICC's jurisdiction:

- (a) genocide;
- (b) crimes against humanity;
- (c) war crimes;
- (d) the crime of aggression [3].

Historically, the development of international criminal justice has been closely linked to armed conflicts. Such courts have appeared when states came to understand the necessity of punishing perpetrators and preventing future atrocities. Nonetheless, the trajectory of the ICC has been uneven. Although the Court holds significant



symbolic and legal importance, it is not always able to operate effectively. Its success depends heavily on state cooperation, and one of the most serious challenges arises when states refuse to surrender suspects or obstruct investigations [4, pp. 111–112].

### **Positive Aspects**

1. International criminal courts are often created in societies recovering from conflict, where domestic legal systems have been weakened or destroyed. Rebuilding justice institutions in such contexts requires time and expertise.
2. These courts can bring high-level political actors to justice, demonstrating that no individual is beyond accountability.
3. Locating the courts outside the conflict region provides additional protection for victims and witnesses by reducing risks associated with local instability.
4. Judges, prosecutors, and defence lawyers cannot be nationals of the state involved in the proceedings, which helps reinforce impartiality and minimise political influence [2].

### **Negative Aspects**

1. In some contexts, local communities view international courts as externally imposed mechanisms, sometimes interpreting them as expressions of Western dominance.
2. In transitional societies, judicial processes may be seen as politically motivated, which complicates efforts to promote reconciliation.
3. Delays in translating court documents into local languages often allow media to shape narratives based on partial information, which can distort public understanding of the ICC's goals and decisions [2].

Given the ongoing need to optimise the legal framework regulating international organisations, the legal nature and functioning of the ICC remain highly relevant topics that require further academic examination [1, p. 52].

### **Conclusion**

The International Criminal Court is a cornerstone of contemporary global justice and embodies the international community's determination to hold individuals accountable for the most serious crimes. The Court's establishment marked a turning point in international law, signalling a departure from rigid concepts of state sovereignty and reinforcing the principle that certain acts carry personal responsibility under international norms.

Despite notable achievements – including actions against high-ranking officials and the creation of a neutral forum for justice – the ICC continues to face substantial obstacles. Political resistance, inconsistent cooperation from states, and perceptions of external interference undermine its effectiveness. Additionally, communication challenges, limited outreach, and translation delays weaken public trust and hinder local engagement.

Nevertheless, the ICC remains an indispensable element of the global legal landscape. Strengthening its normative foundations, improving cooperation with states, and enhancing dialogue with affected communities are essential steps for increasing its legitimacy and impact. Continued scholarly analysis of its legal nature

is crucial to ensure that the Court adapts to emerging challenges and remains responsive to the evolving needs of international justice.

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## **MODERN STATE IN THE CONDITIONS OF MARTIAL LAW**

War in its classical sense is an armed confrontation between two states. These states may differ in size and population, but must have approximately the same political status. Most often, states fought to seize someone else's territory and resources. But sometimes wars were started for completely meaningless reasons.

For example, after one country's team lost to another in football, as happened in July 1969 between El Salvador and Honduras, when the armed conflict, which was meaningless from our point of view, cost more than two thousand lives and buried the integration project of the Common Market in Central America [1].

A “normal” phenomenon in history was a situation when a great power faced an external problem, it could achieve what it wanted with the help of weapons. At the same time, it was impossible to rely on words - agreements with other countries were often violated.

The attitude towards waging wars changed significantly only in the 20th century thanks to the emergence of nuclear weapons - so destructive that any party that would use these weapons would inevitably cause harm to both the enemy and itself.

Over time, the global perception of wars as such has also transformed: modern states are aware of the level of economic and political losses associated with armed conflict. For example, it is difficult to explain to citizens why the taxes they pay to organize the life of the country and provide social programs go to finance hostilities. A significant part of the clashes in the 21st century occurs within states, for example,

when government forces fight real or imaginary rebels, the opposition. However, some conflicts grow so much that foreign forces and other states begin to join their hot hell.

The judicial system in Ukraine, despite all the challenges associated with the war, works continuously, and this is one of the guarantees of the sovereignty and independence of the state.

Military command may restrict people's right to free movement. This may include the introduction of a curfew, a ban or restriction on the free choice of place of residence. A special regime of entry and exit from settlements, etc. may also be established. During martial law, a person may be deprived of the right to property. Forced alienation of property is permitted in accordance with the procedure established by law, subject to subsequent compensation.

Martial law provides for the possibility of interference in the private lives of individuals. In particular, control of means of communication, inspection of things, documents, housing, etc. Martial law may restrict people's rights to free choice of employment; citizens may be involved in socially useful work during wartime. The introduction of labor service is also regulated by law.

During the war, elections and referendums are prohibited, which limits the rights of citizens to participate in the management of state affairs. Mass gatherings and rallies are also prohibited. Also, in wartime, the fundamental human right – the right to life – is practically defenseless. Murder and bodily harm, kidnapping of people in occupied territories and forced deportation, torture and inhuman treatment, rape and other forms of violence – are direct violations of both the right to life and the rights to dignity and integrity. Human rights to health protection are also violated – this is both the impossibility of access to medicine and harm to health due to injuries, etc. Damage or destruction of property can also be considered a violation of human rights, as well as the fact that a person was deprived of his own home as a result of the war or was unable to leave the occupied territories.

During war, children are unprotected, they can be separated from their parents, lose access to education, medicine, etc., and this is a violation of the rights of the child.

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**ENGLISH AS A TOOL FOR EUROPEAN INTEGRATION:  
LAW OF UKRAINE No. 3760-IX**

The intensification of European integration in Ukraine underscores the importance of Ukrainian business language as a key factor in international communication. Given Ukraine's growing role in the global political and economic arena, there is a need for a high level of linguistic culture capable of ensuring effective interaction at the intergovernmental level.

The rapid integration of Ukraine into the European political and economic space requires harmonizing language norms, terminology standards, and communication practices with EU norms. This necessitates the development of unified dictionaries of business terminology, the adaptation of translation equivalents to European documents, and the creation of a system of professional language training for specialists capable of functioning effectively in a multilingual environment [1, 636].

The Law of Ukraine ‘On the Use of the English Language in Ukraine’ dated 04.06.2024 No. 3760-IX [2] is important. This normative act confirms the state's desire to ensure systematic integration into the European and Euro-Atlantic space, without violating the status of Ukrainian as the state language. It is in the combination of a policy of multilingualism with the state language's priority that the balance between national identity and global communicative openness is manifested.

The practical implementation of the law is based on establishing clear language proficiency requirements for certain categories of positions. In particular, according to Article 3, mandatory English language proficiency is required for:

- civil servants in categories ‘A’, ‘B’, and ‘C’;
- officers, sergeants and senior officers of the Armed Forces of Ukraine and other military formations;
- middle and senior police officers, prosecutors, customs and tax officials .

About law enforcement agencies and the structure of the Ministry of Internal Affairs as a whole, their compliance with this regulatory act is regulated by Resolution of the Cabinet of Ministers of Ukraine No. 1488 of 24 December 2024 No. 1488 approved a list of middle and senior police positions in the National Police, senior positions in other law enforcement agencies, and senior positions in the civil protection service, for which candidates are required to be proficient in English [3].

It should be emphasized that the aforementioned resolution approves a list of relevant positions without specifying the required level of English proficiency.

In summary, the institutionalization of the English language through the adoption of Law No. 3760-IX is a fundamental aspect of Ukraine's European

integration and the harmonization of national communication practices with EU standards. The legislative consolidation of compulsory language proficiency for strategic sectors and structures, such as the Ministry of Internal Affairs, civil servants and the Armed Forces, indicates a transformation of personnel policy in the security sector.

The introduction of effective incentives, such as a 10% salary bonus for B2-level language proficiency, confirms the state's transition to practical incentives for professional development for specialists. Thus, the current language policy ensures a balance between global communicative openness and the preservation of the Ukrainian language's priority status as the state language.

### **Practical Implementation of the Law in Professional Training**

The practical implementation of Law No. 3760-IX requires the development of a systematic institutional framework for language training within the public administration and security sectors. In particular, the introduction of English language requirements for civil servants, military personnel and law enforcement officers presupposes the creation of standardized training programs based on internationally recognized language proficiency frameworks. In this regard, the *Common European Framework of Reference for Languages (CEFR)* serves as the principal methodological basis for determining language proficiency levels and ensuring the comparability of linguistic qualifications across European states [4].

From a practical perspective, higher education institutions that train future specialists for the security sector – including universities of internal affairs, military academies, and public administration institutions — must integrate specialized English-language courses into their curricula. Such courses should focus not only on general communicative competence but also on professional discourse, including legal terminology, police communication, international cooperation procedures, and documentation standards used in European institutions.

Another important practical component is the development of **English for Specific Purposes (ESP)** programs tailored to the needs of law enforcement and security professionals. ESP methodology emphasizes adapting language instruction to professional contexts and communicative tasks relevant to specific occupational fields [5]. These programs may include modules such as *Legal English*, *Police Communication in International Operations*, *Human Rights Discourse*, and *Interagency Cooperation within EU Structures*. The integration of simulation-based learning methods, case studies, and scenario-based communication exercises can significantly enhance the effectiveness of such training.

Furthermore, the successful implementation of language policy requires the establishment of independent language assessment mechanisms. Certification of English language proficiency according to CEFR levels (B1–C1) can be conducted through standardized testing systems recognized at the European level. This would ensure transparency and objectivity in assessing the language competence of candidates for strategic public positions.

In addition, digital educational technologies and artificial intelligence tools may play an important role in supporting continuous language development.

Adaptive learning platforms, automated feedback systems, and AI-assisted translation and terminology databases can significantly expand the opportunities for professional language training within government institutions.

Therefore, the implementation of Law No. 3760-IX should be viewed not only as a legislative initiative but also as a comprehensive institutional reform of professional language training, aimed at strengthening Ukraine's participation in European administrative, security, and legal cooperation mechanisms.

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## **THE EVOLUTION OF LEGISLATIVE SUPPORT FOR GENDER EQUALITY IN THE ARMED FORCES OF UKRAINE (2016–2018)**

For a long time, the issue of women's participation in the Armed Forces of Ukraine (AFU) remained relatively formal. Prior to 2016, legislation acknowledged the possibility of women servin. However, real opportunities were restricted by numerous regulations regarding positions, age, terms of service, and military occupational specialties. For instance, the 1992 Law of Ukraine «On Military Duty



and Military Service» did not prohibit women from serving, but it also failed to guarantee them equal conditions with men [1]. Consequently, in practice, women encountered administrative barriers that significantly hindered their military careers.

The years 2016–2017 saw the first attempts at a gradual expansion of women's rights within the AFU. The list of military specialties available to women was revised, and discussions began on draft laws aimed at eliminating discriminatory restrictions [2]. We should emphasize that this period was primarily preparatory: the foundations for large-scale changes were being laid, and working consultations were held between the Ministry of Defense, relevant parliamentary committees, and non-governmental organizations advocating for gender equality.

The real turning point occurred in 2018. Thanks to the adoption of two key laws, the changes shifted from being mere declarations to becoming a concrete mechanism for integrating women into the AFU on an equal footing with men.

The first is the Law of Ukraine No. 2397-VIII of April 5, 2018, which introduced amendments to the Law «On Military Duty and Military Service» [3]. It improved contract-based service and the procedures for performing military duties, creating a legal foundation for a more flexible personnel policy. Although these changes were largely technical, they represented a vital step that paved the way for equal opportunities for women.

The second law – No. 2523-VIII of September 6, 2018 – enshrined the principle of equal rights for women and men in military service [4]. Importantly, this document did not merely provide formal recognition of equality but also offered specific instruments for its implementation:

- Equal Conditions: Women were granted the right to serve under the same conditions as men across the majority of positions;
- Removal of Restrictions: A range of restrictions regarding age and military specialties was eliminated;
- Social Balance: The law took into account the specifics of maternity and childcare protection, maintaining certain exceptions to preserve a balance between equality and social responsibility [5].

This law came into force on October 27, 2018, and immediately began to influence personnel practices: military formations were required to update internal orders, lists of positions, and appointment standards. It is particularly interesting to note that this specific moment marked the beginning of the genuine process of practical integration of women into all primary branches of the AFU, moving beyond isolated specialties or administrative roles.

In summary, the period of 2016–2018 can be viewed as a foundational stage on the path toward the modern policy of equal opportunities within the Armed Forces of Ukraine. It began with preparation and experimental changes, followed by the systemic consolidation of the principle of equality in legislation. It is crucial to note that these reforms combined the formal establishment of rights with practical mechanisms for their implementation, creating a solid foundation for the further development of policies regarding women in the military sphere.

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## **MODERN MODELS OF CRIME PREVENTION IN FOREIGN COUNTRIES**

In Western criminology, crime is traditionally viewed as a phenomenon inherent in any human society. This approach forms the theoretical basis of modern concepts of crime prevention and control and determines the practical goals of criminological policy in foreign countries. Such policy is aimed not at the utopian elimination of crime as a social phenomenon, but at reducing its level, establishing effective social control over criminal behavior, and preventing crime from becoming a real threat to state security and the fundamental rights and freedoms of citizens. Consequently, modern crime prevention strategies emphasize systematic and targeted influence on crime, taking into account the capabilities of law enforcement agencies, the principle of legality, and the protection of constitutional human rights [1].



In contemporary foreign countries, various criminological models of crime prevention and control operate. These models are shaped by national criminological policies, historical experience in combating crime, dominant scientific theories, legal traditions, and socio-cultural factors. Among the most significant models are the American, British, Western European (continental), Muslim, socialist, Asia-Pacific, and mixed models of crime prevention.

The American criminological model represents a specific system based primarily on sociological theories of the causes of crime. Its legal framework is formed through comprehensive legislative and policy programs, while its practical implementation relies on methods aimed at achieving a high level of public security in particular historical conditions. Comparative analysis demonstrates that the United States is one of the few countries that has achieved a significant reduction in official crime statistics, which increases the importance of this model as a source of positive experience. A distinctive feature of the American model is the recognition of the decisive role of police control and criminal law enforcement in combating crime. In recent decades, U.S. crime policy has been characterized by strict punitive measures, including extensive use of imprisonment and, in some states, the death penalty. This approach is justified by the deterrence theory and the ideology of “zero tolerance for crime,” which underpins the strategy of a “war on crime” aimed at ensuring a high level of public safety [2].

The British criminological model is historically based on a strong state-centered approach to crime prevention and control. It combines neoclassical criminal law methods with extensive general social and special preventive measures supported and financed by the state. A notable feature of British practice is extended imprisonment, which allows for the long-term isolation of individuals considered particularly dangerous, regardless of the original sentence. The British juvenile justice system is also distinctive due to the low age of criminal responsibility (10 years) and the application of preventive security measures to minors below this age. At the same time, punitive measures are combined with well-funded crime prevention programs targeting juveniles [3].

The Western European (continental) model of crime prevention is typical of countries belonging to the Romano-Germanic legal family. It is characterized by an eclectic combination of criminological theories and a gradual strengthening of neoclassical punitive approaches. Social control over individuals is generally less rigid than in the United States or Canada. Within this model, two main subtypes can be identified: the Southern European model (France, Italy), which emphasizes clinical criminology and medical-psychiatric approaches to offender rehabilitation, and the Northern European model (Norway, Sweden, Denmark, Finland, Iceland), which combines relatively strict sanctions with extensive social crime prevention measures rooted in sociological and socio-psychological theories [4].

The mixed models of crime prevention integrate features of several criminological systems. Such models are typical of the countries of the British Commonwealth, where common law, Romano-Germanic law, and elements of religious legal systems coexist. Crime prevention practices in these countries are

influenced by English common law, judicial precedent, and regional legislation, particularly in areas such as drug trafficking control. Mixed models are also characteristic of post-socialist and post-Soviet states undergoing economic and social transformation. These countries often face challenges such as the lack of a coherent state crime prevention policy, insufficient legal and material resources, and limited public participation in crime prevention [5].

The Muslim criminological model (Iran, Saudi Arabia, Pakistan, and others) is largely based on religious doctrines and the norms of Islamic law (Sharia). Criminal policy relies on strict moral, religious, and legal norms, with punishment grounded in the doctrine of deterrence. Severe penalties, including corporal punishment and capital punishment, are used as means of crime prevention. In the context of modern challenges such as radicalization and religious extremism, this model raises important questions regarding the balance between traditional values, security, and human rights, as well as the need to counter the spread of terrorism and violent extremism [6].

The socialist model of crime prevention, historically applied in the USSR and currently functioning in countries such as China, Cuba, and North Korea, is based on socialist ideology and the belief in the possibility of eliminating crime through ideological education and mass preventive activity. This model is characterized by nationwide anti-crime campaigns, active involvement of the population in preventive measures, and strict control over recidivism. At the same time, it often involves severe repression against political opposition and strict criminal liability for crimes against state property. The Chinese model is particularly distinctive, as it combines socialist principles with traditional philosophical teachings such as Confucianism and Legalism, emphasizing both moral education and severe punishment for serious crimes, including corruption and drug trafficking [7].

The Asia-Pacific model (Japan, South Korea) reflects Eastern philosophical and cultural traditions, where social behavior is regulated primarily by moral norms, customs, collectivism, respect for authority, and a strong sense of duty and honor. Although modern Asian societies increasingly adopt Western lifestyles, which may negatively affect traditional values and crime rates, this model remains effective due to its emphasis on social harmony and informal social control.

In conclusion, modern models of crime prevention in foreign countries demonstrate a shift from the idea of eliminating crime to the realistic goal of minimizing its level and social harm. Each model reflects specific historical, cultural, legal, and ideological conditions. The study of these models is of particular importance for Ukraine, as it allows for the identification of effective approaches to crime prevention while ensuring respect for the rule of law and fundamental human rights.

In addition, many foreign countries actively apply the **integrated and multi-agency model of crime prevention**, which is based on cooperation between police, prosecution authorities, social services, local governments, and non-governmental organizations. This approach recognizes that crime prevention cannot be achieved solely by law enforcement bodies and requires coordinated actions at different levels

of governance. International organizations, such as the United Nations and the Council of Europe, emphasize the importance of such cooperation in developing sustainable crime prevention policies [4].

Modern crime prevention models are also closely connected with **international cooperation**, especially in combating transnational organized crime, terrorism, cybercrime, and human trafficking. States actively exchange information, harmonize legislation, and participate in joint operations within international frameworks such as INTERPOL and EUROPOL. This dimension has become particularly important in the context of cross-border criminal threats and digital crime [5].

In conclusion, modern models of crime prevention in foreign countries demonstrate a shift from purely punitive approaches toward comprehensive, preventive, and technology-driven strategies. There is no universal model applicable to all states; each country develops its own system based on historical, legal, and social factors. Nevertheless, the study of foreign experience is of great practical importance for Ukraine, especially in the context of legal reforms, European integration, and the need to ensure public safety while respecting human rights and the rule of law.

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## **THE INFUENCE OF MASS MEDIA ON THE LEGAL CONSCIOUSNESS OF SOCIETY: FOREIGN EXPERIENCE IN COUNTERING DISINFORMATION**

In modern society, mass media and social networks have ceased to be merely sources of entertainment and have turned into an important channel of legal

communication. It is through them that citizens receive information about their rights, obligations and legal mechanisms for their implementation. The mass media provide quick access to legal information and contribute to the formation of not only legal, but also informational and political consciousness. At the same time, the lack of appropriate control over content creates risks of spreading unreliable or distorted information that can be deliberately used for manipulative purposes, in particular for propaganda and the formation of a distorted view of the law and activities of state institutions, which necessitates a clear distinction between reliable legal information and manipulative or misleading influence.

The purpose of this work is to study the legal and institutional mechanisms for combating disinformation in the digital environment using the example of foreign countries, as well as to analyze the role of international organizations, state bodies and digital platforms in ensuring information security and protecting democratic processes.

The Council of Europe considers disinformation as a message that deliberately manipulates reality and facts in order to cause harm or obtain financial profit. Misinformation also includes fabricated or intentionally altered audiovisual content, specially created conspiracy theories or rumors [1].

An important indicator of the seriousness of the disinformation problem is that the global digital platforms themselves have begun to openly declare cooperation with state bodies in the field of countering information threats. Meta, Google, X and TikTok in their official policies emphasize the fight against manipulative content, foreign influence and coordinated information campaigns. This confirms that disinformation and propaganda are considered not only as a problem of content moderation, but as a threat to democratic processes and national security [3].

An important tool for countering disinformation not only at the state, but also at the global level is the formation of international organizations, such as the Trusted News Initiative - a partnership founded by the BBC, which includes organizations from all over the world, the main task is to strengthen audience trust and invent solutions to overcome disinformation problems, it is the only forum of its kind in the world designed to combat disinformation in real time [2].

No less effective and important is the European Union's East StratCom Task Force project, conducted by EUvsDisinfo, which since 2015 has been actively identifying, analysing and raising public awareness in cases of disinformation in all its manifestations. About twenty thousand cases were discovered and knowingly false information was denied [4].

The activities of initiatives such as the Trusted News Initiative and the East StratCom Task Force reflect the multinational nature of countering disinformation and its transcendence beyond exclusively national competence. It is based on a combination of efforts of international organizations, interstate structures, media and the private sector. Such approaches demonstrate the formation of a global model of response to disinformation threats, within which information exchange, joint monitoring and prompt refutation of fakes become key tools for ensuring information security.

According to international studies, Belgium is one of the countries that are actively developing legal and institutional mechanisms to counter disinformation. The analysis of the national policy in the field of information security shows that in the official reports of the special services of Belgium, disinformation is considered not only as a media phenomenon, but as an element of cyber and hybrid threats, which poses a potential danger to law and order, national security, and can also affect the results of election processes [5].

In order to counter disinformation, a set of legal and institutional measures has been implemented in Belgium. In addition to the activities of the main special services, in particular VSEE (Veiligheid van de Staat) - the State Security Service of the Kingdom of Belgium, which ensures national security, including in the field of cyber security and protection of critical information systems, an important role is also played by European legal regulation, in particular the EU Digital Services Act Regulation. DSA is the main regulatory legal act of the European Union in the field of regulation of online platforms. It sets out responsibilities for transparency, content moderation and risk assessment of the spread of misinformation. The role of DSA is to ensure the responsibility of digital platforms and the formation of legal mechanisms to prevent the spread of unreliable information in social networks [5].

Centre for Cybersecurity Belgium (CCB) is the national body responsible for the coordination and implementation of state policy in the field of cyber security, which includes measures to counter disinformation as an element of cyber and information threats. The CCB monitors cyber threats, conducts risk assessments, coordinates incident responses, and supports national initiatives to protect critical digital infrastructure [5].

In addition to Belgium, the United States of America is also one of the countries that actively monitor social networks and make significant efforts to counter disinformation. In particular, the Department of Homeland Security (DHS) and the Cybersecurity and Infrastructure Security Agency (CISA) are responsible for information security, as well as countering the impact of disinformation on electoral processes and democratic institutions [6, c.12].

An important element of the American model is the cooperation of government authorities with digital platforms such as Meta, Google, X and TikTok in matters of blocking false information, detecting and stopping coordinated information attacks [6, c.6].

A separate role in countering disinformation is played by scientific and academic institutions, in particular universities and research centers, which analyze information operations, prepare analytical reports and provide expert support to state bodies.

At the same time, it is worth emphasizing that Ukraine actively defends not only on the military, but also on the information front, considering disinformation as an element of hybrid war. For this purpose, a system of institutional and legal mechanisms aimed at ensuring information security and countering manipulative influence has been formed in the state.

In addition to the main authorities such as the Security Service of Ukraine (SBU), the Center for Combating Disinformation at the National Security and Defense Council of Ukraine operates in Ukraine, the main focus of the Center's work is on countering the spread of false information and combating information terrorism. Ukraine also conducts effective cooperation with Telegram, Facebook, Instagram, Tik Tok, Viber, Youtube, has its own website and author's project «MordoRU» Research Center [7].

Considerable attention is paid to the development of educational policy in the field of information security, which is aimed at increasing the level of legal awareness and the ability of citizens to critically evaluate information content [7].

The conducted analysis shows that disinformation in the modern digital environment is considered not only as an information or communication problem, but as an element of cyber security and a component of hybrid threats, which poses a complex legal and security danger to the state, affects the formation of legal consciousness of society, democratic processes and national security.

The foreign experience of Belgium and the United States of America demonstrates that effective countermeasures against disinformation are possible only if legal mechanisms, the activities of specialized state bodies, cooperation with digital platforms, the participation of the scientific community and the development of educational policy in the field of information security are combined.

The activities of international initiatives, in particular the Trusted News Initiative and the East StratCom Task Force, confirm that the problem of disinformation goes far beyond the borders of individual states and has a distinct global character. Disinformation campaigns are not limited to national borders, but spread through digital platforms simultaneously around the world, influencing public opinion, democratic processes and the level of trust in state institutions. That is why the fight against disinformation is considered today as a joint task of the international community, which requires the coordination of the efforts of states, international organizations, the media and the private sector.

Most democratic countries direct their policies not only to respond to individual information incidents, but also to the formation of a sustainable information environment in which society is able to critically perceive content and distinguish reliable from manipulative information. In this context, the fight against disinformation acquires a preventive character and becomes an element of the state strategy aimed at protecting citizens from the consumption of false or distorted content.

In this context, Ukraine demonstrates integration into the world system of combating disinformation, forming its own model of legal and institutional response, which combines the activities of security agencies, specialized centers, educational and educational measures.

Thus, countering disinformation should be considered as a component of the state information security policy and an important tool for protecting the legal consciousness of society, democratic values and the principle of the rule of law in the conditions of digitalization.

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## **PRINCIPLE OF TIME REASONABLENESS IN THE CRIMINAL PROCEDURE OF UKRAINE**

**Abstract.** The importance of the principle of time reasonableness in the criminal procedure of Ukraine is stated. The essence of the principle of time reasonableness is determined. The normative-legal regulation of time reasonableness is analyzed. The European Standards of the time reasonableness in the criminal procedure are taken into consideration. Some directions of improving the criminal procedural legislation concerning the terms of implementing are proposed.

**Key words:** *principle of the time reasonableness, criminal procedure, criminal procedural legislation, European Standards, terms of implementing.*

The principle of time reasonableness in the Criminal Procedure is of fundamental importance, since its non-compliance can lead to a violation of the rights of both the accused and the victims. Excessive duration of a case may result in the loss of the evidence, moral and material losses for the participants in the process, as well as a weakening of citizens in the judiciary. At the same time, excessive acceleration of the consideration of criminal proceedings may negatively affect the quality of the investigation and the fairness of the court decision. The principle of

time reasonableness is a fundamental principle in the Criminal Procedure, which ensures the conduct of criminal proceedings within the time limits that are objectively necessary and sufficient for the performance of all the individual procedural actions and the execution of the procedural decisions. The principle is an integral guarantee of the rights of the persons participating in the criminal process, in particular a suspect, an accused, a victim, as well as the society as a whole, impairing the observance of law and order and the efficiency of judicial proceedings [1, p. 281-284].

The purpose of the principle is to ensure a fair trial, respect for the rights of the participants in the process and the efficiency of justice.

The criteria for assessing the reasonableness of the terms are the complexity of the case (the volume of the evidence, the number of the defendants); behavior of the parties to the process (abuse of the rights, intentional delays); organizational capabilities of the court and law enforcement agencies.

The consequences of failure to comply with the terms are the violation of the right to a fair trial, to delay in the consideration of the cases, the reduced confidence in the judicial system the loss of the evidence.

The legislative support is the articles of the Criminal Procedure Code of Ukraine, Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The European Court of Human Rights defines criteria for assessing the terms of consideration of the criminal cases, taking into account the individual circumstances of each case.

The role of the court and investigative bodies is to ensure control over compliance with the reasonable terms, to apply the measures to accelerate the process if necessary [2, p. 396-398].

The historical development of the principle of time reasonableness of time in the criminal procedure is an important stage in the formation of the modern legal system. Over the centuries, the issue of the time limits for the consideration of the cases has undergone significant changes, from ancient Roman law to the modern international standards. As the legal systems have developed, the countries have begun to introduce the clearer rules governing the time limits for the consideration of the criminal cases, in particular through the international legal instruments such as the European Convention on Human Rights.

The regulatory and legal regulation of deadlines in the Criminal Procedure of Ukraine is an important aspect of ensuring the effectiveness of justice and protecting the rights of the persons participating in Criminal Procedure. The principle of time reasonableness is one of the fundamental domestic legal standards, which guarantees the timely consideration of the cases, ensuring a balance between the right to speedy justice and the need for proper consideration of the case [3, p. 177-184].

The main regulatory and legal act regulating the deadlines in the Criminal Procedure is the Criminal Procedure Code of Ukraine, which entered into force in 2012. The Code defines the clear deadlines for the various stages of the criminal



process, starting from the pre-trial investigation and ending with the consideration of the case in court.

At the stage of the pre-trial investigation, the Code establishes the terms for pre-trial investigation, which begins from the moment of the registration of the criminal proceedings. Up to 2 months (with the possibility of extension up to 12 months).

The term may be extended in the case of the complex cases – the serious or especially serious crimes, as well as by the decision of the investigating judge, up to 12 months.

Within 72 hours, the person must either be released or transferred to the court for the selection of a preventive measure.

The terms for preparing the case for consideration are determined by the court based on the specifics of each case, but no more than 1 month.

The court of first instance is obliged to consider the case in a timely manner, within the terms established by law, no more than 3 months.

No more than 1 month is allowed for filing an appeal against the decision of the court of first instance. The time for considering the case in the appellate instance is set based on the case's complexity and is limited to no more than 1 month.

If the appellate court considers it necessary, the decision of the court of higher instance is reviewed [4, p.127-130].

One of the main aspects of the regulatory and legal regulation of the deadlines is their compliance with the international human rights standards, in particular the European Convention on Human Rights. Ukraine, as a member of the Council of Europe, is obliged to adhere to the principle of time reasonableness, enshrined in Article 6 of this convention, which means that the deadlines for considering the cases must be not only clearly defined, but also justified, without excessive delays.

Despite the existence of the legislative norms, in practice sometimes the problems arise with compliance with these deadlines, in particular due to insufficient funding of law enforcement agencies, personnel problems and other factors [5, p. 89-101]. However, the principle of time reasonableness remains an important element of the criminal process, as it helps to prevent violations of the rights of the accused, victims and witnesses, and also increases confidence in the judicial system as a whole.

The European standards on reasonableness of time in the Criminal Procedure are an important part of the legal system, as they ensure respect for the fundamental human rights and guarantee the efficiency of justice. The basis of these standards is the European Convention on Human Rights [6], in particular Article 6, which establishes the right of everyone to a fair trial within a reasonable time. The term "reasonable time" refers to such a provision of the trial that does not allow for unreasonable delays that may violate the rights of the accused and the persons concerned.

The European standards on reasonableness of time in the Criminal Procedure:

- Article 6 of the European Convention on Human Rights guarantees the right to a fair trial within a reasonable time. In particular, this includes the time limits for the trial and pre-trial investigation.

- According to the decision of the European Court of Human Rights, there should be no unreasonable delays during the trial, the process should take place without undue delay in accordance with the principle of time reasonableness.

- The assessment of whether the delay was justified depends on the specific circumstances, in particular the complexity of the case, the conduct of the participants in the process and other factors.

- In the event of a violation of the time limits, a person is entitled to compensation, which includes the material and moral damage.

- The judgments of the European Court of Human Rights oblige the states to pay the compensation to the victims for violation of the deadlines and to take the measures to comply with the deadlines.

- The States are obliged to organize effective control over the duration of criminal proceedings in order to avoid delays [7, p. 125-131].

The European Court of Human Rights, which is the main body for the interpretation and application of the norms of the European Convention, has repeatedly emphasized the importance of observing this principle. A reasonable time in criminal proceedings ensures not only the efficiency of justice, but also contributes to the trust of citizens in the legal system. The court often assesses whether there was a valid reason for the delays, and also takes into account the complexity of the case, the behavior of the persons participating in the process, and other circumstances that may affect the course of the process [8, p. 41-45].

The European standards of time reasonableness in the Criminal Procedure guarantee that every accused person has the right to a fair and timely trial, which ensures not only the transparency of the process, but also trust in the judicial system. Delaying the process without good reason can lead to a violation of the rights of a person, which can negatively affect his life and reputation. The European Court of Human Rights actively monitors compliance with these standards, as a violation of reasonable time limits can be a basis for receiving the compensation from the state.

Thanks to such standards, the European countries, including Ukraine, are forced to implement the effective measures to avoid the unreasonable delays and ensure a fair trial, which is important for guaranteeing the rights of the individuals and ensuring justice.

The length of criminal proceedings depends on several factors, which can cause both delays and acceleration of the process. One of the main factors is the complexity of the case. If the case contains a lot of the evidence, witnesses or requires the additional expertise, this can significantly extend the time of the investigation or trial.

The factors affecting the duration of criminal proceedings:

1. The complexity of the case – a large number of the evidence, witnesses, the need to conduct the additional examinations.

2. The effectiveness of the investigative bodies and the court – the organization of the work of the bodies, the overcrowding of the courts, bureaucratic obstacles.

3. The behavior of the participants in the process – the actions of the lawyers, defendants, witnesses, applications for adjournment of the hearings, appeals of the decisions.

4. The delay in the performance of the procedural actions – the delays in providing the evidence, execution of the decisions, the delay in conducting the investigative actions.

5. The technical aspects – conducting the examinations, searching for the evidence, checking the documents, preparing the reports [9, p. 67-78].

Optimizing these factors, helps improve the efficiency of criminal justice and minimize the human rights violations.

Improving criminal procedural legislation on regarding the terms of proceedings is a necessary step to ensure fairness, efficiency and protection of the rights of the participants in the criminal process. Among the main areas of improvement, several key aspects can be identified:

- Establishing the specific deadlines for each stage of the criminal process, which will ensure clarity and prevent delays.

- Creating independent bodies or institutions to monitor the duration of cases and promptly respond to violations of deadlines.

- Increasing the efficiency of the investigators and judges, optimizing the resources and training the personnel to speed up the process.

- Using the information systems and automating the process to reduce the delays and increase the efficiency of proceedings.

- Creating the conditions for public control and ensuring the openness of the process, which will reduce the corruption risks.

- Introducing the compensation mechanisms for the persons whose rights have been violated due to the excessive length of the process, in particular, the financial compensation or case review.

- Making the changes to allow for the possibility of extending deadlines if necessary, but within the criteria set by law and under control.

- Strengthening the responsibility of the justice bodies for the violation of the deadlines, including the possibility of disciplinary punishment [10, p. 420-426].

In general, the importance of the principle of time reasonableness in the criminal procedure in Ukraine is that it is a guarantee not only of respect for the rights of the individual, but also of maintaining the authority of the judicial system as a whole. The faster and more efficiently the cases are considered, the more trust in justice, which contributes to the strengthening of the legal culture in the country and the development of democracy. Therefore, every country, including Ukraine, must do everything possible to ensure that the implementation of this principle becomes a reality and meets the high standards of international justice.

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## **GENERAL PROVISIONS OF THE PRINCIPLE OF DISPOSITIVITY IN CRIMINAL PROCEEDINGS**

**Abstract.** The article deals with the principle of dispositivity in criminal proceedings. The importance of the principle of dispositivity is focused on. The key features of the principle of dispositivity are analyzed. The place of the principle of dispositivity in the system of the principles of criminal proceedings is stated. The interrelation of the principle of dispositivity and the principle of adversarial proceedings in criminal proceedings is grounded. The peculiarities of the implementation of dispositivity in criminal proceeding are found out.

**Key words:** *principle of dispositivity, criminal proceeding, principle of adversariality, principle of legality, implementation.*

The relevance of the principle of dispositivity in criminal proceedings lies in the fact that this principle defines the role of the participants in organizing and developing a criminal case, ensuring a balance between the rights of the state and the interests of the individuals involved in the process. Dispositivity contributes to the formation of the equal conditions for the accused and the prosecution, allowing them to freely exercise their rights within the limits established by law. With the development of the legal system, particularly through the introduction of the agreements and mediation in criminal proceedings, the importance of dispositivity increases, as it allows the parties to participate more effectively in the process and exercise their right to defense.

Given the growing role of adversarial procedure in criminal proceedings, the principle of dispositivity becomes especially relevant in the context of ensuring fairness, strengthening the protection of individual rights and freedoms, and improving the efficiency of criminal justice. Its significance also lies in supporting the rule of law and democratic values within criminal adjudication. As Ukraine continues to improve its legal system, the study of the principle of dispositivity is important for understanding how to balance the rights of the participants in criminal proceedings while ensuring both efficiency and fairness of justice. [9, p. 137].

Dispositivity in criminal proceedings means the right of the parties to independently decide the issues regarding their substantive rights (substantive dispositivity) and procedural rights, including the right to present the evidence for the protection of their interests (formal dispositivity). The subjects of dispositivity may only be the parties to the proceedings. At the pre-trial stage, the participants who have a legitimate interest in the case are not the full subjects of dispositivity. At the same time, in an adversarial process, the prosecutor also acts as a subject of dispositivity alongside other parties. This principle is based on the constitutional guarantee of justice and the relevant provisions of the Criminal Procedure Code of Ukraine of 2012, which ensure the parties' freedom in exercising their rights [1].

Thus, the principle of dispositivity provides that the initiative in initiating and developing criminal proceedings belongs to the parties, while the independent and impartial court facilitates the exercise of their rights without interfering in their procedural activities, ensuring equality and adversariality in the presentation of evidence. It means that criminal proceedings may be initiated and developed only at the initiative of the parties, while the independent and neutral court creates the necessary conditions for exercising their rights, maintaining equality and competitiveness in the evidentiary process [8, p. 139].

According to scholars, dispositivity as a principle of criminal procedural law means that the subjects of the criminal process have the right, within the limits of the law, to freely choose their behavior in order to protect their substantive (both criminal and civil) and procedural rights. They may also influence the course and results of the criminal procedural activity, thus ensuring flexibility and completeness of the rights protection and stimulating active participation in their defense [12, p. 110-111].

At the same time, it should be noted that the modern understanding of dispositivity assumes that the parties are free to determine their conduct, choose the

actions depending on their interests—whether to enter into legal relations, to exercise their rights or refrain from doing so. In private relations, the principle is: “*Everything that is not prohibited by law is permitted*,” whereas in public relations, the scope of dispositivity is limited by the principle: “*Only what is provided by law is permitted*.” In criminal proceedings, it is the latter principle that applies, though with certain peculiarities [12, p. 110-111].

The principle of dispositivity also determines the distribution of the functions during a trial and prohibits the combination of several functions by one party. For example, the function of prosecution is entrusted to the investigator, prosecutor, victim, and their representatives, while the function of defense belongs to the suspect, accused, and their defense counsels. Dispositivity characterizes a situation in which a natural or legal person independently decides how to exercise their right—whether to realize it or abstain from doing so. This may include the decision to seek judicial protection, withdraw a claim, conclude a settlement agreement, or continue to demand protection of the violated right [16, p. 133].

The key features of the principle of dispositivity in criminal proceedings are:

- **Freedom of choice in rights protection.** The subjects of the criminal process have the right to choose the most convenient and effective way to defend their rights, including the choice of litigation strategy, submission of evidence, and formulation of requests.

- **Equality of parties.** The principle ensures equal rights for the parties in the process, allowing them to participate on an equal footing in defense, prosecution, and the submission of evidence.

- **Active participation of the parties.** The parties’ activity is a crucial element, as they may influence the course of the case, the choice of evidence, and even the termination of proceedings (e.g., through an agreement).

- **Flexibility in procedural activity.** The subjects are free to decide whether to initiate proceedings, modify their claims, withdraw a claim, or conclude a settlement, depending on their interests.

- **Limitations by law.** Although the parties enjoy significant freedom in their actions, this freedom is restricted by the law. Dispositivity applies only within the framework established by the legal norms, which ensures the legality of the process.

- **Adversariality.** The principle upholds adversarial proceedings, where each party can submit the evidence, challenge the opponent’s evidence, ask questions, and draw conclusions, thus ensuring a fair trial.

- **Initiative of the parties.** Criminal proceedings may begin only upon the initiative of the parties, while the court, as a neutral authority, provides conditions for exercising their rights [3, p. 117].

In conclusion, dispositivity in criminal proceedings is a principle according to which the parties have the right to independently dispose of their substantive and procedural rights, as well as to determine the course of the criminal proceedings within the framework established by law. This means that participants may choose methods of protecting their rights, file or amend applications, enter into agreements, or abandon their claims. Dispositivity ensures the active role of the parties in the

process, including in shaping the evidentiary base, choosing a strategy of defense or prosecution, and influencing the outcomes of procedural actions such as applying to a court, concluding the settlements, or withdrawing the claims. However, this freedom of an action is limited by legislation, which defines the permissible options for conduct within criminal proceedings.

### ***The Place of the Principle of Dispositivity in the System of Principles of Criminal Proceedings***

The principle of dispositivity is an essential component of the system of the principles of criminal proceedings, which defines the order of conducting the criminal process and the interaction of its participants.

Overall, the system of the principles of criminal procedure is complex and multidimensional. Each principle plays its role in ensuring justice, legality, and the protection of human rights in criminal adjudication. The principle of dispositivity is a crucial element of this system, as it provides flexibility and active participation of the parties. On its basis, the participants may independently decide how to act in the process, influence the course of the case, and choose the methods to protect their rights. This increases the efficiency of judicial proceedings and guarantees the protection of the rights of those involved [10, p. 91].

It should be emphasized that the principle of dispositivity does not exist in isolation from other principles of criminal proceedings. It is organically connected with the principle of adversariality, which is also vital for effective and fair case resolution.

The principle of adversariality presupposes that each party has the opportunity to present its evidence, challenge the evidence of the opposing party, and thus influence the outcome of the proceedings. Dispositivity enables the parties to determine for themselves which evidence to present, which witnesses to summon, and which strategy to choose for defense or prosecution. This ensures genuine adversariality, as both sides may actively participate in the investigation and trial [15 p. 54].

The principle of dispositivity is also closely linked to the principle of legality. It is important to underline that the parties' freedom of choice is not absolute. It is limited by the law, which ensures the correct interpretation of the rights and obligations of the participants. The Legal and procedural norms determine which actions are permissible within criminal proceedings and in what form they may be exercised. In this context, dispositivity acts as a guarantee that the participants may exercise their rights only within the framework established by the legal norms [6, p. 90].

A distinctive feature of the principle of dispositivity is its clear application in adversarial proceedings, where the parties actively interact with each other. This principle defines each party's freedom to choose how to protect its interests: whether to apply to the court, withdraw a claim, conclude a settlement, or change its position during the process. Thus, the principle of dispositivity supports the idea that participants in criminal proceedings may act in their best interests, considering their legal and substantive rights.

In practice, this principle helps to optimize the process, making it more flexible and adaptable to the individual needs of the participants. For example, a party may decide whether to conclude a plea agreement or withdraw a claim based on a settlement. This allows the participants to react quickly to the changing circumstances and resolve the disputes out of court, thereby reducing the burden on the courts and accelerating the resolution of the cases [7, p. 179-180].

The principle of dispositivity also has its specificity at the pre-trial investigation stage. Unlike trial proceedings, where the parties are granted greater freedom, dispositivity at the pre-trial stage is expressed in a more limited form. Investigators, prosecutors, and victims have some discretion in deciding whether to initiate a case or conduct an investigation, but the initiative at this stage largely belongs to the state authorities. Therefore, although the principle of dispositivity applies at the different stages of criminal proceedings, its role during the pre-trial investigation is less pronounced, as investigative authorities play a more significant role in determining the course of the case.

Nevertheless, at the trial stage, the principle of dispositivity is fully realized. Here, the court acts as a neutral arbiter, creating the conditions for the parties to effectively exercise their rights, present the arguments and evidence, and initiate the settlements or withdraw their claims [11, p. 15].

Thus, the principle of dispositivity is an integral part of the criminal procedure system, as it enables the parties to actively influence the course of the case, choose strategies of defense or prosecution, and exercise their substantive and procedural rights within the legislative limits. Its role is particularly evident at the trial stage, where the parties enjoy maximum freedom in choosing their actions, thereby contributing to effective and fair adjudication. The principle of dispositivity is closely intertwined with other principles of criminal proceedings, such as adversariality and equality of the parties, creating conditions for fair competition between the sides and independent judicial control. Although the boundaries of criminal proceedings are clearly defined by law, dispositivity ensures flexibility in the process, encouraging the participants to actively defend their rights. Therefore, the principle of dispositivity plays a key role in balancing the rights of the participants and legality, providing each party with the opportunity to choose the optimal ways of protecting its interests, which contributes to the fair and well-founded decisions in the criminal cases.

### ***The Interrelation between the Principle of Dispositiveness and the Principle of Adversarial Proceedings in Criminal Procedure***

The principle of dispositiveness, which grants the parties in criminal proceedings the freedom to choose how to exercise their rights, and the principle of adversarial proceedings, which ensures active competition between the parties during the consideration of a case, together create the necessary conditions for the administration of justice by fostering the activity and adversarial engagement in the process [13, p. 11].

The interrelation between these principles lies in the fact that dispositiveness allows the participants to freely choose their strategy of conduct, determine the direction of their actions, and address evidence, while the principle of adversarial



proceedings provides the framework for exercising these choices within the context of judicial competition between the parties. Dispositiveness enables the parties to take an active role in the proceedings, selecting the most effective means to defend their interests. This, in turn, stimulates the adversarial engagement, where each party has the opportunity to present the arguments, evidence, and counterarguments [4, p. 225-226].

Without the principle of dispositiveness, which grants the parties freedom in choosing their actions, adversarial proceedings would not be feasible. Any limitation of dispositiveness reduces the scope of party autonomy, which may result in incomplete or ineffective protection of their rights and interests in the process.

Moreover, dispositiveness provides the parties not only with the ability to select the methods of defense they deem appropriate, but also to refuse certain procedures, modify the claims, or enter into the settlement agreements if they consider it beneficial to their interests. This flexibility allows each participant to shape their conduct, which promotes the active application of the principle of adversarial proceedings.

An essential element in this relationship is the role of the court, which must act as a neutral arbiter, ensuring that the parties can effectively exercise their rights within the limits of the law while maintaining equality of arms. Within adversarial proceedings, the court does not assume initiative in investigating the case but instead plays a crucial role in ensuring the correct application of the law, thereby supporting the effective realization of the principle of dispositiveness [14, p. 107].

The principle of dispositiveness provides freedom in choosing the methods to protect the rights and interests, while the principle of adversarial proceedings ensures the conditions for equal and objective case consideration, where each party can present all of its evidence and arguments.

Thus, in criminal proceedings, the principles of dispositiveness and adversarial procedure interact in a way that ensures the effective administration of justice. Dispositiveness grants the parties autonomy in selecting means of defense, stimulating their active participation, while adversarial proceedings guarantee equality, allowing each party to present its case under fair conditions. These principles mutually reinforce one another: dispositiveness empowers parties to influence the course of proceedings, while adversarial procedure ensures equality and impartiality. Their combination provides the necessary balance of flexibility and fairness in criminal proceedings, contributing to the adoption of well-founded and just decisions in the criminal cases.

### ***Peculiarities of the implementation of dispositivity in criminal proceedings***

The prosecution, which includes the prosecutor and the victim, plays an important role in implementing the principle of dispositiveness in criminal proceedings, as it grants them a certain degree of freedom in determining the tactics and strategy of case management. However, this freedom is not unlimited, and it is crucial to clearly distinguish between the possibilities and the limits of applying dispositiveness within the framework of criminal justice [2, p. 355].

One of the key aspects of the implementation of this principle is the ability of the prosecution to withdraw from further pursuit of charges. Such a situation may arise when the prosecutor or the victim concludes that the available evidence is insufficient to prove the defendant's guilt and therefore decides to terminate the criminal proceedings. Another possible scenario involves a plea agreement, which allows the prosecutor to adjust the position regarding the charges, particularly in relation to the severity of the punishment. These decisions can be made on the condition that the accused admits guilt, often accompanied by arrangements to reduce or substitute the punishment with a less severe sanction.

It is also important to emphasize that the prosecution has the authority to determine the scope and methods of collecting the evidence, as well as to formulate its demands towards the accused. The prosecutor may identify which facts and testimonies are crucial for proving the charges and may also articulate claims against the accused, for example, in the form of compensation for the victim. This enables the prosecution to build its case effectively, taking into account the interests of both the state and the victim.

At the same time, the application of dispositiveness has its boundaries. When the crime affects the public interests, the state may intervene in the parties' decisions regarding the further course of the criminal process, requiring the continuation of prosecution regardless of the will of the parties. This is particularly relevant in the cases involving serious crimes that endanger society or pose threats to public safety.

Furthermore, the principle of dispositiveness in criminal proceedings permits the prosecution to enter into the agreements with the accused, which is another significant aspect. Such agreements may be concluded when the accused admits guilt and accepts the terms of the punishment proposed by the prosecutor. In turn, these agreements allow both the prosecutor and the accused to settle on the conditions of the guilt recognition or punishment, often helping to avoid lengthy trials and thereby saving time and resources [5, p. 170].

However, the plea agreements must not contradict the law or distort the essence of the crime. They must be fair, based on objective facts, and must take into account the interests of the victim and society. For instance, an agreement cannot include the provisions that reduce the punishment to a level inconsistent with the gravity of the committed offense. Moreover, every such agreement must be approved by the court, which is a crucial step in ensuring its legality and compliance with the criminal procedural norms.

Thus, the implementation of the principle of dispositiveness by the prosecution serves as an important tool for ensuring the efficiency and fairness of criminal proceedings. At the same time, one must remember the limits of this principle, as its application should not undermine public interests or the foundations of justice.

In this way, the realization of dispositiveness by the prosecution lies in granting the prosecutor and the victim the ability to exercise control and influence over the criminal process by making decisions on initiating or terminating proceedings, determining the prosecution strategy, selecting the methods of the evidence collection, and entering into the agreements with the accused, such as plea

bargains. This enables the parties to exercise their rights within the boundaries of the law, ensuring flexibility in law enforcement and helping to avoid delays in the judicial process.

The exercise of dispositiveness by the prosecution is therefore a key element of criminal procedure that ensures the effectiveness of justice. Through this principle, the prosecutor and the victim can take initiative in determining the further steps in the case, decide on the conclusion of the agreements, and thereby facilitate the resolution of the cases without lengthy litigation. However, this freedom is not absolute: it must always take into account the public interests, public safety, and the legality of all actions. The fairness of the agreements reached under this principle must be subject to judicial control, which guarantees their compliance with the norms of criminal law and procedure.

### **Conclusions**

Thus, based on the results of the conducted research, the following conclusions were made. Dispositiveness in criminal proceedings is a principle according to which the parties to a criminal process have the right to independently manage their material and procedural rights, as well as to determine the course of the proceedings within the limits established by law. This means that participants in the process may choose the means of protecting their rights, file or amend applications, enter into agreements, or withdraw their claims.

Dispositiveness ensures the active role of the parties in the process, particularly in forming the evidentiary base, choosing a defense or prosecution strategy, and determining the outcome of procedural actions such as filing a lawsuit, concluding settlement agreements, or withdrawing a claim. However, this freedom of action is limited by the legal framework that defines the permissible behavior of the parties in criminal proceedings.

The principle of dispositiveness is an integral part of the criminal procedure system, as it allows the parties to actively influence the progress of the case, choose defense or prosecution strategies, and exercise their material and procedural rights within the limits of the law. Its role is particularly evident at the stage of trial, where the parties enjoy the greatest freedom in their actions, contributing to effective and fair adjudication. The principle of dispositiveness closely intertwines with other principles of criminal procedure, such as adversarial proceedings and equality of arms, creating conditions for fair competition between the parties and independent judicial control.

Although criminal proceedings are regulated by clear legal boundaries, dispositiveness allows flexibility in the process, encouraging participants to act actively in protecting their rights. Therefore, this principle plays a key role in ensuring a balance between the rights of participants and legality, giving each party the opportunity to choose the optimal ways to protect their interests and contributing to fair and reasoned decisions in criminal cases.

The principles of dispositiveness and adversarial proceedings in criminal procedure interact in such a way as to ensure the effective administration of justice. Dispositiveness grants the parties freedom to choose the means of protecting their

rights, thereby stimulating their activity in the process. The principle of adversarial proceedings guarantees equality between the parties, ensuring that each side can present its evidence and arguments, thereby guaranteeing a fair trial. These principles complement one another: dispositiveness enables the parties to actively influence the case, while adversariality ensures equality and objectivity. Their combination provides the necessary flexibility and fairness of criminal proceedings, contributing to accurate and well-founded judicial decisions.

The implementation of the principle of dispositiveness by the prosecution in criminal proceedings consists in granting the prosecutor and the victim the ability to control and influence the course of the process through decisions regarding initiation or termination of proceedings, determination of the prosecution strategy, selection of methods of evidence collection, as well as entering into agreements with the accused, such as plea or sentencing agreements.

This enables the parties to exercise their rights within the limits of the law, ensuring flexibility and efficiency in law enforcement while preventing unnecessary delays in trial proceedings. The exercise of dispositiveness by the prosecution enhances the efficiency of justice, allowing the prosecutor and the victim to take initiative in determining the subsequent steps of the case and in concluding agreements that can resolve the case without lengthy court procedures. However, this freedom is not unlimited and must take into account public interests, security, and legality.

The implementation of the principle of dispositiveness by participants who do not possess authoritative powers means that the victim and his or her representative can take an active part in the process, influencing the further development of the criminal case. This includes the ability to withdraw a complaint, refuse prosecution of the accused, and conclude agreements with the prosecution, thus ensuring the effective protection of the victim's rights and the possibility of a peaceful resolution of the case.

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## **ROLE OF LANGUAGE POLICY IN SHAPING NATIONAL IDENTITY IN MODERN UKRAINE**

In modern conditions language policy is important issue for the state and society. It is more than just a social phenomenon, it is part of the people's culture,

historical memory and national identity. Language is the main expression of cultural and spiritual values that determine the national identity of a nation.

Language policy in Ukraine is a system of legal acts, programmes and strategies aimed at regulating the use of languages in the society. The main aspects of this policy include defining the status of Ukrainian as the official language, supporting the development of Ukrainian as the state language, and preserving and supporting the country's linguistic diversity.

Language is a powerful tool for consolidating the state, an important sign of its vitality and a key factor in the national geopolitical identity of the state, giving it the prospect of its own representation in the modern world. The formation of language policy is an important area of activity for the state on the path to consolidating society [1].

Over the years of independence, the Ukrainian authorities have not yet learned how to effectively protect the country's linguistic space. As a result, Ukraine has a weak and unstable state in terms of language. The state language has repeatedly been subject to displacement and has suffered destructive influences through the media, book publishing and show business.

Therefore, the Ukrainian language in Ukraine has been practically the subject not of state care, but of political speculation and political bargaining, as evidenced by 11 parliamentary and presidential campaigns without exception. In this regard, it is worth emphasising that a simple statement of facts undermines all attempts to exploit the language issue in the interests of anti-Ukrainian internal and external forces.

The use of statistical data alone (the number of schools, higher education institutions, theatres, libraries, periodicals, and media in Russian and other languages in Ukraine), which has been published and voiced many times, refutes all these insinuations. Many scholars have addressed the problems of language policy in Ukraine: after all, the so-called language issue is an important part of a broader problem – the problem of Ukrainian identity [2, p. 6].

Language policy plays an important role in shaping national identity although language is one of the main responsibilities of the United Nations. A common language ensures mutual understanding between citizens, promotes cultural unity and strengthens social cohesion. These regional movements also arose and are linked to national duties and the state of the state through their use. The linguistic environment in which people live can have an important influence on the formation of national identity.

Ukrainian language is of great importance in patriotic education of the new generation of Ukrainians in the context of the present day. Ukrainian films have a vivid imagination combined with rich cultural traditions and the spirit of the people. The Ukrainian language is considered an important symbol of strength and independence for the development and growth of national consciousness and respect for the people of the nation.

The Ukrainian language is not only a means of communication but also an important element of culture, historical memory and national consciousness of the

people. It is through language that citizens develop an awareness of their belonging to the Ukrainian nation and state.

Thus, language policy plays an important role in shaping national identity and the development of modern Ukrainian society. The Ukrainian language is not just a means of communication, it is an object, part of the culture, historical memory and national consciousness of the people. It is through this language that the identity of Ukrainian citizens and society is formed.

The goal of Ukrainian language policy is to support and promote the Ukrainian language as the national language which contributes to the strengthening of social and national unity. The importance of the Ukrainian language in education, public service and public life has a positive impact on the development of the native language of the people and the strengthening patriotism.

There is some experience of realization and maintenance of the functioning of the Ukrainian state language in such forms as conferences, roundtable discussions, symposia, congresses, discussions and the high effectiveness of such measures is justified in view of the possibility of well-founded remarks, and proposals, to take into account the further activity of the positions of scientific, political, civil, and public environment, and will help to improve the language situations [3, p. 36].

Language policy is the result of common elements in the development of the Ukrainian nation and the preservation of national identity. The strong role of the Ukrainian language will contribute to the cultural and social development of the country in the future.

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## **MEDIATION AS A SPECIAL FORM OF LEGAL COMMUNICATION IN RESOLVING SOCIAL CONFLICTS**

In modern society, social conflicts are an integral part of social relations arising in the process of interaction between individuals, social groups, and institutions. The growing complexity of social relations, legal pluralism, and the transformation of social processes necessitate effective mechanisms for peaceful conflict resolution that can balance the interests of the parties and preserve social stability.

In this context, mediation takes on special significance as an alternative means of dispute resolution based on the principles of voluntariness, neutrality, confidentiality, and equality of the parties. Unlike traditional forms of jurisdiction, mediation is a specific form of legal communication in which dialogue, mutual understanding, and the joint search for a mutually acceptable solution play a key role.

The purpose of this study is to analyze mediation as a special form of legal communication in the resolution of social conflicts and to determine its significance in the modern legal system.

History shows that conflicts have always been common and have arisen in various types of social relationships, being resolved in different ways. The beginning of the development of mediation is associated with the period of the Great Depression in the United States in the 1930s, when it was used to resolve family and labor conflicts and helped to reduce social tensions in society.

Subsequently, mediation spread to European countries, particularly Germany, France, and Italy. Etymologically, the term “mediation” is identified with mediation between the parties to a conflict. Its effectiveness has been recognized by the European community, as confirmed by the recommendations of the Council of Europe and EU directives, in which mediation is considered a key method of alternative dispute resolution. The current stage of development of the judicial system is characterized by a transition from a confrontational to a discursive-competitive model of justice, based on reconciliation. In practice, it is applied in civil, commercial, administrative, and labor disputes, as well as in criminal law relations.

In Recommendation Rec(2002)10 of the Committee of Ministers of the Council of Europe, mediation is defined as a process of negotiation involving one or more mediators with the aim of reaching an agreement between the parties. The further development of the institution of mediation is enshrined in Directive 2008/52/EU, according to which mediation provides a quick and less costly resolution of civil and commercial disputes, promotes voluntary compliance with agreements and the preservation of stable relations between the parties, especially in disputes of an international nature. At the same time, mediation is recognized as a



voluntary process, although national legislation may provide for time limits for its conduct and the right of courts to inform the parties about the possibility of using this procedure.

In Ukraine, the institution of mediation is also gradually developing. In particular, on June 2, 2016, a provision was added to the Constitution of Ukraine, according to which the law may establish a mandatory pre-trial procedure for dispute resolution, one of the tools of which is mediation.[4]

According to the Law of Ukraine “On Mediation,” mediation is defined as an out-of-court voluntary, confidential, and structured procedure in which the parties, with the help of a mediator (mediators), seek to prevent or resolve a conflict (dispute) through negotiation. This legislative definition reflects the communicative nature of mediation, since the key tool for reaching agreement is dialogue between the parties, organized and directed by a neutral intermediary.

The voluntary nature of mediation means that the parties' participation in the procedure and their decisions are based solely on their free will, which promotes trust and openness in the process of legal communication. Confidentiality, in turn, creates a safe space for the exchange of positions and interests, reduces the level of confrontation, and promotes constructive discussion of the essence of social conflict.

The structured nature of mediation ensures the orderliness of the communication process and facilitates an effective transition from conflictual interaction to cooperation. The role of the mediator is not to resolve the dispute on its merits, but to facilitate communication between the parties, help them understand their interests, and find mutually acceptable solutions.[1]

The mediator plays an important role in the implementation of mediation as a special form of legal communication.

A mediator is a specially trained neutral, independent, and impartial intermediary who organizes and conducts the mediation procedure, facilitating effective communication between the parties to a social conflict. A mediator may be a natural person who has undergone basic training in Ukraine or abroad and has confirmed their acquired competencies in accordance with the established procedure.

The legal requirements for mediator training are meant to make sure mediation is professional and high-quality. Specifically, basic mediator training has to be at least 90 hours, with at least 45 hours of practical training. This approach emphasizes the communicative nature of mediation, since it is practical skills – active listening, conflict management, neutral facilitation of dialogue – that are key to the effective resolution of social conflicts. In addition to basic training, the law provides for the possibility of specialized training, which allows mediation to be applied in various areas of social relations. Within the mediation procedure, the mediator performs a number of important functions aimed at organizing and supporting a constructive negotiation process. In particular, he creates favorable conditions for negotiations, establishes communication and mutual understanding between the parties, and helps to identify their real needs and interests, which often remain hidden behind formal legal positions. In addition, the mediator organizes the joint work of the parties in

search of a mutually acceptable solution, ensures compliance with the established procedure and consistent passage through all stages of mediation.

The role of the mediator in reducing emotional tension between the parties to the conflict is of particular importance. Thanks to their neutrality and impartiality, mediators facilitate the transition from a confrontational model of interaction to cooperation, which is a characteristic feature of mediation as a communicative legal process. At the same time, the law clearly defines the limits of a mediator's powers: they do not make decisions on the settlement of disputes and do not give advice on possible options for resolving them. All decisions are made exclusively by the parties to the mediation, which emphasizes their autonomy and responsibility for the outcome of the conflict resolution.

Thus, the mediator's activities ensure the effective functioning of mediation as a special form of legal communication focused on dialogue, mutual understanding, and consensus in the resolution of social conflicts.[2]

An important element of institutional support for mediation as a special form of legal communication is the functioning of mediator registries. Mediator associations and entities that provide mediation services have the right to maintain mediator registries, provided that they comply with the requirements of the law on the protection of personal data and the collection, storage, and dissemination of confidential information about individuals.

The purpose of creating and maintaining registers of mediators is to ensure the transparency of mediation activities, increase trust in the institution of mediation, and guarantee an adequate level of professional training for mediators. Such registers shall contain information specified by law, in particular the mediator's surname, first name, and patronymic, level of education, language or languages of mediation, scope of basic training with indication of the educational institution, as well as information on specialization and professional development. This list of data allows the parties to a social conflict to make an informed choice of mediator, taking into account the nature of the dispute and the communication needs of the participants in the procedure.

The open and publicly available nature of the information entered in the registers of mediators is of particular importance for the implementation of the principles of accessibility and voluntariness of mediation. Making the registers publicly available on the Internet helps spread information about mediation as an alternative way of resolving social conflicts and ensures equal access for interested parties to information about qualified mediators. At the same time, compliance with personal data protection legislation ensures a balance between the publicity of information and the mediator's right to privacy. For convenience in finding a mediator, you can use the inter-organizational platform [mediation-help.com](http://mediation-help.com), which was created with the support of the European Union as part of the project “CONSENT: Enhancing the Role of Alternative Dispute Resolution with a Focus on Mediation in Ukraine,” implemented by the Ukrainian Academy of Mediation. [3]

An important feature of mediation as a special form of legal communication is its step-by-step nature, which ensures a consistent and constructive negotiation

process. The first stage of mediation is preparation. At this stage, the mediator collects and analyzes information about the parties to the conflict, their demands and expectations, organizes the exchange of necessary documents, and creates the appropriate conditions for negotiations. In accordance with the law, the mediator is obliged to act in accordance with the provisions of the law, the rules of mediation, and the code of professional ethics, ensuring the confidentiality of information obtained during the preparation and conduct of the procedure.

The second stage – opening and conducting mediation – involves an introductory speech by the mediator, the conclusion of a mediation agreement, the determination of the order and rules of the procedure, the clarification of the parties' positions, and the formation of topics for further discussion. At this stage, the mediator manages the negotiation process, ensures equality between the parties, organizes constructive communication, and creates space for the parties to independently seek a solution. The law requires the mediator to adhere to the principles of neutrality, independence, and impartiality, as well as to inform the parties of their rights, obligations, and the possible legal consequences of the agreements reached.

At the stage of exploring interests, an in-depth analysis of the parties' needs underlying their positions is conducted. The mediator helps to identify psychological, procedural, and substantive interests by using active listening techniques, clarifying questions, and hypothetical questions. It is at this stage that the parties gradually move from confrontation to mutual understanding, which creates the conditions for rapprochement and the search for common solutions.

The fourth stage of mediation – negotiation – is aimed at developing possible options for resolving the conflict. With the assistance of the mediator, the parties analyze alternative solutions, assess their effectiveness, feasibility, and possible risks, gradually moving towards the formation of an agreed option that is acceptable to all participants in the procedure.

The final stage is the conclusion and signing of an agreement based on the results of mediation. The mediator checks the agreements reached for feasibility, helps to clarify their content, and ensures the correct formalization of the agreement, which is signed by the parties. Unlike court proceedings, where the decision is made by the court and is binding, in mediation the parties independently formulate a decision that meets their interests. The confidentiality of the procedure, its flexibility, and its focus on consensus allow not only to resolve a specific dispute, but also to preserve or restore social ties between the parties to the conflict.

Mediation is widely used in various areas of social relations, including family, labor, economic, social, IT, and IP disputes, as well as in working with communities. It is particularly effective in family conflicts, where it helps reduce the number of court disputes, preserve interpersonal relationships, and protect the interests of children. An important area of development is the introduction of mediation in the educational environment, particularly in schools, which fosters a culture of non-violent communication and peaceful conflict resolution skills.

The relevance of developing mediation in Ukraine is also confirmed by the state of the judicial system. The excessive workload on the courts and the length of proceedings have a negative impact on the realization of the right to access to justice. In this context, mediation is seen as an effective tool for reducing the workload of the courts and improving the efficiency of justice, which makes it advisable to introduce it more widely, in particular in the form of a mandatory pre-trial procedure in certain categories of disputes. [4]

Thus, mediation as a special form of legal communication combines legal, social, and psychological elements, promotes consensus, preserves social ties, and improves the quality of life of those involved in the conflict, making it a promising direction for the development of Ukraine's modern legal system.

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## **ACTIVITIES OF THE NATIONAL POLICE IN ENSURING THE PROTECTION OF CHILDREN'S RIGHTS UNDER THE LEGAL REGIME OF MARTIAL LAW AND IN THE POST-WAR PERIOD**

**Abstract.** The paper deals with the social relations arising in the course of the National Policier activities aimed at ensuring the protection of the children's rights under martial law and in the post-war period. The relevance of the research is grounded. The state bodies and services which are necessary to protect the rights of a child affected by the domestic violence are enumerated. The factors that shape the family relations are mentioned. The purpose of the work is formulated. The objectives of the research are stated.

**Key words:** *the National Police of Ukraine, protection of children's rights, martial law, post-war period, domestic violence, administrative legislation.*

The full-scale war that continues in Ukraine does not stop the commission of the offences that were widespread in the country even before its beginning. Currently, particular concern is caused by the involvement of children in armed conflicts. All

this not only deprives a child of the opportunity to develop harmoniously and receive education, but also harms their health, leads to illnesses, and ultimately affects their legal consciousness. Therefore, the implementation of the modern state policy and strategy aimed at further development of the national mechanisms for the protection of the child and their adaptation to the international requirements and standards, and at changes in the social and public life of the society, becomes especially important.

In conditions of the military actions, the protection of the children's rights lacks the special norms of national legislation, and there is inconsistency with the international standards. This creates a 'gap' between law and the reality and, as a result, leads to inconsistency in providing the special protection to children during the armed conflicts.

By defining the childhood protection and the safeguarding of the children's rights as a strategic national priority that plays a crucial role in the national security, the regulatory mechanisms and principles of the state, alongside the designated public administrative bodies, contribute to the expansion of the social and legal guarantees for the protection of the children affected by the domestic violence, to ensuring the cultural and legal development of the adolescents, to the socio-economic uplift and development of the modern youth, and to the establishment of the cooperation in addressing the socio-economic and legal challenges for the protection of the rights and lawful interests of the minors in Ukraine.

To protect the rights of a child affected by the domestic violence, it is necessary to involve the following state bodies and services:

- units of the National Police of Ukraine;
- child protection services;
- guardianship and trusteeship authorities;
- educational management bodies and educational institutions;
- healthcare authorities and medical institutions.

The contemporary conditions of the Ukrainian society are largely determined by the increased danger caused by the large-scale military aggression. This results in the factors that shape the family relations, in particular:

- ✓ extensive mobilization of men and women, which disrupts the usual order of the household relations, psychological trauma among the combatants and those who remain at home;
- ✓ widespread post-traumatic stress disorder;
- ✓ changes in the population migration: the relocation from the rural to urban areas, the changes of the region, employment, or even country of residence;
- ✓ financial and economic changes in the households caused by the nationwide destruction of business and property;
- ✓ increased unemployment and involvement in the recovery efforts;
- ✓ changes in the cultural environment influenced by all the above-mentioned factors.

The children rights are the special guarantees necessary for the persons under 18 to live and reach maturity. However, the Russian Federation constantly violates the children's rights, and the most widespread crimes include: the use of the

prohibited means and methods of the warfare; the denial of the humanitarian access; kidnapping and illegal transfer of children; the recruitment and use of children in hostilities; killing and maiming of children; rape and other forms of the sexual violence against children; the attacks on schools, hospitals, extracurricular institutions, and the protected persons linked to them; blocking the evacuation of children from the combat zones, etc. These are the international crimes against Ukrainian children which have no statute of the limitation.

During martial law, the National Police protects the children's rights through organizing the evacuation, delivering the humanitarian aid, searching for missing children, countering the domestic violence and the offences against children. Their work also includes the preventive activities with IDP families, assistance to affected children, responding to bullying, and returning deported children. The juvenile protection units play a particularly important role, cooperating with the social services and NOGs.

National and international legislation provides the mechanisms for protecting children's rights during the armed conflicts, but if one of the parties fails to comply with its obligations, the implementation becomes difficult. Nevertheless, the Ukrainian government, people of Ukraine, and the international community, alongside the sanctions imposed on the Russian Federation, have activated these mechanisms, particularly those aimed at restoring and protecting the children's rights. Ukrainian citizens are well informed about the aid programmes and opportunities for work and accommodation abroad.

The foreign governments provide the temporary shelter or encourage their citizens to do so; they ensure the access to the medical care and organize schooling and the extracurricular activities for Ukrainian children. In addition to the defence efforts, the evacuation mechanisms in Donetsk, Luhansk, Kharkiv, Kherson and other regions have been strengthened, as well as the humanitarian aid delivery systems. The awareness-raising measures on the actions during the air raids have been intensified. The mechanisms for documenting all offences, including the crimes against children, have been established. The registration of the internally displaced persons and those who have obtained the temporary protection or the refugee status is conducted. The civil defence shelters have been prepared in parallel.

In our opinion, a national social programme for preventing and combating the domestic violence against children must be developed, with clearly defined powers of all the actors involved, including a detailed description of the competences of the National Police.

We also believe that a new specialized judicial and legal system for protecting the rights of the minors should be created. Such a system must include the courts competent to consider the administrative cases involving the minors and to administer justice in the matters of the juvenile offences. It must also involve the institutions responsible for monitoring the correction and rehabilitation of the juvenile offenders, preventing the juvenile delinquency, and ensuring the psychological and social protection of the families and children. This system must rely on the study and

implementation of the international experience, particularly regarding the use of the mediation for resolving the criminal-legal conflicts.

It should also be noted that, for example, the insufficient number of the juvenile prevention officers, their heavy workload, and their engagement in the operational activities prevent them from conducting preventive work with children at an appropriate level.

The legal status of children under current conditions has been studied by the Ukrainian scholars such as O. Vinglovska, S. Indychenko, S. Kotaleychuk, N. Krestovska, E. Libanova, O. Marczeliak, N. Onyshchenko, S. Sunyyechin, L. Tarasenko. Certain aspects of the child protection during the hostilities were addressed by M. Antonovych, M. Hnatovskyi, N. Denysov, I. Likashuk, M. Dutli, A. Matsko, V. Repetskyi, Yu. Sktrypnuk, Yu. Shemshuchenko and others.

However, the research on the protection of children's rights during wartime in Ukraine remains particularly relevant because children are the most vulnerable group of the populations. At the same time, the child protection is ensured through a system of the measures and tools aimed at safeguarding their legal status, alongside the activities of the authorized bodies, especially the national police, which must ensure the conditions for implementing these measures.

Currently, national legislation does not fully meet the requirements of the law enforcement practice in this field, which is reflected in the lack of a unified legal definition of the term 'child'; the imperfections in the procedures for ensuring the child protection; the fragmentation and duplication of the powers among the child-protection bodies; and the absence of a specialized institution or court responsible for the child-related matters. Thus, these circumstances necessitate the generalization of the theoretical and practical issues of the administrative and legal mechanisms for protecting the children's rights, intending to form a new conceptual approach to the functional nature of the National Police in this area during wartime, ensuring the safe and comfortable living conditions for children, and resolving the conflicting issues in law-enforcement practice.

Therefore, the study and development of the comprehensive, theoretically grounded, practical, well-justified recommendations for improving the legal framework for the child protection, as well as optimizing the system and activities of the administrative bodies responsible for protecting children's rights during wartime in Ukraine, justify the relevance of the research.

The purpose of the work is to provide a new scientific solution regarding the administrative and legal protection of the children's rights in Ukraine, as well as to examine the directions of the activity of the National Police in ensuring the protection of children's rights under martial law and in the post-war period, and to develop the effective recommendations for improving administrative legislation in this field.

To achieve this purpose, the following objectives must be addressed:

- to analyze the current state of ensuring the protection of the children's rights under martial law and in the post-war period;
- to study the international standards of the child protection and the basis for their protection at the national level;

- to examine the concept and system of the administrative and legal protection of children's rights in Ukraine;
- to identify the problems in protecting children's rights during wartime;
- to study the activities of the juvenile prevention units of the National Police in ensuring the child protection under martial law and in the post-war period;
- to analyze the implementation of the "Educational Safety Officer" project as a form of protecting the educational environment and children under martial law and in the post-war period;
- to analyze the interaction between the educational institutions and the National Police in protecting children's rights under martial law and in the post-war period;
- to study the activities of the National Police of Ukraine and the civil society in protecting children's rights under martial law and in the post-war period.

The object of the study is the social relations arising in the course of the National Police activities aimed at ensuring the protection of children's rights under martial law and in the post-war period.

The subject of the study is the administrative and legal mechanism for protecting children's rights.

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## **WORK IN THE AGE OF AI: SOCIETAL FEARS IN MODERN SOCIETY**

Artificial intelligence has really transformed the global economy. For instance, you can just work at your computer and let AI code for you, perform big data analysis or come up with interesting content in a moment. It really sounds like a technology miracle that can make our lives easier, but is that the case?

To begin with, one cannot forget that our attitudes towards this technology are not solely an economic issue but also a psychological one. Anxiety about AI is an emerging important psychological problem for modern society since it is a reflection of people's deeper worries about the future of work, security, and their role in a technology-driven world. Even though many are very positive about these changes, a large segment of the population actually views AI development as a threat to their well-being rather than a mode of progress.

Usually, we associate AI with a sci-fi movie or a futuristic idea, but the truth is that it is already altering our environment. What scares most people is the very simple fact that workers will be displaced. In fact, the human skills threat is our "new reality" at the contemporary workplaces which range from automated customer



service chatbots to systems capable of drafting legal documents. Mass unemployment is expected by many as the outcome of AI and, unfortunately, the media headlines that sell well on the topic are only adding to these fears without providing facts.

The information environment is a key factor in creating such fears. The media and social platforms tell the story of 'people versus machines' by presenting the most terrifying scenarios lay-offs, disappearing jobs and the loss of human touch in the workplace. Like the spreading of fake news, the more emotional and scary the headline the faster it gets popular. Consequently, fear arises not from someone's experience but from seeing the same media images of a future without people over and over again.

Moreover, the perception of AI arises from a very strong feeling of the unknown. Globally, the workforce's hopes and fears are becoming more and more polarized. On the one hand, they feel anxious that the skills they possess today might become irrelevant even before they have a chance to acquire new ones. This is in contrast to the previous waves of industrial revolutions as development of AI is happening so fast that there is very little time for adjustment. Naturally, this leads to stress on a psychological level since the fear of being replaced causes drop in work satisfaction and raising of anxiety levels, even in those sectors where automation is far from being a main factor.

However, recent economic observations show a more nuanced picture. Analytical reviews indicate that at the current stage, AI is more likely to transform work than completely destroy it. In many companies, the introduction of AI is accompanied not by mass layoffs, but by changes in employee functions and the creation of new roles related to control, training, and technology integration [1].

Research from academic sources emphasises that the impact of artificial intelligence on employment is complex and context-dependent. Despite this, in the age of artificial intelligence, human roles that require problem solving, creativity or interpersonal skills are becoming increasingly valuable. The future of work will depend not only on the pace of technology adoption, but also on how education systems, workplace training and labour policies support workers in adapting to these changes [2].

The problem is that the process itself is unbalanced. New jobs, in general, require a high level of digital literacy and access to training. Those employees, whose jobs are mainly based on routine administrative or physical tasks, will not only be under greater pressure but also become more marginalized. That is why fear of AI often assumes a social dimension as it leads to greater inequalities between different groups of employees and regions.

It should be also kept in mind that fear of AI is not only about losing one's income but it is also linked to the fear of losing human control. For instance, people are worried that algorithms will decide major things without human interventions, e.g., from hiring decisions to evaluating employees. The notion of 'algorithmic management' is one source of anxiety since employees cannot always track how they are being judged. On top of that, in many countries, laws governing the use of AI in

the workplace are very scattered, which only intensifies the sense of instability and distrust.

Surveys of employee attitudes show that the need for upskilling has become one of the main topics in today's employment market. About a third of employees seriously fear that their jobs may be automated, but at the same time, most recognise the need to adapt. Younger generations are more likely to perceive AI as a tool for reducing routine tasks and increasing efficiency, while older employees show higher levels of scepticism and anxiety [3].

To better understand the situation, it is important to pay attention to the following general trends:

- most employees recognise the need to develop new skills in the coming years;
- in sectors where AI is being actively implemented, there is often a redistribution of roles rather than a reduction;
- a significant proportion of employees believe that employers do not provide sufficient training to work with new technologies;
- demand for specialised AI professions is growing much faster than for traditional office roles.

Some analytical materials emphasise that fears about AI often precede real changes in the labour market. Employees who already use AI tools regularly tend to show a higher level of trust in technology and fewer concerns about their own replaceability. This suggests that fear is largely related not to AI itself, but to a lack of experience in dealing with it [4].

In conclusion, societal worries about AI are justified on one hand, but on the other hand, they do not indicate the end of the world scenarios for the future work. AI does not act as an alien force that will just do away with humans rather, it is a tool whose effects entirely depend on how society decides to use it.

The first step to handling the situation is not to panic, but to hone our critical thinking skills, keep ourselves abreast with the latest economic data, and invest in education. If the society turns its attention to adaptation and learning throughout life, AI can be viewed as a helping hand in work situations instead of a threat.

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## **THE IMPACT OF LAW ENFORCEMENT COMMUNICATION ON THE ENHANCEMENT OF PUBLIC TRUST IN THE LEGAL SYSTEM**

Effective communication by law enforcement is a key factor in building public trust in the legal system, as it directly shapes citizens' perception of state institutions and enables swift engagement with the community. In a crisis, better understanding citizens' needs, motives, and emotional state, while demonstrating respect and support, which contributes to building stronger trust in the police.

Moreover, effective communication enables law enforcement to prevent aggression, facilitates prompt responses to potential conflict escalation while fostering a favorable public image of the National Police of Ukraine, a service-focused and human rights-oriented organization. Consequently, communication competencies play a dual role - facilitating professional cooperation while also enhancing the effectiveness of policing and reinforcing societal trust in the legal system.

According to O. F. Skakun, legal culture depends significantly on the population's understanding of legal norms and their willingness to comply with them. It includes both a formal (legislative) component and an informal one (the advancement of legal educational frameworks, compliance with legal norms, legal activity of citizens). A key determinant of legal culture formation is exerted by modern philosophy, which treats man as a focal point of cultural and social development, the level of citizens' legal awareness and their culture of interaction with public authorities shape the population's readiness to cooperate and their trust in institutions. [1].

According to Pakulova T. V., communication skills constitute a crucial element of police officers' professional training and directly influence the effectiveness of their interactions with citizens [2]. In combination with the law-making subsystem, which covers the processes of creating and improving regulatory legal acts, communication becomes a mechanism for implementing not only laws, but also public awareness and civic responsibility trust in these laws and institutions..

Citizens tend to experience greater trust and perceive less threat in face-to-face encounters when law enforcement officers initiate communication with clear and transparent explanations of their intentions [3]. Such openness enables individuals to better understand the rationale behind police actions, reduces anxiety about potential sanctions, and increases their willingness to cooperate during investigations.

Moreover, transparent communication fosters a sense of public involvement and oversight in justice processes, minimizes the likelihood of conflicts and misunderstandings, and contributes to building a positive image of law enforcement agencies in the media and on social networks. At the community level, these practices promote a culture of mutual respect and enhance citizens' sense of social responsibility.

Transparency in Interaction between law enforcement bodies and the community is regarded as a fundamental component for boosting public confidence and the perceived legitimacy of policing activities. [4]. It is manifested through timely informing citizens about the causes along with the consequences stemming from operational and procedural practices, openness of public reports, availability of contacts for consultations and appeals, alongside proactive engagement in media outlets and online networks.

Transparency helps consolidate societal trust and supports effective cooperation with law enforcement. creates a sense of fairness and predictability of police actions, which reduces social tension and enhances the effectiveness of security measures. Under conditions of transparent communication, the public is afforded the opportunity to assess police actions, which strengthens the long-term legitimacy of the agency and contributes to increased societal trust in the entire legal framework.

In addition, constant feedback between the relationship between community members and law enforcement officers facilitates for timely identification of problem situations and addressing the community's needs, which strengthens public feelings of safety and promotes active citizen participation in law enforcement processes. Such a strategy contributes to the formation of a culture of mutual respect, trust and responsibility, strengthens collaborative relationships between society and the police, which lay the groundwork for social stability.

Professional communication skills enable law enforcement officers to interact efficiently with citizens, facilitating understanding, cooperation, and compliance skills, combined with open and timely information, not only increase the operational effectiveness of law enforcement and simultaneously contribute to cultivating legal culture, citizens' sense of social responsibility, and a positive image of institutions, which ultimately strengthens promoting social stability through adherence to legal frameworks

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## **PUBLIC COMMUNICATION OF GOVERNMENT AUTHORITIES AS A FACTOR OF PUBLIC TRUST IN SOCIETY DURING WARTIME**

The theoretical foundations of public communication under martial law are based on understanding it as a systemic interaction between public authorities, institutions, and society, aimed at ensuring stability, security, and public trust through timely, reliable, and strategically structured information dissemination. Crisis communication theory is of particular importance, as it substantiates the principles of timeliness, transparency, credibility, and consistency of messaging during emergency situations [1].

The concept of strategic communications (StratCom) presupposes the coordination of actions among state institutions in order to develop a unified informational narrative and counter disinformation [2]. Information security theory emphasizes the protection of the national information space from propaganda, fake news, and psychological influence, while the theory of media social responsibility highlights the necessity of disseminating truthful information with due consideration of national security interests.

During martial law public communication performs the functions of informing, coordinating, mobilizing society, maintaining public morale, and neutralizing information threats. Its effectiveness is determined by the level of public trust, the clarity of messages, and the balance between transparency and security [3].

The tools and mechanisms of government communication during wartime constitute a complex of organizational, informational, and technological measures aimed at ensuring continuous public information, coordinating actions, and maintaining societal resilience [2]. A key instrument consists of official communication channels - speeches by public officials, briefings, press conferences, official websites, social media pages etc. - which ensure the timeliness and credibility of information dissemination. National media platforms also play an important role, particularly the format of a unified information marathon, such as "United News", which contributes to the coherence of information policy and the formation of a shared public information agenda [3].

A significant mechanism is strategic communications, which involve interagency coordination of messaging, the development of a unified narrative, and countering disinformation. In this context, an important role is performed by the Center for Strategic Communications and Information Security, which monitors the information space and conducts explanatory and awareness-raising activities [4]. Digital services and mobile applications, in particular “Diia”, also serve as important tools ensuring prompt communication with citizens and access to public services even under wartime restrictions.

A distinct mechanism is crisis communication which involves rapid response to emergency events, regular updates of information, and clear explanations of security requirements. Feedback instruments also remain important - hotlines, official chatbots, and electronic public reception platforms - which make it possible to take citizens’ needs into account and reduce the level of social tension. The effectiveness of these tools is determined by their coherence, transparency, technological accessibility, and the level of public trust in state institutions. The impact of public communication on the level of public trust is determined by the quality, consistency, and transparency of the state’s information policy, particularly in times of crisis or under martial law. Public communication shapes citizens’ perceptions of the competence, openness, and responsibility of the authorities, which directly influences the legitimacy of managerial decisions and society’s willingness to support them. Trust constitutes a key resource for societal stability, while effective communication serves as a mechanism for its accumulation and maintenance [5].

Regular, truthful, and clear communication reduces uncertainty and anxiety, prevents the spread of rumors and disinformation, and strengthens citizens’ sense of involvement in a common cause. Conversely, contradictory messages, concealment of information, or communication mistakes can lead to a crisis of trust, intensifying social tension, and decrease the level of support for state institutions [5]. An important factor is also the emotional component of communication - empathy, acknowledgment of difficulties, and open dialogue with society increase the level of psychological resilience and social consolidation.

During wartime, public communication performs not only an informational but also an integrative function, uniting citizens around shared values and goals. Trust is built through the consistency of the authorities’ words and actions, the alignment of official statements with real events, and the ability to respond promptly to emerging challenges. Thus, effective public communication serves as a strategic instrument for strengthening public trust, influencing the level of civic engagement, national unity, and the resilience of the state in times of war.

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## **EXTRADITION IN UKRAINE: LEGAL ANALYSIS**

**Abstract.** The article deals with the problem of extradition in Ukraine at present. A definition of this concept is given. The procedure of extradition in Ukraine is detailed. The legal bases for the extradition procedures in Ukraine are mentioned. The principles of double criminality and the prohibition of extradition for the political offences, the principle of speciality, and the principle of the prohibition of double jeopardy are analyzed. Some proposals for improving the procedure of extradition are given.

**Key words:** *extradition, Criminal Code of Ukraine, principle, procedure, human rights.*

Extradition, as a procedure for the surrender of the persons subject to criminal prosecution, belongs to the fundamental mechanisms of international legal assistance. Its importance increases in the context of interstate coordination of criminal prosecution and the enforcement of the judgments that carry weight both at the national and international levels.

Against the backdrop of the full-scale armed aggression of the Russian Federation against Ukraine, the institution of extradition has again come to the forefront of the international legal community. The issues of the accountability for the war crimes, crimes against humanity, and the deportation of civilians, including



children, have highlighted the need for an effective mechanism of the interstate cooperation in the field of criminal justice. Extradition, as a legal instrument to ensure the punishment of the offenders, has become not only an element of legal theory but also a practical response to contemporary challenges.

The essence of extradition lies in the official process of transferring a person from one state to another, usually the one that initiated the criminal prosecution or rendered the judgment. Such an approach allows the states to cooperate within the legal mechanisms without violating each other's sovereignty.

One of the key difficulties in extradition procedures is the absence of a universal approach to defining what constitutes a political offense. This legal uncertainty often complicates decision-making regarding the surrender of a person. At the same time, it should be noted that the generally recognized principle of non-extradition of the political offenders does not extend to the individuals who have committed the international crimes such as the genocide, crimes against humanity, or war crimes. In such cases, extradition is considered mandatory, and the restrictions related to the political status of an individual do not apply. A more detailed analysis of the principles concerning this issue will be presented in the following subsection.

The legal status of the persons seeking the asylum is also of particular importance. They cannot be subjected to the repressive measures, including denial of entry at the border or forcible deportation to a country where they face the threat of persecution. The exceptions to this general rule are possible only in cases where there are compelling grounds related to national security or the protection of the host state's citizens.

Another noteworthy aspect is extradition of the individuals who are the citizens of third states. International law does not impose a mandatory requirement for their extradition. In each case, the decision is usually made at the discretion of the state that received the request. However, in making such a decision, it may be necessary to coordinate with the state of which the individual is a citizen [5, p. 12].

Historically, an important criterion in extradition is the so-called principle of double criminality, which requires that the act in question be considered a criminal offense in the legislation of both the requesting and requested states. This principle dates back to 1887 and was initially intended to ensure reciprocity in law enforcement. Later, it also began to play a protective role for the individual subject to extradition, preventing surrender in cases where the act is not a crime in the requested state.

In addition to modern doctrinal approaches, attention is also drawn to the classical definitions reflected in the works of the renowned foreign legal scholars. Extradition was defined as the procedure of transferring an accused or convicted person to the state in whose territory the offense was committed or which issued the judgment in the case, provided that the person is located in another state at the time of the request [4, p.156].

Summarizing the above, most scholars equate the concepts of «extradition» and «surrender of the offenders». In legal literature, these terms are used



interchangeably, as they share the same legal nature of transferring an individual from one jurisdiction to another for the purposes of justice.

Extradition, as a procedural form of international cooperation in criminal justice, has a clearly defined normative framework, which includes both domestic and international law. The proper legal regulation and implementation of this institution ensure the effective fight against impunity, especially in the context of global challenges, armed conflict, and transnational crime [7, p.306].

National regulation of extradition is enshrined in the Criminal Procedure Code of Ukraine (CPC of Ukraine), particularly in Chapter 9 of Section III. According to Article 541 CPC, extradition is the surrender of a person who is located in Ukraine or abroad to the competent authorities of a foreign state for the criminal prosecution or enforcement of a judgment.

The procedure of extradition is set out in Articles 552–557 of the CPC of Ukraine, which establish:

- Article 552 defines the powers of the authorities that receive and consider requests (Ministry of Justice, Office of the Prosecutor General);
- Article 553 provides for the temporary arrest of a person located in Ukraine at the request of a foreign state;
- Article 554 sets out the procedure for applying to the court for the temporary arrest;
- Article 555 regulates the procedure of the extradition arrest;
- Article 556 provides for the verification of the grounds and obstacles to extradition;
- Article 557 defines the procedure for the actual transfer of the person to the foreign state.

These provisions not only formalize the extradition mechanism but also establish the safeguards against the possible abuses, including the judicial control of the arrests, the right to defense, and verification of compliance with the human rights.

Article 589 CPC of Ukraine should also be noted, which provides that in the event of a conflict between the provisions of domestic criminal procedure law and the international treaties ratified by the Verkhovna Rada of Ukraine, the provisions of the international treaties apply. This directly demonstrates the primacy of international law in the extradition cooperation.

In 2023, the International Criminal Court (ICC) issued arrest warrants for V. Putin and M. Lvova-Belova in connection with the forced deportation of Ukrainian children. This precedent is unique as it demonstrates the global significance of extradition in response to the war crimes, even if the accused is a sitting head of state. Despite Russia's refusal to recognize ICC jurisdiction, the states parties to the Rome Statute are obliged to arrest and surrender such persons [7, 2, 8].

At the same time, even when the formal grounds for extradition exist, respect for the fundamental rights of the individual to be surrendered is decisive. That is why the case law of the European Court of Human Rights plays an important role in determining the admissibility of extradition in the specific cases.

The legal basis for the extradition procedures in Ukraine is domestic criminal procedure law, primarily the provisions of Chapter 9 of Section III of the CPC of Ukraine. In addition, the procedure for the international cooperation in this area is regulated by the relevant Instruction approved by the Ministry of Justice, as well as the provisions of the international treaties to which Ukraine is a party. These include the multilateral conventions, such as the 1957 European Convention on Extradition, as well as bilateral treaties on legal assistance concluded by Ukraine with other states [1, p. 29].

Over time, the institution of extradition has evolved under the influence of the political changes, growing interdependence between the states, and the development of the human rights. In modern conditions, the surrender of the persons who have committed the criminal offenses has become an integral part of the international legal order. Extradition is not seen as a form of the punishment; rather, it is a mechanism that ensures the prosecution of a guilty person within the jurisdiction of the competent state. Its main purpose is to prevent impunity and guarantee fair justice, regardless of the state borders.

Ukraine actively engages in the international legal cooperation, particularly in the extradition of the offenders, by concluding the numerous bilateral treaties with foreign states. These agreements cover mutual legal assistance in criminal and civil proceedings and regulate extradition. Today, such agreements have been signed with the countries such as China, Poland, Lithuania, Moldova, Canada, Mongolia, and others, indicating broad cooperation in this field. Within this normative framework, the key principles of the modern extradition model stand out. They define the lawful limits of extradition.

In international law, extradition is a tool that enables the states to prosecute the persons hiding abroad or ensure the enforcement of judgments. However, this institution is not absolute; it functions based on the clearly defined conditions and principles that ensure both effective international cooperation and the protection of the fundamental human rights.

One of the key conditions directly influencing the possibility of extradition is the principle of double (mutual) criminality. Its essence is that a person may be surrendered only if the act is recognized as a criminal offense under the laws of both the requesting and requested states.

The legal nature of the principle of double criminality is based on several justifications:

- State sovereignty – no state is obliged to assist in prosecution if the act is not a crime under its own legal system.
- International solidarity – ensuring consistency in the fight against crime and mutual respect between jurisdictions.
- Legality – ensuring compliance with the doctrine *nullum crimen, nulla poena sine lege* (“no crime and no punishment without law”).

This principle also has a protective function for the rights of the person, as it prevents the restrictions on freedom for the acts that do not entail criminal liability in both countries. A notable example was the 1983 kidnapping of beer magnate Alfred

Heineken. A French court refused to extradite the suspects, citing that the 1898 treaty between France and the Netherlands did not provide for extradition for the kidnapping of adults, only children. This showed that even the socially dangerous acts may fall outside extradition due to the formal legal limitations [3].

Today, the principle of double criminality is usually explicitly enshrined in international treaties on legal assistance. According to established practice, extradition is carried out only if both legal systems have a corresponding criminal provision that qualifies the act as an offense.

Another important principle is the prohibition of extradition for the political offenses. According to Article 3 of the 1957 European Convention on Extradition, a request shall not be granted if the offense is political in nature. This principle is intended to prevent the use of extradition to persecute the political opponents, protesters, or opposition figures. At the same time, in view of the new security challenges, many international instruments and judicial practices clearly establish that the offenses such as the terrorism, genocide, war crimes, and crimes against humanity are not considered political and therefore do not fall under this protection. Thus, political motivation alone cannot justify refusal to extradite in the cases of the serious violations of international humanitarian law.

Equally significant is the principle of non-extradition of the nationals. Article 25 of the Constitution of Ukraine explicitly prohibits the surrender of the Ukrainian citizens to another state. Accordingly, if a person commits a crime abroad and returns to Ukraine, the Ukrainian authorities may initiate criminal proceedings under national jurisdiction but cannot transfer the person to another state for trial. This approach is consistent with the internationally recognized standards and is provided for in many legal systems worldwide.

Another condition allowing the implementation of an extradition request is the existence of an appropriate international treaty or, in its absence, the principle of reciprocity between the states. This mechanism is provided for in Article 574 CPC of Ukraine, which states that extradition is possible only on the basis of a treaty or with a guarantee from the requesting state of reciprocal execution of the similar requests.

Another recognized principle is the principle of specialty, which provides that a person surrendered to a foreign state may be prosecuted only for the offense for which they were extradited. This principle guarantees that extradition will not be used abusively by the requesting state, which, having obtained the person, should not prosecute them for other acts outside the original request. It ensures legal certainty and trust between the cooperating states.

This system is complemented by the principle of non bis in idem, or the prohibition of double jeopardy. Under this principle, a person who has already been convicted or acquitted of a particular act cannot be prosecuted again for the same circumstances. This principle is enshrined in Article 4 of Protocol No. 7 to the European Convention on Human Rights, as well as in the numerous international extradition treaties. It is aimed at ensuring legal stability and preventing the misuse of extradition for the repeated punishment.

In addition to the general principles, legislation also sets the specific legal conditions under which extradition may or may not be carried out. An important part of the regulation is the grounds for refusing extradition. These guarantees play an important role in protecting the rights and interests of the person subject to international prosecution and act as a safeguard against the violations of the fundamental rights. In Ukraine, such provisions are contained in Article 589 of the CPC. For example, the law provides that surrender (extradition) is not allowed if the person is a Ukrainian citizen at the time of consideration. This is a generally accepted practice in many countries, as the protection of the nationals is considered a priority of state sovereignty. In such cases, the Ukrainian citizens who commit the crimes abroad may be prosecuted domestically but cannot be extradited. In addition, the prohibition of extradition in cases of risk of the death penalty or inhuman treatment reflects Ukraine's commitment to the international human rights standards.

Another ground for refusal is that, under Ukrainian law, the alleged act is not punishable by the imprisonment. Thus, if the offense for which extradition is requested is minor or does not provide for imprisonment under domestic law, the state has the right to refuse the request. This condition aligns with the principle of proportionality in criminal justice and avoids excessive interference with the individual rights [6, p. 91-92].

An important safeguard is also the statute of limitations for both prosecution and enforcement of judgment. If the relevant time limits have expired under Ukrainian law at the time of the request, the person cannot be extradited. This rule, enshrined in the CPC, corresponds to Article 10 of the European Convention on Extradition, which states that extradition is not carried out if the statute of limitations has expired under the laws of either the requesting or requested party.

Another ground for refusal is the absence of the sufficient evidence or documents that the requesting state must provide. During the extradition review, the Ukrainian authorities may require the additional information or supporting materials, without which a reasoned decision is impossible. If the requesting state fails to provide such materials within the set timeframe, this constitutes a legal ground for refusal. This practice is not only enshrined in Ukrainian law but also in Article 10 of the European Convention, confirming its compliance with the international standards.

The final stage of extradition is provided for in Article 593 of the CPC. After a decision on surrender has entered into force, the central authority of Ukraine issues the instructions to the competent bodies regarding the actual transfer of the person. The transfer must take place within fifteen days of the scheduled date, with the possibility of extension to thirty days. If the transfer does not take place even then, the person must be released.

During the actual transfer, the requesting party receives the information on the period a person spent in custody in Ukraine. If a person is extradited to Ukraine, their transfer to the correctional facilities is ensured by the competent authorities of the state, following the instructions of the central authority.

Thus, extradition in Ukraine is a complex set of procedural actions aimed at fulfilling the international obligations in criminal prosecution while ensuring the

protection of individual rights. It includes the preparatory actions (detention, arrest, verification of obstacles) and main stages (review of request, decision-making, actual transfer or refusal).

A significant role is given to the legal status of the person to be surrendered, the grounds for extradition, compliance with detention periods, voluntary consent procedures, and the possibility of appeal. Analysis of the CPC norms combined with international treaties and European Court of human Rights practice shows the importance of assessing the humanitarian risks and guaranteeing fair review in each case.

Extradition cannot be reduced to a mechanical transfer of a person; it must comply with the principles of the rule of law, protection of dignity, and prevention of human rights violations.

In the context of the full-scale war in Ukraine, this issue acquires not only a legal but also a security dimension, as it concerns the prosecution of the persons who have committed the particularly serious crimes, including the war crimes, corruption, and crimes against humanity. However, even under such circumstances, the state cannot neglect its obligations in the field of the human rights, including the prohibition of torture, protection of the refugees, and prohibition of political persecution.

The theoretical approaches analyzed lead to the conclusion that extradition has both procedural and interstate character. It is not merely the transfer of a person but a complex process – from receiving the request to actual surrender – taking into account the international standards of humane treatment, legal certainty, and proportionality. Ukrainian legislation provides a fairly clear regulation of extradition, largely corresponding to the 1957 European Convention. At the same time, there are aspects requiring improvement, particularly in the simplified procedures, voluntary consent verification, and prevention of excessive detention without justification.

Among the conditions affecting admissibility, special importance is given to the principles of double criminality, non-extradition of the nationals, specialty, and the prohibition of surrender to states where there is a risk of torture or inhuman treatment. These principles ensure fairness in a procedure always linked to restrictions on personal liberty. Research shows that international practice, particularly the European Court of human Rights decisions, plays a key role in shaping the approaches to interpreting the limits of admissibility. Even when the formal legal conditions are met, the states are obliged to additionally assess risks for the individual, including detention conditions abroad.

The analysis of extradition in Ukraine shows that it consists of a series of the sequential procedural actions, beginning with detention, temporary or extradition arrest, verification of the obstacles, and ending with transfer or refusal. Persons subject to extradition are granted the procedural rights, including the right to counsel, translation, participation in hearings, access to the request, and the possibility to initiate the simplified procedures. However, the practice shows that formal compliance with the law does not always ensure the full realization of these rights, particularly regarding access to lawyers or translation during the voluntary consent.

The detailed analysis of each stage provided by the CPC allowed identification of the existing conflicts, such as the absence of independent review of voluntary consent or ambiguities in the correlation between the CPC norms and international treaties. Even with the clear procedures, implementation may face the difficulties ranging from the lack of the evidence to the risks of violating the international guarantees, confirmed by the precedents.

In conclusion, the institution of extradition in Ukraine generally complies with the international standards but requires systemic adaptation in light of the modern challenges. This concerns not only the legislative norms but also their practical application. Ukraine must consider not only the international treaties but also European Court of Human Rights case law as guidance for interpreting the European Convention on Human Rights. The future development of extradition should focus on strengthening the guarantees for the individual, improving procedural clarity, and ensuring real access to judicial protection. This issue is particularly relevant during the armed aggression, when effective yet fair extradition is an element of the struggle for truth, accountability, and justice both in Ukraine and globally.

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## **EUROPEAN STANDARDS OF LANGUAGE POLICY AND THEIR IMPLEMENTATION IN UKRAINE**

Language policy in contemporary Europe extends far beyond the regulation of linguistic communication. It serves as an important instrument of constitutional identity, state sovereignty, and the protection of human rights. In the context of Ukraine's ongoing legal reforms and its gradual integration into the European legal and political space, aligning national language legislation with European standards has become increasingly relevant. Modern research emphasizes that language policy plays a crucial role in shaping national identity and strengthening democratic governance, particularly in states undergoing institutional transformation [3].

European standards in language policy are largely developed within the institutional framework of the Council of Europe. One of the most important mechanisms in this area is the monitoring system established under the European Charter for Regional or Minority Languages. The monitoring reports assess how states implement their commitments to protect regional and minority languages while maintaining the status of the official state language. The Charter promotes the preservation of linguistic diversity as part of Europe's cultural heritage and encourages states to adopt flexible models of language protection depending on their constitutional traditions and social conditions [1].

Another key international instrument is the Framework Convention for the Protection of National Minorities. The Convention provides broader guarantees related to the protection of minority identity, equality, and non-discrimination. Monitoring bodies emphasize that linguistic rights should be understood not only as formal guarantees but also as practical opportunities to use minority languages in education, media, and public life. The Council of Europe's advisory mechanisms, therefore, evaluate the implementation of minority rights in national policies and administrative practices [2].

Within Ukraine, language policy is closely connected with broader processes of nation-building and state consolidation. Academic studies underline that language often functions as a powerful symbolic resource in the formation of national identity and collective solidarity [3]. The development of language legislation in Ukraine has been influenced by both domestic political transformations and international obligations related to the protection of minority rights.

The European integration process has also had a noticeable impact on Ukraine's language policy. According to the European Commission's enlargement assessments, the country continues to align its legislative framework with European democratic standards, including those concerning the protection of minority rights

and cultural diversity [5]. Such alignment requires not only legislative reforms but also the development of transparent administrative mechanisms and effective institutional monitoring.

At the same time, language policy in Ukraine must be analyzed within the broader socio-political context. The Russian-Ukrainian war has significantly influenced patterns of language use and public attitudes toward linguistic identity. Empirical studies indicate that the war has strengthened the symbolic and political significance of the Ukrainian language, contributing to shifts in everyday language practices and reinforcing its role as a marker of national resilience and solidarity [6].

Another important dimension concerns the development of foreign-language policy, particularly the promotion of English across public administration, education, and international cooperation. Recent studies highlight that the institutionalization of English-language policy reflects Ukraine's broader strategic orientation toward European and global integration [4].

Thus, contemporary European language policy is characterized by a dual objective: ensuring the effective functioning of the state language while safeguarding linguistic diversity and minority rights. Ukraine's legislative and institutional development generally follows this European paradigm. Nevertheless, further progress requires the consistent implementation of international standards, improved institutional coordination, and the development of balanced policies that combine the protection of national identity with respect for linguistic pluralism. The long-term effectiveness of language policy, therefore, depends not only on legislative provisions but also on their practical implementation within democratic governance structures.

### **Practical Implementation of European Language Policy Standards in Ukraine**

The effective implementation of European language policy standards in Ukraine requires the development of practical institutional mechanisms that translate legislative provisions into everyday administrative and educational practices. One important direction is the integration of European language policy principles into the national education system, particularly through the adoption of competency-based language training aligned with the **Common European Framework of Reference for Languages (CEFR)**. The CEFR provides a standardized system for evaluating language proficiency and designing educational curricula that facilitate international academic mobility and professional cooperation within Europe [7]. The application of CEFR-based assessment allows Ukrainian educational institutions to ensure transparency and comparability of language qualifications with those recognized across the European Higher Education Area.

Another important practical dimension concerns the strengthening of multilingual competencies within public administration and civil service. European research highlights that multilingual communication skills are essential for effective participation in international governance structures and cross-border cooperation. Consequently, many European countries have introduced structured language training programs for civil servants, diplomats, and law-enforcement officers who participate in international cooperation mechanisms [8]. For Ukraine, the development of similar



training programs within institutions of higher education, diplomatic academies, and public administration schools would facilitate the practical implementation of European standards while also improving institutional capacity for international collaboration.

In addition, digital learning technologies and online language-training platforms may significantly enhance the accessibility and effectiveness of language education. The integration of digital learning environments, adaptive language-learning systems, and international certification mechanisms can help create flexible lifelong learning opportunities for public servants and professionals involved in international cooperation. Such measures would contribute to the sustainable implementation of European language policy standards and strengthen Ukraine's institutional readiness for deeper European integration.

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## **THE ROLE OF INFORMATION TECHNOLOGIES IN MODERN COMMUNICATION: BETWEEN DIGITAL FREEDOM AND CONTROL**

Today humanity is experiencing a stage that Klaus Schwab calls the Fourth Industrial Revolution. Its main feature is not only the emergence of new technologies but also the close interaction between the physical, digital, and biological worlds [1]. In this context, traditional forms of communication such as face-to-face meetings, paper letters, and official appeals are gradually being transformed into digital communication.

According to Manuel Castells, the modern world has moved toward a “network society,” where information technologies play a central role in social interaction. Several important changes can be observed.

First, communication has become much faster. IT technologies have significantly reduced the importance of distance. Today information can be shared instantly, allowing citizens to participate more actively in social and political processes, for example through electronic petitions or digital government platforms. Second, communication has become more decentralized. In the past information mainly spread from authorities and traditional media to citizens. Today almost every smartphone owner can create and distribute information. This creates the impression of complete digital freedom.

However, this transformation also has negative aspects. Shoshana Zuboff notes that many free digital services actually collect and analyze users’ data for commercial purposes [2]. Social networks and digital platforms often use algorithms that determine which information users see. As a result, people may receive only selected information, which can influence their opinions and behavior.

Therefore, the transformation of communication under the influence of IT technologies has both positive and negative consequences. On the one hand, information has become more accessible and communication faster. On the other hand, new questions arise about digital control, privacy protection, and manipulation of public opinion.

Modern social platforms and messengers are no longer just technical tools for communication. They have become powerful instruments that influence social processes and public opinion.

Previously, traditional media such as television, newspapers, and radio played the main role in forming public opinion. Today this process is strongly influenced by digital algorithms that determine which content users see on social networks.

Shoshana Zuboff explains that digital platforms collect large amounts of data about users’ behavior online [2]. Every action such as liking a post, writing a

comment, or watching a video helps create a digital profile of a user. Based on this profile, algorithms select the content that appears in a person's news feed.

This process creates several important social phenomena:

First, there are so-called "filter bubbles." Algorithms show users content that is similar to their existing views. As a result, people often stop seeing alternative perspectives, which can increase social polarization.

Second, emotional content spreads faster than neutral information. Research shows that posts that cause strong emotions such as anger or fear are shared more actively. This creates conditions for the rapid spread of disinformation.

Messengers such as Telegram and WhatsApp also play an important role in modern communication. Jamie Bartlett notes that these platforms provide users with greater privacy but at the same time create spaces where information can spread without moderation or fact-checking [3].

In the context of the war in Ukraine, messengers have become an important source of оперативної інформації. However, they can also be used to spread propaganda or psychological operations.

Manuel Castells describes this phenomenon as "mass self-communication," where individuals can communicate with large audiences through digital technologies [4]. At the same time, people remain influenced by the algorithms that structure the digital environment.

In modern warfare information technologies have become extremely important. They are used not only for communication but also for security, coordination, and international cooperation.

One important direction is digital diplomacy. Through social media platforms such as X, Instagram, and Telegram, government representatives can communicate directly with international audiences. This helps attract global attention, mobilize support, and counter disinformation in real time.

Another important direction is the development of rapid alert systems. Mobile applications allow authorities to inform citizens about potential threats almost instantly.

For example, the "Air Alert" (Povitryana Tryvoga) application informs people about air raid warnings. Such systems demonstrate how digital technologies can directly contribute to public safety.

Another example is the use of chatbots that allow citizens to report suspicious activities or enemy movements. In this way people can participate in information sharing and support national security.

At the same time, the use of digital technologies during wartime also creates new challenges. One of them is data protection and cybersecurity. It is important to ensure that communication systems remain safe and reliable.

Another issue is the so-called digital divide. Some people may not have access to stable internet connections or modern devices. Therefore, governments must consider how to provide information to all citizens.

Overall, IT tools have significantly strengthened communication during wartime and helped create a more coordinated and informed society.

Despite the many advantages of digital technologies, their rapid development also creates new risks and challenges.

One of the most important challenges is cybersecurity. As digital communication becomes more common, the protection of personal and institutional data becomes increasingly important. For example, using unsecured communication channels or public Wi-Fi networks may create risks of data breaches. Cybercriminals can also use social engineering techniques such as phishing to manipulate users and gain access to sensitive information.

Another challenge is the ethical use of artificial intelligence. AI technologies are increasingly used in digital communication, including content recommendations, data analysis, and automated decision-making.

However, AI systems may sometimes produce biased results because they learn from existing data that may contain social inequalities. In addition, new technologies such as deepfakes can create realistic but false images, videos, or audio recordings. This can make it more difficult for people to distinguish between real and manipulated information.

Klaus Schwab emphasizes that technological progress must be accompanied by responsible governance and ethical regulation [1]. Without clear standards, advanced technologies could potentially be used for excessive digital control. Therefore, modern society must develop not only technological innovations but also strong ethical principles and cybersecurity practices.

The research shows that IT technologies have significantly transformed modern communication and social relations. Communication is no longer just a process of exchanging information; it has become part of a complex digital ecosystem that influences the development of society.

Several important trends can be identified for the future development of a digital society:

First, the further digitalization of the public sector will expand the opportunities for citizens to participate in democratic processes through electronic governance tools.

Second, media literacy and cyber hygiene will become increasingly important. People need to develop critical thinking skills in order to recognize manipulation and protect their personal data online.

Third, society must develop ethical regulations for artificial intelligence. Creating clear rules for the responsible use of digital technologies will help ensure that technological development supports human well-being.

In conclusion, the development of a digital society is not only about new technologies but also about new social responsibilities. IT technologies provide significant opportunities for communication and innovation, but their safe and responsible use is essential for building a stable and democratic future.

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## **NAVIGATING THE CRISIS OF YOUTH DISENGAGEMENT: A COMPARATIVE ANALYSIS OF THE LIE FLAT MOVEMENT IN TAIWAN, JAPAN, AND SOUTH KOREA**

**Introduction:** The phenomenon of youth disengagement has emerged across East Asian democracies as a critical social and economic challenge. This comparative study examines parallel movements in Taiwan, Japan, and South Korea – territories sharing structural similarities with Chinese society yet operating within democratic political systems. These countries face remarkably similar crises: young generations increasingly reject conventional pathways to social advancement, including career ambition, marriage, homeownership, and parenthood.

Taiwan's younger generation confronts severe social immobility despite educational expansion. Japan's "jobless youth," including NEETs and Hikikomori, represent systematic withdrawal from formal labor markets following the 1990s economic collapse. South Korea's "N-po generation" – literally meaning "the generation that has given up" – initially conceptualized as sacrificing three life milestones (courtship, marriage, children), now encompasses abandonment of up to ten societal expectations.

This analysis focuses on research findings: the documented employment crises, fertility rate collapses, policy implementations, and their demonstrated effectiveness. By examining these three cases, this thesis explores how similar economic structures produce comparable youth disengagement patterns despite distinct political contexts and how governments have responded to reverse these trends.

**Objective:** This comparative investigation addresses three central questions: (1) What similar socio-economic conditions across Taiwan, Japan, and South Korea generate parallel youth disengagement phenomena despite their democratic governance? (2) What are the primary documented consequences of these movements on fertility rates, workforce participation, and aging populations? (3) How effective have government policy interventions been in reversing or mitigating youth disengagement?

## **Results:**

### 1. **Taiwan**: employment precarity and the collapse of social mobility

#### Employment Crisis and Income Stagnation

Taiwan's structural employment crisis directly precipitated widespread youth disengagement. The unemployment rate rose from 1.5% in the early 1990s to 5.9% by 2009. Atypical employment – including part-time, temporary, and dispatched labor – surged from 54,000 workers in 2002 to exceeding 800,000 by 2023. Average salaries in the industrial and service sectors grew merely from 36,239 NTD (April 2010) to 42,380 NTD (2020) [4].

This employment transformation reflects broader neoliberal restructuring. Multinational corporations threaten relocation to jurisdictions offering minimal labor protections and tax advantages [4]. Taiwan's government, facing such threats, created regulatory loopholes rather than strengthening worker protections. The platform economy proliferated, fragmenting labor into micro-tasks while creating illusions of worker autonomy [5].

Educational credentials have been significantly devalued over time. Although university enrollment expanded dramatically, theoretically democratizing educational access, this expansion produced diploma devaluation. Highly educated individuals faced heightened unemployment and "working poverty" despite theoretical expectations of social mobility enhancement [4].

#### *Demographic Consequences*

These employment crises produced measurable demographic collapse. Taiwan's fertility rate reached 1.05 in 2023. The elderly population (65+) reached 17.5% by end-2023. The elderly dependency ratio climbed to 21.3% in 2023, meaning each 100 working-age individuals supports 21.3 elderly people.

Taiwan's "birth strike" reflects structural barriers to parenthood. Economic insecurity – characterized by low wages and constrained entrepreneurship – depletes resources for family formation. Employers penalize women for motherhood through long-term unemployment upon re-entering the workforce, leading to marriage delays. Inadequate childcare systems constitute market failure; rising costs reduce birth rates.

Youth response to these conditions manifests through "lying flat": abandoning ambitious career pursuits and homeownership goals in favor of low consumption living arrangements [4].

#### *Government Responses*

Taiwan implemented multiple employment support programs, including Youth Employment Subsidy Programs and Youth Entrepreneurship Loans. Educational support included tuition waivers, scholarships, and housing subsidies. Recent policy emphasized childbirth subsidies and psychological health services.

However, these interventions inherited neoliberal logic – providing individual economic support without restructuring underlying inequality. Policies maintain competitive structures while offering insufficient assistance rather than addressing systemic inequality in wage distribution or educational competition intensity [4].

### 2. **Japan**: labor market collapse and generational withdrawal

#### The NEET Phenomenon: Definition and Scale

Japan's "jobless youth" phenomenon – termed NEETs (Not in Employment, Education or Training) – emerged systematically in the early 2000s [2]. The Ministry of Health, Labor, and Welfare defines NEETs as people neither employed nor in school, homemakers, nor job-seeking [6]. Kosugi (2006) identified four NEET categories: petty offenders, self-searchers, those lacking confidence due to unmet job expectations, and those with complete social withdrawal.

Hikikomori "aged youth" – represent extreme social withdrawal, defined as sustained disengagement (6+ months) from employment, education, and social interaction. The 2002 NEET population reached 847,000 individuals. By 2009, NEETs constituted 4.4% of the young population, declining to 3.1% by 2019 [2].

#### *Employment Market Dysfunction*

Japan's labor market collapsed following the 1990s recession. The post-1990 system – which previously offered permanent employment to virtually all graduates – suddenly contracted. Non-regular employment, 23.2% of the workforce (1997), reached 36.9% by 2024. High school graduate employment declined from 29.7% to 6.4% [2].

Simultaneously, working conditions deteriorated catastrophically. In 2015, 22% of Japanese workers exceeded 50-hour weekly schedules. The term "karoshi" (death by overwork) – officially recognized as a cause of death – reflects workplace casualty rates. Despite these conditions, annual wages stagnated at approximately 38.82-39.71 thousand USD between 2000 and 2021 [7].

#### *Causes of Withdrawal*

Khondaker (2006) identified multifactorial causations, including personality factors (work unwillingness, formal environment aversion), institutional factors (educational disinterest, pedagogical inadequacy), and economic factors (systemic misunderstanding of NEET dynamics) [8].

The labor market penalizes job mobility, frequent employment changes, and mid-career entry face systematic discrimination. Young people unable to secure employment upon graduation experience permanent disadvantage [2].

#### *Demographic Impact*

NEET emergence correlates directly with fertility collapse. Japan's fertility rate reached a record low of 1.21. Employment reduction exacerbated aging population pressures. NEETs' reliance on soon-to-be-retired parents created complex dependency structures threatening the welfare system's viability [2].

#### *Policy Interventions*

The Japanese government implemented comprehensive responses beginning with Youth Employment Promotion Projects – local government initiatives subsidizing youth employment. Youth Employment Support Centers provided job search assistance and career counseling. "Hello Work" Youth Centers operated as dedicated public employment service sections for young jobseekers [2].

Youth Career Support Centers offer career guidance and training programs. NEET Youth Support Programs provided comprehensive services, including employment support and vocational training. Youth Entrepreneurship Support Programs offered training and mentoring for business creation [2].

Internship and Work Experience Programs engaged government agencies and non-profits in providing practical training. Government employer subsidies offset hiring costs for NEET individuals. The Youth Independence and Challenge Action Plan involved five ministers in a coordinated effort [2].

These programs demonstrated measurable success. The NEET population reduction from 4.4% (2009) to 3.1% (2019) indicates effectiveness. However, persistent challenges remained, particularly regarding scholarship repayment expectations [2].

### 3. **South Korea**: structural inequality and generational sacrifice

#### The N-po Generation and Expanding Sacrifices

South Korea's "N-po generation"—the generation that has given up — crystallizes extreme youth disengagement. Initially conceptualized as the Sam-po generation sacrificing three items (courtship, marriage, and children), this designation expanded to encompass ten sacrifices. Post-college graduates face protracted unemployment despite educational investments [3].

#### *Employment Type Inequality: The Chaebol-SME Divide*

Employment type duality constitutes South Korea's primary inequality driver. Non-regular employees represent over one-third of the labor force [9]. Non-regular workers earned only 62.9% of regular workers' wages (2019). As of August 2020, 41.6% of Korean workers were non-regular; among 20-year-olds, non-regular employment reached 40% [10].

The chaebol-SME employment divide reinforces inequality. Chaebols hold 77% of total market capitalization while employing a minimal workforce. SMEs employ 88% of workers but offer only 63% of chaebol wage levels. This structure ensures that most young workers enter low-wage positions [11].

#### *Wage Stagnation and Excessive Working Hours*

South Korea achieved minimum wage growth; however, gains were concentrated among 60+ age groups, leaving youth facing limited salary advancement. Below-average earners comprised 13.4% of the workforce (2017) [3].

Working hour intensity distinguishes South Korea globally. One-sixth of Korean workers exceed 55-hour weekly schedules, compared to the 37.7-hour OECD average. South Koreans work 149 additional hours annually versus OECD counterparts [12].

#### *Youth Labor Market Responses*

Facing harsh realities, 80% of youth voluntarily resign from their first employment. Among resignations, 47% cited working condition dissatisfaction [13].

#### *Demographic and Social Consequences*

South Korea's fertility rate reached 0.81 children per woman – substantially below the 2.1 replacement threshold. Current government programs offer 2 million won (approximately 1,477 USD) birth incentives plus monthly support [3].

Employment statistics reveal crisis severity: employed individuals decreased for 11 consecutive months through January 2021. This represents the sharpest decline since the 1997 Asian financial crisis. Individuals in their 30s who ceased employment-seeking increased 33.9% from January 2020 to January 2021.



Seoul residents face extreme housing affordability challenges; the property price-to-income ratio reaches 29.40 (ranked 9th highest globally) [14].

#### *Government Policy Responses*

South Korea implemented gender quota systems in government positions. Construction industries adopted female hiring quotas; education adopted male hiring quotas. The government introduced maximum working hour legislation in 2018. These measures are aimed at reducing the maximum weekly working hours from 68 to 52 [3].

#### **Conclusion**

The three nations reveal striking convergence: young people systematically reject societal expectations despite democratic governance. Taiwan, Japan, and South Korea's youth exhibit comparable disengagement patterns. All three countries implemented legislative responses, including job creation subsidies, career counseling, and psychological assistance.

The critical shared consequence across all three nations is fertility decline and rapid aging. Taiwan (1.05), Japan (1.21), and South Korea (0.81) all experience catastrophic fertility rates. Government initiatives, financial incentives, and workplace family-friendly policies demonstrate limited effectiveness in reversing demographic decline. This convergence highlights the complex interplay between economic factors and policy inadequacy.

The transition from labor-intensive to high-tech industries produced dual crises. Innovation and growth materialized alongside increasing economic inequality and job polarization. High-tech industries fail to accommodate young talent entry. SMEs across all three nations face competition from major corporations, unable to match wage levels. When young workers begin careers in small enterprises – the predominant employer – systematic dissatisfaction results.

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## **IMPLEMENTATION OF CRIMINAL PROCEEDINGS UNDER THE CONDITIONS OF MARTIAL LAW**

The full-scale invasion of the Russian Federation into the territory of Ukraine really became a challenge for the proper implementation of the criminal process, which requires an effective response from law enforcement agencies and the judicial system. Significant changes are needed in the criminal procedural legislation, which will ensure effective investigations of criminal offenses. This may include improving evidence-gathering procedures, strengthening mechanisms to protect the rights of

victims, and ensuring effective judicial review of criminal proceedings. Proposals from legislators regarding the legal regime of martial law must be carefully analyzed taking into account the peculiarities of the criminal process in wartime conditions. It is important that they reflect the real needs of law enforcement agencies and the judicial system in fighting crime and ensuring law and order. After all, the quality of criminal procedural legislation requires not only the correct formulation of legislation, but also, first of all, its effective application in practice. Ensuring justice for all victims of the actions of the aggressor state is an important goal that must be achieved by improving the criminal process and strengthening legal protection mechanisms.

The changes in criminal procedural legislation are aimed at regulating the activities of pre-trial investigation bodies throughout the state, especially in the conditions of martial law. Since the normal functioning of state institutions is disrupted during hostilities, in connection with this there is a need for a special legal regulation of the process of investigating criminal offenses.

The introduction of martial law made adjustments (внесло корективи) to the work of the judicial authorities, law enforcement agencies, the bar, the prosecutor's office, the notary, etc. Therefore, first of all, there was a question about making changes to the procedural legislation, which would regulate certain issues regarding the implementation of judicial proceedings, pre-trial investigation and take into account the realities of martial law conditions.

After the beginning of the full-scale invasion of Russian Federation into the territory of Ukraine, several more changes were made to Section IX-1, namely, on March 15, 2022, changes were made to the title of the section as follows: "Special regime of pre-trial investigation, trial in conditions of war, state of emergency or in the area of anti-terrorist operations or measures to ensure national security and defense, repulse and deter armed aggression of Russian Federation and/or other states against Ukraine" and supplemented by Article 616 of the Criminal Code of Ukraine "Cancellation of the preventive measure for military service under conscription during mobilization, on a special period or change of preventive measure for other reasons".

However, the most significant and important changes to the Criminal Procedure Code of Ukraine regarding the specifics of the investigation of criminal proceedings under martial law were introduced by the Law of Ukraine dated April 14, 2022 "On Amendments to the Criminal Procedure Code of Ukraine on Improving the Procedure for Conducting Criminal Proceedings under Martial Law". So, in particular, changes were again made to the title of section IX-1, namely: "Special regime of pre-trial investigation, trial under martial law", as well as quite a lot of changes and features of criminal proceedings under martial law were fixed by changes to Article 615 Communist Party of Ukraine.

So, let's pay attention to the specific features of the amendments and additions to the Criminal Procedure Code of Ukraine, in particular, with regard to evidence and proof, the legislator introduced a special norm regarding the assessment of the materiality of a violation of human rights in the conditions martial law.

Also worthy of attention are the changes related to the terms of the pre-trial investigation under martial law. Thus, in particular, the Law of Ukraine dated August 23, 2023 amended the Criminal Procedure Code of Ukraine regarding the specifics of calculating the terms of pre-trial investigation under martial law, which provide for the following: pre-trial investigations and on the date of the imposition of martial law, no person has been notified of the suspicion, the period from the date of the introduction of martial law to the date of its termination or cancellation is not included in the general terms provided for in the second part of Article 219 of this Code.

Taking into account and analyzing these changes, we believe that the amendments made to the Criminal Code of Ukraine will definitely make it possible to increase the quality and efficiency of the process of pre-trial investigation of criminal proceedings under martial law, as well as the ability to ensure the effective collection of evidence and the appropriate and proper recording of war crimes and genocide.

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## **FACTORS INFLUENCING PRONUNCIATION ACQUISITION IN ENGLISH FOR SPECIFIC PURPOSES**

The acquisition of pronunciation in a second language has long been associated with the question of age and its influence on language learning outcomes. Traditionally, the Critical Period Hypothesis has suggested that language acquisition is most effective during childhood and becomes significantly more difficult after puberty. According to this view, learners who begin studying a second language later in life are less likely to achieve native-like pronunciation. However, contemporary research increasingly demonstrates that age alone cannot fully explain success or failure in second language learning. In the context of English for Specific Purposes (ESP), where learners often begin studying specialized language as adults, other factors such as motivation, exposure, professional needs, and targeted instruction become particularly significant.

In modern educational environments, the acquisition of English for Specific Purposes is closely connected with professional communication, academic mobility, and international cooperation. Learners studying ESP typically have clear goals related to their future careers or academic development. As a result, their language learning process differs from general language acquisition. While children often learn languages in natural communicative environments, adult learners tend to rely on structured instruction and conscious learning strategies. This distinction raises important questions about the role of age in pronunciation development and whether adult learners can compensate for a later starting age through other learning mechanisms.

For many years, the Critical Period Hypothesis has served as one of the main theoretical frameworks explaining age-related differences in language acquisition. The theory suggests that the human brain has a biologically determined period during which language learning occurs most naturally. After this period, neurological changes reduce the ability to acquire certain aspects of language, particularly pronunciation. As a result, adult learners are often believed to retain a foreign accent even if they achieve high levels of grammatical and lexical proficiency.

Despite the widespread influence of this hypothesis, numerous studies have questioned its strict interpretation. Contemporary research increasingly supports the idea of a “sensitive period” rather than an absolute critical period. This perspective suggests that although language learning may be easier at an early age, adults are still capable of achieving a high level of phonological competence under favorable learning conditions. Such conditions include intensive exposure to the language, consistent practice, effective teaching methods, and strong learner motivation.

Within ESP contexts, these factors become especially important. Adult learners often approach language learning with a high level of intrinsic and extrinsic motivation. Their professional goals require them to develop communicative competence that allows them to function effectively in international environments. As a result, pronunciation training becomes not only a linguistic task but also a professional necessity. Clear and intelligible speech is essential in academic presentations, workplace communication, and collaboration with international colleagues.

Research examining pronunciation acquisition among learners with different starting ages suggests that the relationship between age and pronunciation ability is more complex than previously assumed. Studies comparing early and late learners indicate that while many individuals retain a slight accent, some adult learners are capable of achieving near-native pronunciation. These findings challenge deterministic interpretations of the Critical Period Hypothesis and highlight the importance of individual learning trajectories.

One of the key factors influencing pronunciation development is motivation. Motivation plays a central role in second language acquisition because it determines the amount of effort learners are willing to invest in the learning process. In ESP contexts, learners often demonstrate strong instrumental motivation. They recognize that language proficiency can influence their academic success, career opportunities,

and professional identity. This awareness encourages learners to engage in intensive practice and to seek opportunities for communication in the target language.

Exposure to authentic language input is another crucial factor in pronunciation acquisition. Learners who interact regularly with native or proficient speakers have more opportunities to refine their phonological skills. Exposure allows learners to develop better auditory perception, which is essential for accurate pronunciation. Through continuous listening and speaking practice, learners gradually adapt to the phonetic and prosodic patterns of the target language.

Instruction also plays a significant role in pronunciation development. Structured pronunciation training can help learners overcome difficulties related to unfamiliar sounds, stress patterns, and intonation structures. In ESP programs, pronunciation instruction is often integrated into professional communication training. Learners practice pronunciation in realistic contexts such as presentations, discussions, and professional simulations. This type of contextualized practice helps learners develop both linguistic accuracy and communicative confidence.

Another factor that influences pronunciation acquisition is the typological distance between languages. When the phonological systems of two languages differ significantly, learners may experience greater difficulty in perceiving and producing certain sounds. However, systematic training and repeated exposure can gradually reduce these difficulties. Over time, learners develop new phonetic categories that allow them to approximate the pronunciation patterns of the target language.

In addition to cognitive and linguistic factors, socio-psychological aspects also influence pronunciation outcomes. Learners' attitudes toward the target language community and their sense of identity can affect their willingness to modify their speech. Some learners actively strive for native-like pronunciation because they view it as a marker of linguistic competence or professional credibility. Others may prioritize intelligibility rather than complete accent reduction. In ESP contexts, intelligible pronunciation is often considered more important than perfect imitation of native speech patterns.

Although research examining the influence of age on pronunciation provides valuable insights, it is important to consider certain methodological limitations. Studies with small participant samples may not provide results that can be generalized to larger populations of language learners. Additionally, the evaluation of pronunciation often involves a degree of subjectivity. Ratings provided by a limited number of evaluators may introduce bias into the analysis. To improve reliability, future research should include larger participant groups and combine perceptual evaluation with acoustic phonetic analysis.

Another limitation of many studies is their cross-sectional design. Longitudinal research that tracks learners' pronunciation development over extended periods would provide deeper insights into the dynamics of phonological acquisition. Such studies could reveal how motivation, exposure, and instructional practices interact with age over time. Furthermore, qualitative methods such as interviews and learner diaries could help researchers better understand the strategies learners use to improve their pronunciation.

Despite these limitations, existing research clearly indicates that pronunciation acquisition cannot be explained solely by biological factors related to age. Instead, it emerges from a complex interaction of cognitive, social, and educational influences. Motivation, exposure, learning strategies, and instructional quality all contribute to the development of phonological competence in a second language.

These findings have important implications for teaching English for Specific Purposes. Educators should avoid assuming that adult learners cannot significantly improve their pronunciation. Instead, ESP programs should focus on providing effective pronunciation instruction tailored to learners' professional needs. Activities such as phonetic awareness training, listening discrimination exercises, and guided speaking practice can help learners refine their pronunciation skills.

Furthermore, learning environments should encourage active communication and regular interaction in the target language. Opportunities for authentic communication allow learners to apply pronunciation skills in meaningful contexts. When learners experience successful communication, their confidence increases and their motivation to continue improving their language skills grows.

Ultimately, the acquisition of pronunciation in English for Specific Purposes demonstrates that language learning remains possible and productive at any stage of life. While early language exposure may provide certain advantages, adult learners possess cognitive maturity, learning strategies, and strong professional motivation that can compensate for a later starting age. By combining effective instruction, meaningful practice, and sustained exposure, learners can develop clear and intelligible pronunciation that supports successful communication in academic and professional contexts.

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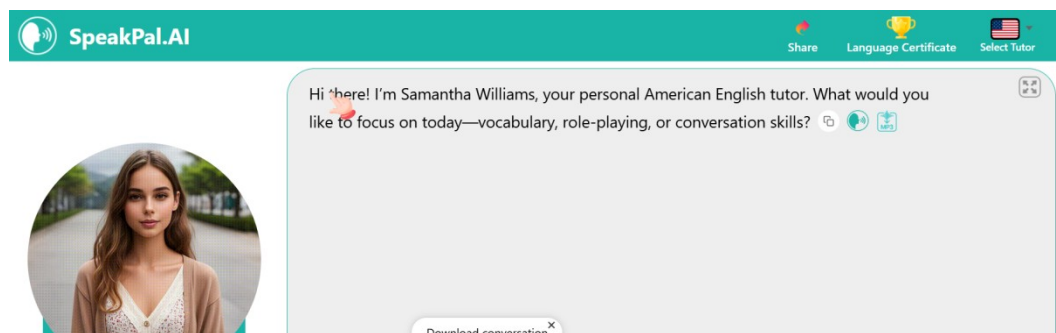
## **AI TOOLS FOR TEACHING ENGLISH TO FIREFIGHTER CADETS DURING THE WAR**

The war in Ukraine has fundamentally transformed the organization of military education. Frequent air raids, infrastructure damage, forced relocation, and sustained psychological pressure significantly disrupt traditional classroom instruction. Under these conditions, maintaining the continuity of professional language training has become both an academic and strategic priority. Proficiency in English remains essential for communication, participation in international missions, access to professional documentation, and coordination with allies. In this context, training cadet firefighters requires flexible and resilient educational approaches that can function effectively in wartime conditions. Artificial intelligence-based tools offer new opportunities to enhance English language learning through adaptive learning, interactive exercises, and uninterrupted access to educational resources. Therefore, the integration of artificial intelligence technologies has become an important element of modern methods of teaching English to firefighter cadets during wartime.

In recent years, the integration of artificial intelligence technologies into foreign language teaching has significantly expanded the possibilities for developing communicative competence. Modern pedagogical approaches emphasize adaptive learning and interactive communication as key factors in effective language acquisition. AI-based educational tools enable students to practice language skills in dynamic environments that provide instant feedback, personalized task complexity, and realistic communication scenarios. Such technologies are particularly valuable in professionally focused language learning, where students must develop the ability to respond quickly and appropriately in situational communication. Below we will review examples of AI applications in the study of foreign languages, specifically English.

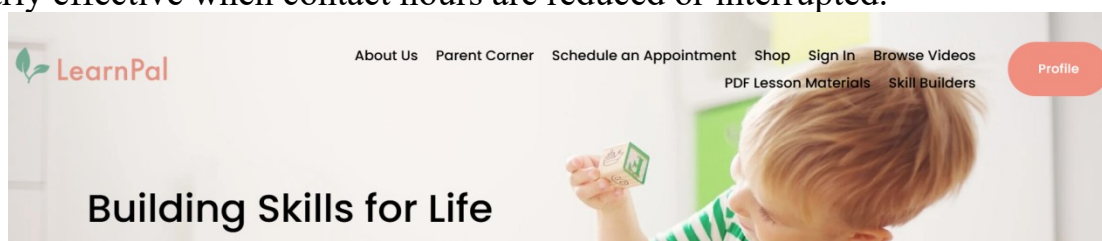
The first type of artificial intelligence technology is SpeakPal. It promotes the development of operational speech skills through scenario-based dialogue simulation. Cadets perform communication tasks that replicate real military situations, including operational briefings, command exchanges, and coordination of actions in emergency situations. The system dynamically adjusts the complexity of the tasks and provides real-time feedback on pronunciation and grammar, reinforcing the quick response skills needed in high-pressure situations.





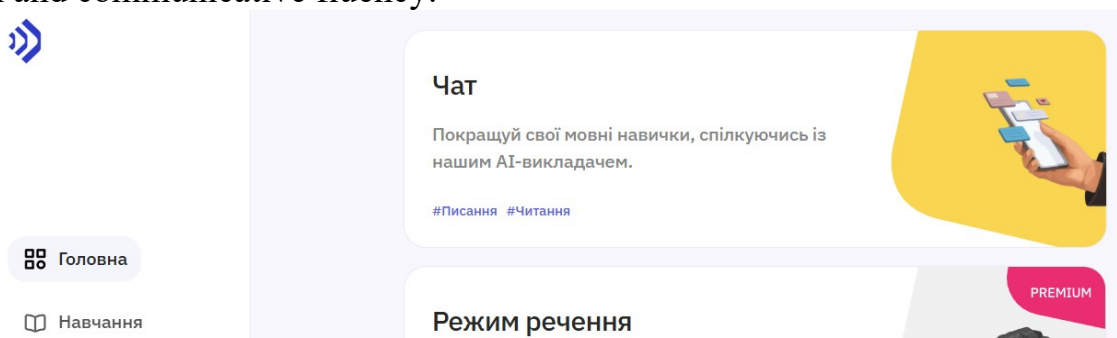
*Picture 1 - SpeakPal AI software interface*

The second type is LearnPal, which works as an AI-based tutor capable of maintaining long-term interaction and explaining complex grammatical structures. By creating personalized exercises and identifying common mistakes made by students, the platform promotes the structured acquisition of professional terminology. This is particularly effective when contact hours are reduced or interrupted.



*Picture 2 - LearnPal software interface*

The third app, Talkpal, focuses on spontaneous speech through interactive role-playing games. Simulating tasks such as document verification, interdepartmental coordination, and multinational communication improves listening comprehension and language use in specific situations. Repetition in context promotes better word retention and communicative fluency.



*Picture 3 - Talkpal software interface*

Another frequently used platform is Fluentbe, which combines synchronous online learning with AI-based progress analytics. Teachers conduct structured lessons, while built-in AI tools provide instant analysis of results and personalized recommendations. This blended learning model increases learning efficiency and allows for targeted correction of language deficiencies.

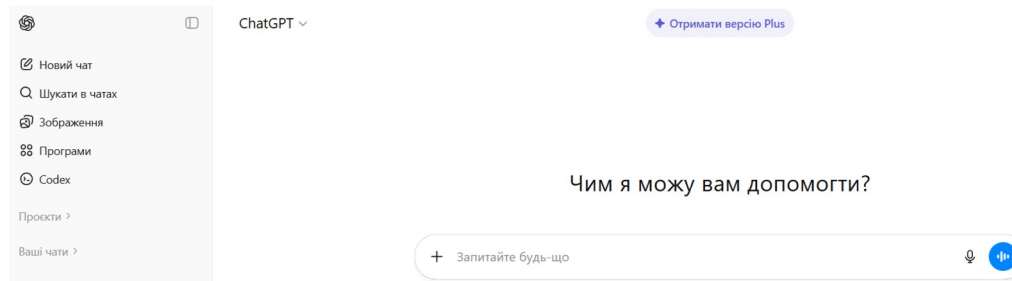
ВІВЧЕННЯ АНГЛІЙСЬКОЇ МОВИ ОНЛАЙН

## Найкращі викладачі +ШІ = навчання



Picture 4 - Fluentbe software interface

Finally, another platform is OpenAI ChatGPT, which serves as a multifunctional environment for writing, dialogue modeling, and language skill improvement. Students can compose professional reports, rehearse structured briefings, ask for grammar explanations, and review their results. This interaction promotes reflective learning and supports independent skill development in a controlled communicative environment.



Picture 5 - ChatGPT software interface

In summary, integrating artificial intelligence tools in English language learning provides significant benefits for training firefighter cadets in wartime. AI-based platforms provide a flexible, accessible, and adaptive learning environment that helps maintain continuity of education despite disruptions caused by Russian air attacks, population displacement, and infrastructure damage. These technologies promote the development of essential communication skills through practical, scenario-based tasks related to emergency situations and rescue operations. For firefighter cadets, such tools are particularly valuable as they allow them to practice the operational communication skills necessary for cooperation with international partners. Moreover, AI tools increase student autonomy and allow teachers to apply more individualized and effective teaching strategies. Therefore, the use of AI technologies is a promising way to modernize English language teaching for firefighter cadets in wartime conditions.

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## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN THE CONTEXT OF THE ARMED AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE**

The modern world exists in conditions of a growing number of armed conflicts, accompanied by massive violations of human rights, destruction of civilian infrastructure, and significant human losses. It is precisely during hostilities that the most brutal crimes are committed, posing a threat to international security and legal order. In this context, the issue of the effectiveness of international humanitarian law is particularly relevant: whether its norms are capable of truly protecting victims of armed conflicts, or whether they remain largely declarative without effective mechanisms of accountability.

Every legal phenomenon is characterized by certain problematic aspects that necessitate its continuous development and improvement. International humanitarian law is no exception, as some of its provisions do not always correspond to the modern realities of armed conflicts. A vivid example of such inconsistency is the Russian-Ukrainian war, which is often characterized in military doctrine as a «hybrid warfare». One of the first scholarly definitions of this phenomenon was proposed by Frank Hoffman in 2005, who described «hybrid warfare» as actions of an adversary that rapidly and flexibly combine traditional military means, guerrilla warfare, terrorism, and other unlawful methods to achieve political objectives [1, p. 175].

However, the Geneva Conventions and their Additional Protocols do not contain provisions specifically regulating the protection of civilians, non-combatants, or prisoners of war during hybrid wars. Since the concept of “hybrid warfare” does not have international legal status, the consequences of such conflicts are difficult to unambiguously qualify as violations of humanitarian law. This creates a dangerous precedent, as even in the presence of clear legal rules, their implementation may be completely paralyzed by a state that deliberately ignores its international obligations. As a result, practical difficulties arise in the procedural documentation of war crimes, the collection of evidence, and the prosecution of those responsible.

Particular attention should be paid to the issue of the Russian Federation's compliance with the 1949 Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949. Ukrainian prisoners of war are held in inhumane conditions and subjected to violence and torture, which undermines the principle of humanity as a fundamental principle of international law. Moreover, Russia does not allow representatives of the International Committee of the Red Cross access to places of detention of prisoners, thereby violating Article 126 of the Geneva Convention relative to the Treatment of Prisoners of War and making international monitoring impossible [2]. A striking example is the shelling of the Olenivka colony in July 2022, where at least 53 defenders of «Azovstal» were killed and more than 130 were wounded [3].

An important aspect of these violations is also the disregard for the combatant's privilege, which guarantees immunity from criminal prosecution for lawful participation in hostilities. Despite this, the Russian Federation persecutes Ukrainian prisoners of war, in particular members of the «Azov» and «Aidar» units, merely for their service in the Armed Forces of Ukraine, groundlessly classifying them as “terrorists.” In particular, prisoners of war are not provided with access to independent legal counsel or a fair trial, which contradicts the requirements of the Geneva Conventions and Article 6 of the European Convention on Human Rights [4].

An equally serious problem is Russia's widespread violations of international humanitarian law concerning the protection of the civilian population. The army of the aggressor state carries out shelling of Ukrainian cities, strikes residential areas, hospitals, educational institutions, and infrastructure facilities, leading to numerous casualties. In the occupied territories, illegal detentions, abductions, torture, and killings of civilians are documented, as well as their forced deportation to Russia. Information about such persons is concealed, making it impossible to locate them and protect their rights. The capture of civilians constitutes a grave violation of international humanitarian law, as Article 34 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949, explicitly prohibits the taking of hostages and unlawful deprivation of liberty [5].

Today, large-scale violations of international humanitarian law make the issue of holding perpetrators accountable particularly urgent, as impunity for war crimes and crimes against humanity creates the risk of their recurrence and undermines trust in the human rights protection system. An important role in this process is played by the International Criminal Court, which is investigating crimes committed in Ukraine and, in particular, has issued arrest warrants for the president of Russia, V. Putin, and the commissioner for children's rights, M. Lvova-Belova, for the illegal deportation of Ukrainian children [6].

At the same time, despite the arrest warrants of the International Criminal Court and the condemnation of Russia's actions by the international community, the aggressor state continues its armed aggression against Ukraine, demonstrating the insufficient effectiveness of existing deterrence mechanisms and sanctions policies. In this context, the position of O. M. Tsarenko, B. M. Tychna and T. Yu. Fedchuk deserves attention. They note that contemporary international humanitarian law is at a

stage where its norms require renewal and refinement in order to ensure their future observance and implementation by all subjects of international law [7, p. 611].

Thus, the Russian-Ukrainian war has clearly demonstrated the vulnerability and limited effectiveness of international humanitarian law in the context of modern armed conflicts, as well as its inability to fully ensure adequate protection of civilians and prisoners of war. However, it should be acknowledged that even detailed legal norms do not guarantee their actual enforcement without proper international oversight and political will of states. In our view, the further development of international humanitarian law should be aimed not only at improving the regulatory framework but also at ensuring its effective implementation, which is a necessary condition for maintaining international peace and security.

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## **DIGITAL FOOTPRINT OF PERSONALITY: SOCIAL, ETHICAL AND LEGAL ASPECTS OF THE RIGHT TO BE FORGOTTEN**

The digital age has brought radical changes in the way information is disseminated and accessed. Thanks to advances in information and communication technologies, personal data can be easily found and disseminated on the Internet. Every day, users leave traces of their activities on the network, which are actively collected, processed, and stored by both commercial and government entities.

Personal data is information that can be used to identify a person, either directly or indirectly. This type of data includes various forms of information, such as name, address, phone number, email address, identification number, medical history, financial information, and even traceable data such as IP addresses and browser cookies. Personal data includes all information that is inextricably linked to a person's identity and may reveal aspects of their private life [1].

There are two types of digital footprints: active and passive. Active digital traces occur when a person consciously provides information about themselves. For example, this happens when a user logs into a website with their account or posts a message, agrees to the use of cookies, or stores health data through fitness trackers. In such cases, the person makes their data available themselves.

Passive digital traces are formed without the user's knowledge – information is collected automatically. Such data is collected to analyze user preferences, improve queries or marketing strategies, but sometimes it can pose a certain risk to the user [2].

The problem becomes particularly important in the context of hybrid warfare, when cyberspace becomes an arena for information warfare, and social networks and messengers become tools for both influence and abuse. Current realities demonstrate dangerous trends – mass theft of accounts on Telegram, Viber, WhatsApp, Facebook, etc. These cases are accompanied by the appropriation of digital identity, its use for fraudulent activities, the spread of disinformation, or psychological influence. Such actions are not only criminal but also civil in nature, as they harm the personal non-property rights and reputation of the individual [3].

The right to be forgotten (RTBF) is an important aspect of the fundamental human right to privacy. The right to be forgotten has developed and established itself as a legal principle based on the case law of the Court of Justice of the European Union within the European Union in response to the growth of a data-driven society where vast amounts of data and information are collected, processed, stored, and exchanged for various reasons. A key milestone in its development was the case of Google Spain SL, Google Inc. v Agencia Española de Protección de Datos (2014).

The circumstances of the case were that an advertisement relating to the data subject was published in a newspaper and then indexed by the Google search engine. Later, after searching for their own name, the person found this information and requested its removal. After the relevant authorities refused, the case was referred to the Court of Justice of the European Union. The Court obliged search engine operators, under certain conditions, to remove links to information containing personal data from search results at the request of the individual [4; 5].

This regulation distinguishes between two key roles: data controller and data processor. A data controller is a person, public authority, agency, or any other body (e.g., a company) that determines the purposes and means of processing personal data. A data processor is a person, public authority, agency, or any other body that processes personal data on behalf of the controller [5].

Ukrainian legislation does not explicitly use the term “right to be forgotten,” but there is a Law of Ukraine “On the Protection of Personal Data.” The law stipulates that data must be processed lawfully and fairly, used only for a specific purpose, be accurate and up-to-date, and stored for no longer than necessary [6].

Digital identity can be considered an integral part of non-property rights, which, according to Article 201 of the Civil Code of Ukraine, are objects of civil rights. Articles 277 and 297 of the Civil Code of Ukraine provide protection of honor, dignity, and business reputation, which can be applied in cases of dissemination of false information or creation of a fake image of a person online. However, this is often not enough. Social networks are becoming not only a platform for self-expression, but also a potential source of violations, where the fact of identity infringement is difficult to prove without a comprehensive legal doctrine [3].

Modern computer systems allow users to delete their personal data. The deleted item is moved to the recycle bin, and if the user wants to delete the item permanently, they can select it from the recycle bin and use the “delete permanently” option. However, the actual content may remain in the system for some time. The process is complicated if the data has been replicated on multiple media or devices. As a result, remnants of “deleted” data can sometimes be recovered using special tools [7].

The phenomenon of digital inheritance deserves special attention. After the death of a user, their accounts, content, and digital images do not disappear but continue to exist in virtual space. O.I. Kharitonova and E.O. Kharitonov introduce the term “digital death” — the moment when a person's digital identity enters inheritance mode. An important question is who has the right to manage these assets: heirs, platforms, or the state? Currently, Article 1236 of the Civil Code of Ukraine only partially addresses this issue, but there is no comprehensive approach in the legislation yet [3].

Therefore, when using the Internet, it is necessary to remember about security and a person's digital reputation. Above all, it is important to be conscious and responsible when posting, storing, and commenting on content publicly on social networks. Other effective tools for protecting your digital footprint include: creating strong passwords and changing them regularly; checking your privacy settings on social networks; monitoring the websites on which you are registered; not authorizing



through social networks such as Facebook; using a virtual private network (VPN) that masks your IP address and makes it more difficult to access your data [2].

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## **COMMUNICATION AND DEMOCRACY: HOW OPEN DIALOGUE CONTRIBUTES TO THE DEVELOPMENT OF CIVIL SOCIETY**

In modern society communication serves not only as a means of transmitting information but also as a fundamental mechanism of social organization. Democracy, as a form of political system, presupposes the active participation of citizens in decision-making processes, which is impossible without well-developed communicative practices. Open dialogue between the authorities, citizens, and civil society institutions creates conditions for building trust, ensuring the legitimacy of power, and maintaining social stability. Civic life is a complex system of mutually oriented actions of subjects, in the course of which a specific exchange, mutual conditioning, and interpenetration of their activities take place [1].

Communication in the context of democracy is understood as a process of exchanging meanings that ensures the coordination of interests among different social groups. Theories of the public sphere emphasize the importance of rational discussion of socially significant issues, which contributes to the formation of public opinion. A democratic regime presupposes the existence of feedback channels, freedom of speech, and the opportunity to express critical positions. The process of establishing interaction between the public and the authorities is aimed at creating optimal conditions for individual self-expression, self-organization, and interaction within civil society, and constitutes an internal political function of civil society [2]. Civil society, as a set of social institutions (public organizations, professional associations, initiative groups), functions through continuous communication among its participants.

Open dialogue implies accessibility of information, equality of participants in communication, and readiness for mutual listening. In a democratic society, it is implemented through public consultations, public hearings, participation in elections, the activities of independent media, and digital platforms for discussion. Through open dialogue: - transparency of state institutions is ensured; - the level of civic participation increases; - a culture of responsibility and mutual respect is formed; - social tension is reduced through the peaceful resolution of conflicts [see 4].

Communication also performs an integrative function by promoting the consolidation of society around shared values and goals. In the absence of open dialogue, the risk of disinformation, manipulation, and social polarization increases. Overall, deliberative democracy in Ukraine and worldwide has the potential to become a strong instrument for strengthening democracy, enhancing transparency,

and improving the quality of political dialogue. However, this requires efforts by governments, civil society, and international organizations to effectively integrate these practices into political systems and culture [3].

Despite the potential of open dialogue, modern democratic societies face a number of challenges. Among them are the spread of disinformation, manipulative influence technologies, information polarization, and declining trust in the media.

The digitalization of communication processes creates new opportunities for citizen participation, but at the same time complicates the verification of information reliability. In conditions of information overload, the need to develop media literacy and critical thinking as components of democratic culture is increasing.

Moreover, effective dialogue is possible only when there is equal access to information resources. Social inequality and the digital divide may limit the participation of certain groups in public discussion.

In general, communication is a fundamental element of the functioning of democracy. Open dialogue serves as a key instrument in the formation of civil society, as it ensures citizens' participation in public life, promotes government transparency, and strengthens social trust. The development of democratic institutions is impossible without establishing a culture of open, responsible, and ethical communication. Thus, effective communication not only reflects the state of democracy but also actively shapes its quality and prospects for development.

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## **TRANSLATION OF NORMATIVE AND LEGAL ACTS IN THE FIELD OF CIVIL PROTECTION**

Translation is a complex, diverse concept that covers social, psycholinguistic, psychological, and cultural aspects. Throughout human history, it has served as an important tool for intercultural interaction, knowledge exchange, the formation of international ties, and the development of civilization. In today's globalized world, the role of translation is only growing, as different states, organizations, and scientific communities are working more and more closely together in the political, economic, and legal fields. The role of English as a global language of communication has prompted translators, diplomats, scholars, and linguists to take a keen interest in comparing the source language and the target language with regard to the terminology of diplomatic discourse [1, p. 140].

Legal translation occupies a special place in the system of specialized translations, as it requires maximum accuracy, clarity, and conformity with the original. The slightest inaccuracy can lead to a change in legal content, which affects the enforcement of legal norms, the implementation of international agreements, and the functioning of state institutions. This is particularly relevant in the field of civil protection, where regulatory acts govern the protection of the population, response to emergencies, interaction between states and authorities, and safety standards.

Legal language is a complex, multifunctional, multilevel subsystem of literary language, with its own functional and stylistic varieties and genres, with a rich arsenal of specific linguistic means (lexical, phraseological, grammatical, stylistic) [2, p. 8].

Legal texts are often quite difficult to read due to their specialized language. The terminology used to convey legal doctrine in laws, statutes, court decisions, and contracts is often referred to as “terms of art” [3, p.194]. Albeit these terms appear to vary in origin and purpose, they are generally divided into three categories:

1) Specialized legal terminology refers to words that are specific to the legal profession. Some of these terms originated within the legal system to express meanings unique to normative legal acts. In the field of civil protection, such specialized terms may include: *evacuation order*, *hazard assessment*, or *emergency response plan*.

2) Foreign terminology includes legal terms borrowed from other languages. The most common sources of such borrowings in legal discourse are Latin, English, and French. In civil protection, relevant borrowed terms may include: *incident command system (ICS)*, *force majeure*, *mutual aid*.

3) Archaic terminology consists of words and expressions that were once common but have fallen out of general use. In legal writing, such terms help express meaning concisely without repetitive phrasing. In civil protection, similar archaic forms may appear in documents such as: *hereby declares a state of emergency or therein specified safety measures*.

The translation of legal acts is becoming increasingly crucial, as it is a key tool that enables the accurate reproduction of legal concepts and principles in different languages. The purpose of legal terminology is to create a clear and common way to talk that lets people in the legal system carefully and precisely analyze both the meaning of specific legal rules and the overall goal of laws and regulations. In this specialized field, there are a large number of complex terms that must be translated with extreme accuracy, as this depends on the correct transmission of the content of the legislative framework in different linguistic and cultural contexts. This approach is vital in international communication or in a bilingual legal environment, as errors can lead to serious misunderstandings.

Translating civil protection regulations requires combining legal precision with clarity for the target audience. The main objective is to preserve the legal force, accuracy of terminology, and structure of the normative act, while adapting it to the linguistic and cultural context of the target language.

Key translation methods include [4, p.216]:

1. Lexical equivalents – direct matches for professional vocabulary (e.g., *civil protection* – *цивільний захист*).
2. Transcoding – transfer of sound/graphic form into the target alphabet (e.g., *institution* – *інституція*).
3. Descriptive translation – extended explanation when no concise equivalent exists (e.g., *hazard mitigation* – *зниження ризиків небезпечних чинників*).
4. Literal translation and adaptation – ensuring legal accuracy while considering sociocultural differences (e.g., *public alert system* – *система оповіщення населення*).

Thus, translation of civil protection acts is a complex process requiring legal expertise and linguistic proficiency. The use of specialized techniques ensures accuracy, functional adequacy, and effective application in practice, which directly affects public safety and emergency response efficiency.

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## **PROBLEM OF HUMAN TRAFFICKING AND ILLEGAL MIGRATION IN THE MODERN WORLD**

Trafficking of persons and unlawful departure are among the most severe worldwide issues of the contemporary world. In the 21st century, planetary integration, financial disparity, and military clashes have considerably boosted movement streams. Millions of people depart their native lands seeking superior living circumstances, work, and security. Nevertheless, not all movement procedures are lawful or secure, and numerous persons turn into sufferers of exploitation and mistreatment. Trafficking of persons constitutes one of the most lucrative types of cross-border unlawful enterprise. It disregards essential human entitlements, including the privilege to respect, freedom, and assurance. Unlawful departure heightens susceptibility, as immigrants lacking official standing frequently miss safeguards and availability to judicial support. Consequently, these twin occurrences are closely linked and necessitate thorough examination and potent precautionary steps on both domestic and worldwide planes.

Human trafficking is characterized as the recruitment, movement, transfer, sheltering, or reception of individuals through compulsion, duress, deception, or misuse of authority for the objective of exploitation. The central aspect of this offense is exploitation, which can assume diverse guises. These embrace sexual exploitation, compelled labor, bondage, subservience, forced soliciting, involuntary criminal acts, and organ harvesting. Those subjected to trafficking are frequently misled by untrue assurances of work, schooling, or improved living circumstances overseas. In numerous instances, exploiters seize documentation, limit liberty of movement, and employ intimidation or brutality to sustain command. Women and minors are especially susceptible to sexual victimization, whereas men are commonly subjected to forced work in sectors like farming, building, and production. Human trafficking is acknowledged as a grave infringement of human dignity and a significant difficulty for domestic and global security frameworks. Successful recognition of victims and legal action against traffickers stay vital parts in confronting this transgression.

The origins of human trafficking and unlawful emigration are intricate and linked. A primary element is financial instability, encompassing destitution, joblessness, and meager earnings. Individuals confronting fiscal hardships are more inclined to pursue work prospects overseas, even when movement routes are perilous

or illicit. Military clashes, governmental turbulence, and welfare emergencies also greatly feed into migration streams. Persons compelled to abandon their residences quickly frequently lack adequate paperwork, trustworthy data, and lawful safeguards, thereby heightening their susceptibility to exploitation. An additional key element is the limited knowledge concerning the hazards tied to irregular movement. Numerous individuals underestimate the perils of unlawful employment and become simple targets for exploiters promising deceptive prospects of decent pay and stable lodgings. Subpar legal enforcement and graft in certain areas further enable the operations of criminal syndicates engaged in trafficking and migrant smuggling. Grasping these fundamental reasons is crucial for formulating successful preventative measures and mitigating the hazards connected with human trafficking and unlawful emigration.

Unlawful migration and human trafficking are closely linked phenomena. Individuals who cross frontiers without proper documentation or legal standing often find themselves in a susceptible position. Lacking access to legal safeguarding, welfare services, or formal work, they might become reliant on go-betweens who capitalize on their circumstances. Criminal syndicates often utilize irregular migration routes to enlist, move, and exploit sufferers. Migrants who dread expulsion are less inclined to report mistreatment or pursue aid from officials, enabling traffickers to sustain dominance and evade sanction. In numerous instances, illegal emigration acts as a route through which trafficking activities are executed. For instance, someone might consent to journey overseas via an unofficial agent who guarantees legitimate work in building or household service. Following arrival, that person's passport might be seized, earnings withheld, and job terms altered to forced labor. Due to their irregular migration status, the victim may fear contacting police and stays caught in exploitation. This illustration shows how unlawful emigration heightens susceptibility and fosters conducive settings for human trafficking. Consequently, reinforcing lawful migration avenues and enhancing safeguard systems are vital measures in lessening these hazards.

One of the most grave and inhumane forms of human trafficking is the illicit commerce in human organs. In such instances, persons are solicited, moved, or detained for the objective of extracting organs for transplant. Victims might be misled with untrue pledges of monetary payment, compelled to sign papers they don't comprehend, or put through surgery without complete agreement. This type of trafficking is especially perilous because it immediately jeopardizes an individual's existence and well-being. In certain situations, organs are extracted in unsafe medical environments, which can result in severe consequences or even fatality. Susceptible persons, such as migrants, displaced persons, and people enduring severe destitution, face the greatest peril. Organ trade is frequently connected to multinational criminal groups that function across boundaries. The substantial need for organs and the scarcity of legal contributors foster circumstances for illicit marketplaces to emerge. Fighting this offense necessitates stringent oversight of transplant processes, global collaboration, and efficient surveillance of healthcare facilities. The business of human organs constitutes a serious breach of human worth and moral norms in

healthcare. It illustrates how human trafficking can arrive at extreme degrees of subjugation when human existence itself becomes a commodity for gain.

Human trafficking and illicit emigration have extensive societal, financial, and judicial ramifications. Victims frequently endure physical harm, mental anguish, dejection, and lasting health issues. Readjustment to society can prove exceedingly challenging owing to prejudice, scarcity of monetary assets, and emotional turmoil. Kin and neighborhoods also undergo adverse impacts, encompassing societal instability and fiscal strain. From a fiscal viewpoint, unlawful departure might result in the depletion of proficient laborers, skewing of job sectors, and expansion of casual work. The participation of organized criminal syndicates in trafficking and migrant smuggling heightens corruption and erodes adherence to legal standards. These occurrences also impose further strain on governmental bodies charged with frontier oversight, judicial enforcement, and welfare assurance. Vigorous opposition necessitates a thorough and synchronized method. On the global stage, collaboration among nations is vital for sharing particulars, examining transnational offenses, and prosecuting exploiters. At the domestic level, robust statutory structures, severe penal accountability, and safeguards for victims must be guaranteed. Mitigating actions ought to encompass public knowledge drives, availability of schooling, progress of lawful relocation schemes, and forging of secure work prospects. Particular focus must be paid to susceptible populations, such as females, minors, internally displaced persons, and travelers. Recovery and assistance provisions for sufferers are likewise paramount for reinstating their entitlements and assisting them in reconstructing their existences. Merely a balanced plan integrating prevention, safeguards, enforcement, and worldwide partnership can substantially diminish the scope of human trafficking and unauthorized emigration. Safeguarding human worth, innate entitlements, and societal equilibrium must persist as a chief concern for the worldwide collective.

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## **GENDER BARRIERS FACED BY FEMALE SERVICE MEMBERS AS DETERMINED BY THE PSYCHOLOGY OF DISCRIMINATION**

In recent years, the issue of gender barriers faced by female service members has become increasingly relevant. Following the onset of the full-scale invasion, women in the military became significantly more visible, largely due to a substantial increase in their numbers. As a result, long-standing problems that had previously been overlooked or ignored have become more apparent.

Currently, approximately 65,000 women serve in the Armed Forces of Ukraine, representing a 30% increase compared to the pre-war period. According to the Ministry of Defence, about 45,000 of these women are military personnel, while the remainder occupy civilian positions. Slightly more than 4,000 women serve in combat roles [2]. Despite the widespread promotion of feminism and the principle of equal rights, many challenges that women encounter daily in military service persist.

Sociologist Hanna Hrytsenko, in her study for *Gender in Detail* published in October 2019, analyzed the status of women in the army of post-Soviet Ukraine. Drawing on data provided by expert Nataliia Dubchak, the study indicates that women have served in the Armed Forces of Ukraine since 1991; however, they were most often wives, daughters, or other relatives of military personnel. Nevertheless, the number of female service members gradually increased, including within the officer corps. For instance, in 2001 women officers accounted for only 0.7% of all officers, whereas by 2006 this figure had risen to 2.25%. As the expert noted, this trend was largely driven by men's reluctance to occupy low-paid positions [1].

Within the military, an informal division of positions into "female" and "male" roles persists. "Female" positions are typically associated with headquarters work, medical services, or kitchen duties, while "male" positions include snipers, reconnaissance units, infantry, and similar combat roles. This division is rooted in stereotypical beliefs that women are physically weaker and inherently suited to caregiving rather than combat. However, numerous cases have been documented in which female soldiers were officially registered as cooks while actually serving as snipers. This practice existed prior to the repeal of regulations prohibiting women from occupying 450 professions [3]. Such misclassification had serious consequences, including the denial of honorary titles, significantly lower salaries, and incomplete compensation payments in the event of a female soldier's death.

The psychology of discrimination is not yet a well-established concept, particularly in domestic psychological research, although it is gradually gaining recognition. This field examines the mechanisms of discrimination at various levels and encompasses not only sexism, but also racism, homophobia, and other forms of



prejudice. Stereotypes and preconceived notions contribute to the formation of negative images of marginalized groups, leading to contempt, aggression, and systemic restrictions. A clear example of this phenomenon can be observed in cases where female service members publish entertaining or informational videos and subsequently face hate speech, misunderstanding, aggression, and ridicule in online comments, whereas male service members producing similar content often receive support and positive feedback.

It is also noteworthy that, until recently, the issue of uncomfortable military uniforms for women received little attention. While men's uniforms, particularly field uniforms, have been continuously improved since 2015, women's uniforms were only partially updated in 2019, and these changes were limited to ceremonial attire to align with new Armed Forces standards. In addition, the critical shortage of adequate menstrual hygiene products was largely ignored. This indirectly indicates that women in the Armed Forces were not perceived as full-fledged combat personnel for whom appropriate equipment is a prerequisite for effective service [1].

During the first months of the war, cases were reported in which female service members were transferred to other military units where service involved lower risks to life and health. Moreover, both male and female service members filed complaints regarding decisions by military leadership to temporarily remove women from assigned duties or restrict their performance of official responsibilities on military bases in February–March 2022 [4, 73]. This once again reflects the perception of women as weak and in need of protection. At the same time, cases of overt disrespect and aggression toward female service members by commanding officers were also documented.

Career advancement in the military profession is particularly challenging for women, as in many other fields, due to the phenomenon known as the “glass ceiling.” This concept is based on the assumption that women face more obstacles in their career progression than men and have fewer opportunities for recognition. One of the primary barriers is prejudice, such as the belief that women are overly emotional and therefore incapable of making objective decisions, which contributes to perceptions of women as ineffective leaders. Additionally, motherhood or the potential for it often becomes a decisive factor. Women with children may be perceived as insufficiently mobile due to childcare responsibilities, while women without children may face discrimination based on the presumed possibility of maternity leave in the future. Consequently, women are frequently viewed not as professionals, but primarily as potential mothers, which fosters excessive caution and hinders career development.

Throughout Ukraine's history, only three women have attained the rank of general. In 2018, Liudmyla Shuhalei became the first Ukrainian woman to receive the rank of Major General of the Medical Service as Head of the Medical Department of the Security Service of Ukraine. In 2020, President Volodymyr Zelenskyy awarded the rank of Major General to SBU officer Yuliia Laputina, and in 2021 the Armed Forces of Ukraine appointed their first female Brigadier General, Tetiana

Ostashchenko, Commander of the Medical Forces of the Armed Forces of Ukraine [1].

Another significant barrier faced by women in the military is harassment and sexual violence, topics that are rarely discussed openly. The reasons for this silence include feelings of shame, reluctance to relive traumatic experiences, fear, threats, and the difficulty of proving such crimes. In many cases, the only available evidence is the victim's testimony, as there are no witnesses and physical signs of violence were not documented.

In conclusion, female service members face an exceptionally large number of obstacles and challenges rooted in persistent gender stereotypes. These challenges include social condemnation, rejection, devaluation, and the lack of adequate and dignified conditions of service. Unfortunately, women in the military are often compelled to fight more than one war at a time—wars that they continue to strive to overcome.

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## **FOREIGN LANGUAGE IN THE PROFESSIONAL ACTIVITY OF AN OFFICER IN CHARGE**

The relevance of this topic is determined by the contemporary challenges faced by Ukrainian law enforcement agencies in the context of European integration, the expansion of international cooperation in combating crime, and the need for effective interaction with foreign partners. An officer in charge is one of the key positions

within operational and investigative activities, and the level of their foreign language competence directly affects the effectiveness of their professional duties.

The globalization of crime, the spread of transnational criminal organizations, and the emergence of borderless cybercrime require operational officers to work with foreign-language materials, conduct negotiations, and exchange operational information with international law enforcement partners. As stated in the Concept for the Development of the System of the Ministry of Internal Affairs of Ukraine, one of the priority directions is the improvement of personnel's professional competence, including foreign-language proficiency [1].

Learning a foreign language in the context of law enforcement activity goes far beyond the acquisition of general vocabulary. An officer in charge must possess specialized legal and police terminology to properly understand and prepare documents for international requests, conduct interviews with witnesses or suspects of foreign origin, and analyze materials from open and restricted foreign databases. Researchers in police education emphasize that language training for police officers should focus on solving real professional tasks rather than merely mastering grammatical structures.

International experience demonstrates that leading law enforcement agencies pay considerable attention to language training. For example, the Federal Bureau of Investigation (FBI) requires some of its agents to possess knowledge of at least one foreign language sufficient for working with documents and communicating in operational contexts. Similarly, the United Kingdom's National Crime Agency (NCA) includes language testing as part of its recruitment procedures for personnel involved in international operations [2].

In Ukraine, the issue of foreign language training for law enforcement officers is regulated by several normative acts. In particular, the *Law of Ukraine "On the National Police"* establishes general educational requirements for police officers. At the same time, departmental standards for higher education in the fields of *Law* and *Public Administration* include competencies in foreign-language communication [3]. However, practical experience indicates a significant gap between regulatory requirements and the actual language proficiency of operational personnel.

English has acquired particular importance as the primary language of international police cooperation. Through platforms such as Interpol and Europol, and through bilateral legal assistance agreements, officer in charges regularly send and receive requests predominantly prepared in English. Errors in translation or misunderstanding of legal terminology may lead to delays in investigations, loss of evidence, or violations of individual rights.

Among the most effective approaches to improving foreign language training for operational officers are **Content and Language Integrated Learning (CLIL)**, simulation-based training using real investigative scenarios, internships in international law enforcement institutions, and distance learning courses on platforms such as Moodle or the training resources of CEPOL — the European Union Agency for Law Enforcement Training [4].

An analysis of educational programs at Ukrainian higher education institutions belonging to the Ministry of Internal Affairs shows that the discipline “Foreign Language” is typically taught during the first two years of study and primarily focuses on general language training. Professional language training that reflects the specific nature of operational and investigative activities remains insufficiently developed. Surveys of practicing officers confirm that most respondents believe the existing language courses did not adequately prepare them for real linguistic challenges encountered in their professional duties [1].

### **Practical Methods for Improving Foreign Language Training**

To enhance the effectiveness of foreign language training for officers in charge, it is necessary to introduce several practical methodological approaches widely used in modern law enforcement education. First, *scenario-based language training* should be incorporated into police curricula. This method involves modelling realistic operational situations such as interviewing foreign suspects, preparing international requests for legal assistance, or coordinating joint investigative operations with foreign partners. Such training allows officers to develop both linguistic and professional decision-making skills simultaneously.

Second, *task-based language learning* can be effectively applied in police education. This approach focuses on solving practical communicative tasks related to professional activities, including drafting operational reports in English, analyzing foreign investigative materials, and conducting online communication with international partners. Studies in police language training demonstrate that task-based learning significantly improves professional communication skills among law enforcement personnel [5].

Another promising direction involves the use of *digital learning platforms and AI-assisted language tools*. Modern training systems allow officers to practice specialized vocabulary, analyze authentic law-enforcement documents, and participate in virtual simulations of international operations. According to recent research on police education and international cooperation, integrating digital technologies into professional language training significantly enhances learning efficiency and accessibility [6].

Thus, a foreign language has become an essential element of the professional competence of a modern officer in charge. Its importance continues to grow due to the increasing exchange of operational information at the international level, the execution of requests within the framework of international legal assistance, and participation in joint investigative operations. Improving the system of language training within educational institutions of the Ministry of Internal Affairs of Ukraine, introducing profession-oriented teaching methods, and expanding cooperation with international training institutions represent urgent tasks that require systematic implementation.

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## PSYCHOLOGICAL CHARACTERISTICS OF RESILIENCE AS A FACTOR OF PROFESSIONAL RELIABILITY OF SPECIALISTS IN HIGH-RISK PROFESSIONS

**Abstract.** The paper deals with professional reliability of the specialists in the high-risk professions. The definition of resilience, as the ability for psychological recovery, adaptation, and maintenance of the performance under stress and uncertainty, is given. The purpose of the research is stated. The research objectives are focused on. The methodological framework is highlighted.

**Key words:** *specialists in the high-risk professions, resilience, psychological characteristics of resilience, professional activity, professional reliability.*

The modern social processes, in particular the prolonged military aggression against Ukraine, the growing scale of the man-made, natural, and socially conditioned emergencies, as well as the high variability and unpredictability of the professional environment, impose the increased demands on the psychological resilience of the specialists in the high-risk professions. This category includes the military personnel, rescuers, police officers, emergency medical workers, operators of the complex technical systems, and others – those who operate daily under conditions of heightened danger, time pressure, stress, and responsibility for human lives. Under such circumstances, professional reliability becomes a critically important characteristic that determines the effectiveness and safety of the task performance.

Resilience, as the ability for psychological recovery, adaptation, and maintenance of the performance under stress and uncertainty, is one of the key factors of professional reliability. In both international and domestic psychology,

there is a growing recognition that resilience protects the specialists from exhaustion, professional deformation, emotional burnout, and critical errors during the performance of the official duties. At the same time, despite a considerable interest in stress resistance and adaptability, the psychological characteristics of resilience in the specialists of the high-risk professions remain insufficiently studied, particularly regarding its influence on the multidimensional structure of professional reliability.

The issues of resilience and professional reliability have been studied by many scholars. The concept of resilience was developed by G. Wagnild, N. Garmezy, M. Rutter, E. Werner, K. Connor, and J. Davidson, who defined it as an ability for positive adaptation despite the significant stressors. Psychological stability and professional reliability of the specialists in the high-risk professions were examined by V. Ponomarenko, V. Lefterov, and V. Krainiuk, who emphasized the role of self-regulation, neuropsychological stability, and tolerance for uncertainty. The studies of professional stress, emotional burnout, and coping resources among the specialists in the extreme professions were conducted by O. Vavryniv, T. Tytarenko, O. Kokun, I. Prykhodko, O. Yurchenko, R. Yaremko, as well as the contemporary military psychologists analyzing adaptability and resilience of the military personnel under combat conditions. Despite this, the integration of these approaches into a holistic model of the relationship between resilience and professional reliability of the high-risk specialists requires further development.

Special attention should be given to the analysis of the individual psychological components of resilience, the mechanisms of its formation, and its manifestation in the activities performed under the extreme and crisis conditions. Clarifying the relationship between resilience and such components of professional reliability as emotional self-regulation, cognitive flexibility, responsibility, risk readiness, and decision-making ability in stressful situations is also highly relevant. In modern conditions, the practical aspect becomes especially important – namely, the scientific substantiation of the ways to develop resilience among the specialists who are constantly exposed to the extreme factors.

Thus, the study of the psychological characteristics of resilience as a factor of professional reliability of the specialists in the high-risk professions is relevant both theoretically and practically. It aims to address an important scientific and socially significant problem – ensuring high effectiveness and safety of the professional activity of the specialists whose work affects the life, health, and safety of citizens.

The object of the research is professional reliability of the specialists in the high-risk professions.

The subject of the research is the psychological characteristics of resilience as a factor of professional reliability of the specialists in the high-risk professions.

The purpose of the research is to theoretically substantiate and empirically investigate the psychological characteristics of resilience as a factor of professional reliability of the specialists in the high-risk professions, as well as to develop and test a resilience development program aimed at increasing professional reliability.

The research objectives are:

1. To analyze the theoretical approaches to understanding resilience and professional reliability and to determine their structural and functional characteristics.
2. To identify the psychological mechanisms of the relationship between resilience and professional reliability among the specialists in the high-risk professions.
3. To establish the correlational, factor, or regression relationships between the indicators of resilience and the components of professional reliability and to identify the predictors of professional reliability.
4. To develop, implement, and evaluate the effectiveness of a psychological program for developing resilience among the specialists in the high-risk professions.

The methodological framework includes:

- a systemic approach, considering the activity of the specialists in the high-risk professions as a holistic system with the psychological, operational, and personal components;
- a resource-based approach (S. Hobfoll), interpreting resilience as a set of the individual and social resources;
- the concept of stress resistance and psychological adaptation (R. Lazarus, S. Folkman, M. Rutter, E. Werner);
- psychology of the professional activity in extreme conditions (V. Ponomarenko, O. Kokun);
- an existential-humanistic approach (C. Rogers, V. Frankl) to the study of the internal personal resources.

The scientific principles include determinism, development, unity of consciousness and activity, objectivity, and verifiability of the results.

The study expands and deepens scientific understanding of resilience as a psychological resource within the structure of the professional activity in the extreme conditions. It specifies the psychological content of the concept of professional reliability and its relationship with the adaptive personality characteristics. The research improves the theoretical models of resilience in the context of the risk-related professions and contributes to the development of stress psychology, activity psychology, and personal resource theory in civil protection, military, and extreme psychology.

The scientific novelty of the research lies in clarifying the structure and psychological components of resilience among the specialists in the high-risk professions; identifying the leading predictors of professional reliability related to resilience (emotional self-regulation, coping strategies, cognitive flexibility, motivational resources); and developing and testing a psychological resilience development program adapted to high-risk professional activities.

The developed program can be implemented in training and the professional development systems for the military personnel, rescuers, police officers, medical workers, and other specialists working under risk conditions. The research materials may be used in stress resilience training, psychological support programs, and burnout prevention initiatives. The diagnostic tools and developed criteria can be applied in selection, certification, and psychological support of the specialists in the



high-risk professions. The research may contribute to improving the psychological support of the units operating under increased danger.

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## **THE ROLE OF HUMAN RIGHTS ORGANIZATIONS IN THE MECHANISM OF HUMAN RIGHTS PROTECTION: INTERNATIONAL EXPERIENCE AND UKRAINIAN REALITIES**

Human rights are a fundamental value of a democratic society and the basis for the functioning of a modern rule-of-law state. Ensuring and protecting human rights and freedoms is one of the key objectives of state policy, as well as an important component of the activities of civil society. In the modern legal environment, a significant role in the mechanism of human rights protection is played by human rights organizations, which monitor the observance of human rights, provide legal assistance to citizens, contribute to the development of legal culture in society, and act as intermediaries between the state and citizens. In this context, the study of the role of human rights organizations in the system of ensuring human rights, taking into account international experience and Ukrainian realities, becomes particularly relevant.

The Constitution of Ukraine establishes the principle that a person, his or her life and health, honour and dignity, inviolability and security are recognized as the highest social value, and the affirmation and protection of human rights and freedoms is the main duty of the state [1]. At the same time, the effective implementation of this principle is impossible without the active participation of civil society institutions, among which human rights organizations occupy an important place. They perform the function of public oversight over the activities of state authorities, contribute to the identification of violations of human rights, and ensure the protection of the interests of individuals whose rights have been violated.

Human rights organizations are an integral part of civil society and perform a number of important functions in the field of human rights protection. The main areas of their activity include providing legal assistance to citizens, conducting legal education and awareness activities, monitoring the observance of human rights, participating in the development of legislative initiatives, and cooperating with international organizations in the field of human rights protection. Such organizations serve as an important instrument for ensuring transparency in the activities of public authorities and for raising the level of legal culture in society. At the same time, they



act as a kind of intermediary between citizens and the state, contributing to the effective resolution of conflicts related to violations of human rights.

In academic literature, it is noted that human rights organizations are a typical product of a developed civil society, whose primary function is to monitor the activities of state authorities in ensuring human rights and freedoms [2]. Through the activities of such organizations, public control over the observance of human rights is exercised, and mechanisms for responding to violations are formed. Human rights organizations may monitor the human rights situation, conduct independent research, participate in public discussions of draft laws, and represent the interests of citizens in courts and international institutions.

International experience demonstrates that human rights organizations play an important role in forming an effective system for the protection of human rights. In many democratic states, they actively cooperate with government authorities, international organizations, and the public. Such cooperation contributes to increasing the effectiveness of human rights protection mechanisms and ensures a proper level of transparency in the activities of public authorities. In international practice, human rights organizations often act as initiators of reforms in the field of human rights and monitor the implementation by states of their international obligations in this area.

Human rights organizations are of particular importance in the context of interaction with international judicial institutions. In particular, they play an important role in preparing and submitting applications to international courts, as well as in providing legal assistance to citizens in the process of protecting their rights at the international level. Academic studies emphasize that non-governmental human rights organizations can contribute to documenting human rights violations, collecting evidence, and representing the interests of victims before international judicial institutions [3]. Thus, the activities of such organizations help to increase the effectiveness of the international human rights protection mechanism.

In Ukraine, human rights organizations began to develop actively after the country gained independence and democratic institutions were established. During this period, the human rights movement was formed and became an important component of civil society. Today, a significant number of human rights organizations operate in Ukraine, working in various areas, including the protection of human rights, combating discrimination, protecting freedom of speech, and defending the rights of internally displaced persons and other socially vulnerable groups.

The activities of human rights organizations have become especially relevant in the context of armed aggression against Ukraine. During this period, they have been actively involved in documenting war crimes, providing legal assistance to affected individuals, and cooperating with international organizations and judicial institutions. Human rights organizations collect evidence of violations of international humanitarian law, which is of great importance for bringing those responsible to justice at the international level [3].

At the same time, the activities of human rights organizations in Ukraine face a number of problems and challenges. Among the main ones are insufficient funding,

limited resources, difficulties in interaction with state authorities, and the need to adapt to new conditions related to the development of information technologies and the digital environment. In addition, an important problem is the need to increase the level of legal culture among the population and to form effective mechanisms of interaction between state authorities and civil society institutions.

An important direction for the development of human rights organizations is the expansion of international cooperation. Cooperation with international organizations makes it possible to exchange experience, implement international standards in the field of human rights protection, and increase the effectiveness of human rights activities. Moreover, international support contributes to strengthening the institutional capacity of human rights organizations and expanding their opportunities in the field of human rights protection.

Thus, human rights organizations play an important role in the mechanism for ensuring and protecting human rights. Their activities contribute to the formation of a democratic society, the improvement of citizens' legal culture, and the strengthening of the principles of the rule of law. In modern conditions, taking into account international experience and Ukrainian realities, an important task is the further development of the human rights movement, the improvement of mechanisms of interaction between state authorities and civil society, and the creation of proper conditions for the effective functioning of human rights organizations.

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## **TRANSLATOR AS A MEDIATOR OF THE CULTURE OF PEACE**

The problem of the formation and development of a culture of peace became particularly acute in the twentieth century. Such domestic and foreign researchers as

R. Iron, I. Andreeva, J. Bernal, R. Gillis, H. Neufeld, M. Tsyurupa devoted their works to its philosophical and historical understanding. They sought to provide the most complete definition of the concept of “culture of peace” and to clarify its basic principles.

The close connection between culture and communication was first proven by E. Hall, who stated that “communication is culture, culture is communication”. He is also the author of the term “intercultural”, which gave the name to the theory of intercultural communication [4; 66]. The researcher emphasized that for a successful translation process it is necessary to learn not only the language, but also the culture of communication with other peoples, that is, the practical needs of representatives of different cultures for successful communication with each other. G. Kuzenko claims that a new understanding of the essence and nature of translation, based on the principles of intercultural communication, has been called the “cultural turn” in translation theory, that is, a shift in emphasis in the study of translation to its cultural aspects [5; 22].

Since the translator works with representatives of different cultures, he has the opportunity to get acquainted with the national and cultural specifics of representatives of different countries and peoples, as well as to convey to representatives of other cultures the features of his own cultural community. He can also convey other ideas, for example, the culture of peace, or vice versa - the culture of war. Linguistic and paralinguistic means of communication that the translator chooses to carry out the translation process can become either catalysts or inhibitors of faster understanding and constructive dialogue between communicants.

S. Terekhova emphasizes the importance of synergetics, that is, the energetic impact of the word, in the process of the translator's work [6; 19]. The result of communication is influenced not only by WHAT the translator says, but also HOW he says it: intonation, manner, pace, volume, etc. The same phrase, spoken with different intonation, can cause a completely opposite reaction. This problem is especially acute when the translator participates in peace negotiations.

Investigating the role of the interpreter in UN peacekeeping missions, Alves de Souza points out that to achieve the ultimate goal it is extremely important to understand the culture of the country or region in which the conflict is taking place, because culture is part of the “identity-language-culture” axis, the basis for the formation of the characteristics of a particular people [1; 5]. Having analyzed the work of several UN peacekeeping missions deployed in different regions of the world, he emphasizes that for the transmission of important and sensitive information it is better to choose a local resident who belongs to a certain ethnic group or community as an interpreter. The organizers of the UN negotiations understand that, being accompanied by local representatives who are well versed in local customs and language, they thus demonstrate respect for the people and gain an advantage in the communication process. Friendly behavior and friendliness are also very important characteristics of the participants in the negotiations.

Translators working in such missions should help build communication bridges between counterparties, ensuring an adequate process of peace negotiations. They

should be free from any prejudices, respectful of all cultures, religions, and nationalities, which directly affects the results of peace negotiations. A translator's mistake in a military conflict during peace negotiations can seriously harm and lead to an even greater escalation of the conflict. Losses can be irreversible, and damage irreparable in human, material, or institutional terms. According to N. Kelly and J. Zetsche [3], there is no greater intellectual challenge than building semantic bridges between several different languages, while preserving their linguistic and cultural identity. It is the translator in such a case who can turn cultural barriers into cultural bridges. This idea is also emphasized by A. Klassen, who claims that translation is not only a technical transfer from words in one language to another, but, on a much larger scale, a transfer from one culture to another through intercultural bridges that connect people around the world and help people coexist peacefully [2; 72].

In the study of Salah Ahmed Musa Said, dedicated to the contribution of translation to ensuring peaceful coexistence of people on earth, it is emphasized that translation transforms the values that contribute to peaceful coexistence from the past to the modern world [4; 4]. These values must be applied in social, cultural, political, economic and legal contexts in such a way as to change and/or eliminate the negative attitudes and misunderstandings of each individual culture, which can cause disputes and conflicts between cultures and individuals. Translation remains a necessity for expanding the scope of human knowledge and achievements without any claims or attempts to impose a certain culture on others. Translation can contribute to the development of a culture of exchange and strengthen dialogue between different cultures, expanding opportunities for interaction and contributing to civilization. It aims to disseminate knowledge and promote the principles of mutual understanding and universal human values for a bright future for this and future generations. Conclusions and prospects for further research.

Thus, the translation process is an important aspect of building intercultural communication on the basis of mutual understanding, constructive dialogue, mutual assistance, and mutual exchange of cultural and scientific heritage. Translators perform not only a communicative function - the success of intercultural dialogue directly depends on their level of awareness of the cultural characteristics of native speakers. A translator can become either a translator of the culture of peace or a translator of the culture of war. He is required not only to mechanically transfer a message from one language to another, but also to understand how this message should be transmitted so as not to harm the results of the dialogue, but on the contrary - to contribute to the achievement of mutual understanding for the common well-being of all people, so that cultural walls turn into cultural bridges. In the future, we plan to analyze in detail the functions of translators in specific UN peacekeeping missions in order to identify the features of working with such tasks and the necessary skills that should be developed in the process of training future translation specialists.

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## **ACTIVITIES OF HUMAN RIGHTS INSTITUTIONS IN COUNTERING WAR CRIMES: INTERNATIONAL EXPERIENCE AND UKRAINIAN PRACTICE OF DOCUMENTATION**

War crimes belong to the most dangerous international crimes, as they threaten the life and safety of civilians, prisoners of war, civilian infrastructure and cultural heritage. The full-scale armed aggression of the Russian Federation against Ukraine has led to a sharp increase in the number of such crimes, which has created the need for systematic documentation, investigation and prosecution of those responsible. In this process an important role is played by human rights institutions that record violations of international humanitarian law, collect testimonies of victims and contribute to the formation of an evidentiary base for national and international judicial bodies. The activities of such institutions have not only legal but also criminological significance, because systematic documentation of war crimes makes it possible to analyze their structure, prevalence and patterns of commission.

The regulatory basis for countering war crimes is formed by international and national legal instruments. One of the key documents is the Geneva Conventions of 12 August 1949 and their Additional Protocols, which define the rules of conduct during armed conflicts and establish prohibitions on attacks against civilians, torture, inhuman treatment, unlawful destruction of property and other acts recognized as war crimes [1]. Another important instrument is the Rome Statute of the International Criminal Court of 17 July 1998, which defines the list of war crimes and the procedure for bringing perpetrators to international criminal responsibility. Ukraine

recognizes the jurisdiction of the International Criminal Court over crimes committed on its territory, which allows the results of documentation carried out by human rights organizations to be used in international criminal proceedings [2].

At the national level criminal liability for war crimes is established by the Criminal Code of Ukraine. In particular, Article 438 of the Criminal Code of Ukraine establishes responsibility for violations of the laws and customs of war, including cruel treatment of civilians, deportation, use of prohibited means and methods of warfare, destruction of civilian objects and other violations of international humanitarian law. In addition, Articles 437, 439 and 442 establish responsibility for aggressive war, the use of weapons of mass destruction and genocide. Within the Ukrainian legal system the documentation of war crimes is carried out by pre-trial investigation bodies, prosecutors, the Security Service of Ukraine and specialized units dealing with violations of international humanitarian law.

In the process of documenting war crimes an important role is also played by human rights organizations and international institutions. Among them are the Office of the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross, international human rights organizations Human Rights Watch and Amnesty International, as well as a number of Ukrainian civil society organizations. These institutions collect testimonies of witnesses, analyze satellite imagery, photo and video materials, examine crime scenes and conduct other forms of evidence gathering. The results of such work may later be used in criminal investigations and in proceedings before international courts.

The Ukrainian practice of documenting war crimes has developed in response to large-scale violations of international humanitarian law during the armed aggression of the Russian Federation. According to data from the Office of the Prosecutor General of Ukraine, as of 2025 tens of thousands of criminal proceedings concerning violations of the laws and customs of war have been registered. A significant part of these cases concerns shelling of civilian infrastructure, killings of civilians, torture, deportation of civilians and unlawful detention of people in temporarily occupied territories. Both state authorities and human rights organizations participate in documenting such crimes, cooperating with international institutions and transferring collected materials to investigative bodies.

From a criminological perspective systematic documentation of war crimes allows identification of patterns in their commission. Analysis of investigative materials shows that many such crimes have an organized character and are committed within military units or based on orders of commanders [3, p.31-33]. Recording such facts makes it possible to establish the structure of criminal actions, determine the role of specific individuals in organizing them and identify mechanisms of unlawful decision-making. This approach is important for criminological analysis because it allows researchers to study not only individual episodes but also the system and logic behind the commission of war crimes.

International experience in documenting war crimes shows that effective counteraction is possible only through cooperation between state authorities, international institutions and human rights organizations. Similar mechanisms were

applied during the investigation of crimes committed in the former Yugoslavia and Rwanda, where international investigative commissions and human rights organizations played a significant role in collecting evidence. The use of satellite imagery, digital archives and specialized databases made it possible to record violations of international humanitarian law and provide evidence for international tribunals.

In Ukraine a comprehensive system of documenting war crimes is gradually being formed. It includes examination of crime scenes, recording damage to civilian infrastructure, interviews with victims and witnesses, analysis of digital evidence and the use of open-source information. Technologies of satellite monitoring and open-source intelligence analysis play an important role because they allow verification of shelling incidents or movements of military equipment [3, p.31-33]. Such information is used both in national criminal proceedings and in international investigations.

Future development of the war crimes documentation system is connected with strengthening interagency cooperation and introducing modern information analysis technologies. The development of digital archives, integration of databases of different state authorities and the use of criminal intelligence analysis methods make it possible to systematize collected materials and form a comprehensive picture of war crimes. Another important direction is the training of specialists with knowledge in international humanitarian law and criminal procedure, which ensures high-quality documentation of such crimes.

Thus, the activities of human rights institutions play a significant role in countering war crimes. Their participation in documenting violations of international humanitarian law contributes to the creation of an evidentiary base for national and international courts. The cooperation between state authorities, international organizations and civil society institutions forms a comprehensive mechanism for recording war crimes and bringing perpetrators to justice. From a criminological perspective such activities also allow analysis of the patterns of war crimes and the development of effective mechanisms to prevent them in the future.

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## **MILITARY PUNISHMENTS**

In the current conditions of armed aggression against Ukraine, the issue of compliance with military discipline, legality and responsibility of servicemen is of particular importance. One of the key instruments for ensuring law and order in the Armed Forces of Ukraine and other military formations is the system of military punishments. They perform not only a punitive, but also a preventive and educational function, contributing to maintaining discipline, combat readiness and subordination.

By military, or military, punishments we mean measures of criminal law enforcement applied by the court to servicemen for committing military criminal offenses. Their peculiarity is that they are directly related to military service and take into account the specific legal status of the serviceman. Such punishments can affect not only the personal freedom of the guilty person, but also his official position, military rank and the possibility of further service.

The legal basis for the application of military punishments in Ukraine is the Constitution of Ukraine and the Criminal Code of Ukraine. It is the Criminal Code that contains the norms that establish liability for criminal offenses against the established procedure for military service as well as:

- General part – concept, purpose and system of punishments;
- Section XIX – criminal offenses against the established procedure for military service;
- Law of Ukraine “On Military Duty and Military Service”;
- Disciplinary Statute of the Armed Forces of Ukraine (in terms of the distinction between disciplinary and criminal liability).

In connection with martial law in 2023–2024, amendments were made to the criminal legislation that increased responsibility for the most dangerous war crimes, in particular desertion {Article 408 as amended by Law No. 194-VIII of 12.02.2015}, disobedience (Article 402 as amended by Law of Ukraine No. 194-VIII of 12.02.2015), unauthorized abandonment of a military unit, and refusal to execute an order.

The main purpose of military punishments is not only to punish the guilty party, but also to ensure military discipline, prevent new offenses, and maintain the controllability and combat readiness of troops. In military conditions, even a minor violation of discipline can have serious consequences for the lives of personnel and the success of combat operations, so the state is forced to respond to such acts more strictly than in peacetime.



The system of military punishments includes both special and general types of criminal punishments. Special punishments include, in particular, service restriction for military personnel. This punishment consists of restricting service rights, withholding part of the financial support and prohibiting promotion. A similar type of punishment is usually imposed in cases of military criminal offenses that did not entail serious consequences, but indicate a violation of the established procedure for military service. This includes, in particular, negligent attitude to military service, when a serviceman, due to inattention or negligence, improperly performs his duties, which leads to a violation of internal order, but does not create a direct threat to the lives of personnel or the performance of a combat mission. Service restriction can also be applied in cases of disobedience without aggravating circumstances, when a serviceman refuses to carry out the order of his superior, but such refusal does not occur in a combat situation and does not cause serious consequences. In such situations, the court, taking into account the circumstances of the case, the identity of the perpetrator and the absence of serious harm, may conclude that it is appropriate to impose this type of punishment without isolation from society. Another specific type of military punishment is arrest with detention in a guardhouse. This is a short-term deprivation of liberty, which is applied exclusively to military personnel and is aimed at a quick disciplinary and punitive impact. This type of punishment is used in cases where it is necessary to respond promptly to violations of military discipline. A special place in the system of military punishments is occupied by detention in a disciplinary battalion. This type of punishment combines elements of punishment and military re-education. Its specificity lies in the fact that the convicted serviceman continues to be in the system of the Armed Forces of Ukraine, but serves in a special, more strict regime.

The purpose of such punishment is not only to isolate the offender and restore military discipline, but also to correct his behavior, to form a proper attitude towards the performance of official duties, the requirements of the statutes and orders of the command. In the disciplinary battalion, conditions of increased control, clear regulation of the daily routine and mandatory involvement in military training and work are created, which should contribute to the correction of the serviceman. This punishment is a milder alternative to imprisonment, as it allows to maintain the status of a serviceman and, with proper behavior, to return to further service. Thus, detention in a disciplinary battalion performs not only a punitive, but also a distinct educational and preventive function.

For committing serious or especially serious crimes, additional punishment in the form of deprivation of military rank may be applied to servicemen. This punishment is not only legal, but also moral and legal in nature, since it means the loss of the status of a military serviceman, as well as the state's trust in the person as a representative of the military service. In addition, general criminal penalties may be applied to military personnel, in particular restrictions or imprisonment for a certain period (with imprisonment from 5 to 10 years). Most often it is applied in combination with imprisonment for: desertion (during martial law or in a combat situation it is considered especially serious and is punished more severely),

unauthorized leaving of a military unit, disobedience or refusal to carry out the order of a commander, resistance to a superior, as well as violation of the rules of combat duty. For example, Article 403 of the Criminal Code of Ukraine provides for criminal liability for such a refusal when it leads to serious consequences (serious consequences have occurred due to failure to comply with the order). Also, an example of desertion can be a situation when a serviceman leaves the unit with his belongings, changes his place of residence, hides or tries to go abroad in order to avoid military duty.

Thus, military punishments are applied for specific, clearly defined crimes by law that encroach on the order of military service. The examples given indicate that even actions that may seem insignificant at first glance acquire an increased public danger in wartime. That is why the state establishes strict criminal liability aimed at ensuring discipline, law and order and effective protection of Ukraine.

In addition to military punishments, the Armed Forces of Ukraine have a system of disciplinary liability for violations of military discipline without signs of a crime. The most common measures are reprimands and reprimands, which are applied, for example, for being late for formation, violating the uniform, or improperly following orders. In case of repeated or serious violations of discipline, a severe reprimand is applied, which involves more stringent control and influence on the behavior of a serviceman. At the same time, during a full-scale war, Russian troops systematically commit war crimes on the territory of Ukraine: murder and torture of civilians, attacks on residential buildings, hospitals, and schools, deportation of citizens, torture of prisoners, use of prohibited weapons, and looting. As of the beginning of 2025, Ukrainian law enforcement agencies have opened more than 140 thousand criminal proceedings, and the International Criminal Court is actively working to bring the perpetrators to justice. Within the disciplinary system, more serious penalties include a warning for incomplete service compliance. It can be applied to military personnel who hold leadership positions but do not ensure proper discipline or do not cope with their duties. In cases of gross violations of discipline, a demotion in position or military rank is possible, for example, a sergeant for improper leadership of a unit without serious consequences. Also, in cases provided for by law, arrest with detention in a guardhouse is applied, for example, for appearing on duty in a drunken state or for an unauthorized short-term absence. It is important to note that disciplinary sanctions are not applied if the actions of a military personnel reveal the elements of a criminal offense – in this case, criminal liability arises.

It is also necessary to distinguish between the concepts of military and war crimes:

- War crimes ([Art. 401–435] of the Criminal Code of Ukraine) are violations of the established procedure for military service committed by military personnel.
- War crimes ([Art. 438] of the Criminal Code of Ukraine and the norms of international humanitarian law) are grave violations of the laws and customs of war, such as torture or murder of civilians, which are classified as international crimes

Since February 24, 2022, numerous violations related to hostilities have been recorded in Ukraine. During this time, the destruction of housing, the death of

civilians, and cases of illegal seizure of property in temporarily occupied territories have been recorded. These circumstances demonstrate the high social danger of offenses during martial law and emphasize the need for a clear system of responsibility for military personnel. In conclusion, we can conclude that military punishments are a necessary and justified element of the legal system of Ukraine in times of war. They are aimed at protecting the state, maintaining discipline in the army and ensuring law and order even in difficult conditions of combat operations. At the same time, the application of such punishments must be carried out in compliance with the principles of legality, justice and individual responsibility in order to ensure not only discipline, but also the legal protection of each serviceman.

Thus, the modern system of military punishments in combination with disciplinary sanctions allows for a prompt response to violations, prevent serious crimes and maintain the combat capability of military units, which is critically important for the defense of the state during martial law.

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## **CRIMINAL LAW PROTECTION OF THE CRITICAL INFRASTRUCTURE FACILITIES**

**Abstract.** The paper deals with the criminal liability for the encroachments on the critical infrastructure facilities, and ensuring their criminal law protection. The importance of such research is stated. The relevance of the research is determined by a number of the defined internal and external factors. The purpose and the objectives of the research are formulated.

**Key words:** criminal law protection, critical infrastructure facility, criminal encroachment, international security standards, national security doctrine, criminal liability.

In the 21<sup>st</sup> century, the critical infrastructure has become a key element of national security and state stability. It encompasses energy, transport, information, healthcare, financial, and other essential systems, whose uninterrupted functioning ensures the viability of society and the state's ability to perform its fundamental functions.

Russia's full-scale war against Ukraine has highlighted the strategic importance of the critical infrastructure, as these facilities have become the primary and continuous targets of the hostile attacks. Their destruction causes not only the material losses but also the paralysis of the state institutions, humanitarian crises, and greater vulnerability of society.

For this reason, the issue of the criminal law protection of the critical infrastructure is no longer purely theoretical; it has become a matter of national security, defense capacity, and state survival. Its relevance is determined by a number of the internal and external factors.

First, the critical infrastructure facilities are recognized as the objects of the criminal encroachments within the *corpus delicti* provided, inter alia, by Articles 113, 194-1, 252, 261, 270-1, 277, 279, 292, 360, 341, and 411 of the Criminal Code of Ukraine. These provisions are located in different chapters of the Special Part of the Criminal Code of Ukraine, which necessitates assessing their effectiveness in ensuring the protection of the critical infrastructure facilities, including the protection against the threats emerging in wartime.

Second, at present, criminal law incorporates a "narrow" concept of the critical infrastructure, primarily focused on the information and communication component. Meanwhile, the relevant framework legislation establishes a more comprehensive approach covering all vital sectors. This conceptual inconsistency leads to the fragmentation of the criminal law protection and disrupts the systemic balance between the legal doctrine and the practice of the criminalization of the encroachments.

Third, the international security standards impose an obligation on the states to ensure a special legal regime for the protection of the critical infrastructure. In most developed legal systems, the encroachments upon such facilities are classified as the independent criminal offenses against national security, reflecting the heightened social danger of such acts and their potential impact on the vital state functions.

Fourth, the development of the digital technologies, automated control systems, and remote energy and transport networks gives rise to the new threats, including the cyberattacks, interference with the control systems, and destabilization of the logistical processes. These acts require an appropriate legal assessment, as current criminal legislation does not fully account for their cross-sectoral impact on national security.

Thus, a scholarly research into the criminal law protection of the critical infrastructure facilities is both timely and necessary. It is of significant importance for

the development of a modern national security doctrine and for improving Ukraine's criminal legislation in line with the European Union standards and international humanitarian law.

The purpose of the research is to formulate a scientifically grounded concept of the criminal law protection of the critical infrastructure facilities in Ukraine, to identify the system of the legal norms that ensure their protection, and to develop the proposals for improving criminal legislation in light of the contemporary security challenges.

To achieve this purpose, the following objectives are set:

- to review the state of the research on the issues of the criminal law protection of the critical infrastructure facilities in the criminal law doctrine;
- to disclose the concept, features, and legal nature of the critical infrastructure facilities under national legislation, taking into account the provisions of the Law of Ukraine "On Critical Infrastructure" and the related regulatory acts;
- to examine the foreign experience in the legal regulation of the criminal liability for the encroachments on the critical infrastructure facilities;
- to determine the object of the criminal offenses related to the encroachments on the critical infrastructure facilities and establish its place within the system of the objects of the criminal offenses;
- to reveal the content of the objective element of the criminal offenses related to the encroachments on the critical infrastructure facilities;
- to characterize the subject of the criminal offenses related to the encroachments on the critical infrastructure facilities;
- to examine the subjective element of the criminal offenses related to the encroachments on the critical infrastructure facilities;
- to identify the general approaches and specific features of the criminal law qualification of the criminal offenses related to the encroachments on the critical infrastructure facilities and to distinguish them from the similar offenses;
- to analyze the limits of punishment for the criminal offenses related to the encroachments on the critical infrastructure facilities;
- to formulate the scientifically grounded proposals for improving criminal legislation of Ukraine in the field of the protection of the critical infrastructure facilities, taking into account the contemporary national security challenges, law enforcement practice, and international standards for critical infrastructure protection.

The object of the research comprises the social relations arising in the process of the legal regulation and implementation of the criminal liability for the encroachments on the critical infrastructure facilities, as well as in the sphere of ensuring their criminal law protection.

The subject of the research consists of the criminal law norms establishing the liability for the criminal offenses related to the encroachments on the critical infrastructure facilities.

The findings of the research can be used for the further development of the criminal law doctrine on the protection of the critical infrastructure facilities, improvement of the classification of the criminal offenses, and the theoretical

substantiation of the formation of an independent criminal law institution for their protection; in preparing the proposals for the amendments to the current Criminal Code of Ukraine, as well as in drafting a new Criminal Code of Ukraine, taking into account the contemporary challenges in the fields of national security, defense, energy, and information protection; to improve the approaches to the qualification of the criminal offenses related to the encroachments on the critical infrastructure facilities; in teaching the criminal law disciplines, preparing the textbooks, teaching aids, and practical materials for the students pursuing higher education in law.

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## **CONCEPT AND CHARACTERISTICS OF REMOVAL FROM OFFICE AS A MEASURE TO ENSURE CRIMINAL PROCEEDINGS**

**Abstract.** The article deals with examining the removal from an office as a measure to ensure the criminal proceedings. The definition of the removal from the office is given. The cases when the removal from the office are mentioned. The basis of the decision of the removal from the office is analyzed. The special grounds for the removal from the office are focused on.

**Key words:** *removal from the office, criminal proceedings, suspect, Criminal Procedural Code of Ukraine, reasonable circumstances.*

When examining the removal from on office as a measure to ensure the criminal proceedings, it is first necessary to define its concept and essence.

The removal from the office is "a measure to ensure the criminal proceedings, the essence of which is to temporarily prevent a suspect or accused person from performing their work (official) duties for a certain period of time, which, as a general rule, is carried out by the decision of an investigating judge or court with the aim of stopping a criminal offense, stopping unlawful behavior, preventing unlawful behavior by a person who, while in office, could destroy or falsify the items or documents that are important for the pre-trial investigation, illegally influence the witnesses and other participants in criminal proceedings, or unlawfully obstruct the criminal proceedings in other ways" [4, p. 256].

In turn, in a narrower sense, the removal from the office is "a measure to ensure the criminal proceedings, which consists in the temporary, forced prevention of an official from performing his or her functional duties and is applied to a person who is suspected or accused of committing a criminal offense" [5, p. 200-201].

Therefore, "this measure is intended to achieve a specific goal: to stop a criminal offense; to stop or prevent unlawful behavior by a suspect or accused person" [5, p. 201].

In other words, a person who holds office is removed from it so that they cannot use their official position to continue the criminal activity, falsify or destroy the physical evidence, intimidate or commit other unlawful acts against the victim, witness, or expert in order to persuade them to give the testimony that will justify the suspect or accused, etc. In examining the issues related to the removal of a person from the office, we note that "there are many cases where the managers and officials, while in places of deprivation of liberty, formally remain in their positions and, moreover, actively use them to obstruct the pre-trial investigations or court proceedings. Therefore, the decision to remove a person from the office is possible and necessary, even when applying a measure such as detention" [6, p. 14].

The removal of a suspect from the office must also be distinguished from removal from work in accordance with the requirements of the Labor Code. "The removal of the employees from work by the owner or an authorized body is permitted in the following cases: appearing at work in a state of intoxication, under the influence of drugs or toxic substances; refusal or evasion of the mandatory medical examinations, training, instruction, and testing of knowledge of occupational safety and fire safety (Article 46 of the Labor Code). In such cases, the decision on the removal is made by the head of the body, who issues the relevant order (decree). In addition, it is necessary to distinguish between the removal from the office during the criminal proceedings and deprivation of the right to hold the certain positions or engage in the certain activities, which is a type of punishment and is applied by a court verdict to the persons found guilty of committing a crime [1].

In accordance with the requirements of the Criminal Procedural Code of Ukraine (CPC of Ukraine), removal from the office is carried out exclusively in relation to a person who:

- is suspected or accused of committing a crime of medium severity, a serious or particularly serious crime, and, regardless of the severity of the crime, to persons who are the law enforcement officials (accordingly, the removal from the office cannot be applied to the persons who are suspected or accused of committing a minor crime, with the exception of the law enforcement officials, or of committing a criminal offense);

- is a law enforcement official – regardless of the severity of the crime (from the wording “regardless of the severity of the crime,” it can be concluded that this provision of law does not apply to the criminal offenses, and therefore, the commission of a criminal offense by a law enforcement official cannot be the grounds for removal from office). According to the Law of Ukraine “On State Protection of Court and Law Enforcement Officials,” the law enforcement agencies include the prosecutor's office, internal affairs, security services, the Military Law Enforcement Service of the Armed Forces of Ukraine, customs authorities, state border guard authorities, state tax authorities, penal institutions, detention centers, state control and audit services, fisheries protection, state forest protection, and other bodies that perform law enforcement or law enforcement functions [3, Art. 2].

The decision to remove from the office is made on the basis of a decision:

- by an investigating judge during a pre-trial investigation or by a court during the court proceedings. An investigating judge during a pre-trial investigation and a court (regardless of its composition) during the court proceedings shall issue a court decision only in the form of a ruling;

- The President of Ukraine regarding the persons appointed by him.

- The High Qualification Commission of Judges of Ukraine regarding the judges (letter from the High Specialized Court of Ukraine for Civil and Criminal Cases No. 223-558/ 0/4-13 dated April 5, 2013, "On certain issues of judicial control by the investigating judge of the court of first instance over the observance of the rights, freedoms, and interests of the persons during the application of measures to ensure criminal proceedings").

As already noted, in accordance with the CPC of Ukraine (1960), the decision to remove a person from the office was made by an investigator with the sanction of the prosecutor or his deputy (Part 2 of Article 147) [2].

At the same time, "the decision to remove two specific categories of the persons (judges and persons appointed by the President of Ukraine) from the office does not fall within the competence of the court. In this case, we are talking about an exception to the general procedure, since the competent authority whose decision applies this measure to ensure the criminal proceedings is not the investigating judge or the court, but the President of Ukraine and the High Qualification Commission of Judges of Ukraine" [4, p. 277].

Compared to the Criminal Procedure Code of Ukraine (1960), only the persons appointed by the President of Ukraine enjoyed such a privileged position. "However, the need to ensure the inviolability of the judges requires a special procedure for their removal from the office. That is why, in accordance with Article 48 of the Law of Ukraine "On the Judicial System and Status of Judges," the removal of a judge from the office in connection with criminal prosecution is carried out by the High Qualification Commission of Judges of Ukraine on the basis of a reasoned request from the Prosecutor General of Ukraine (similar provisions are "duplicated" in the CPC of Ukraine) [6, p. 135].

At the same time, the CPC of Ukraine does not clearly stipulate whether a decision of an investigating judge or court is required after or before the decision on the removal from the office is made by the President of Ukraine or the High Qualification Commission of Judges of Ukraine. The adoption of such decisions by the President of Ukraine or the High Qualification Commission of Judges of Ukraine does not comply with the international requirements for the observance of the human rights and freedoms. In addition, the CPC of Ukraine does not specify what a procedural document should be drawn up by the President of Ukraine or the High Qualification Commission of Judges of Ukraine, and, accordingly, the procedure for appealing and revoking it is not defined. Unlike the procedure for removing the judges, it is not specified which prosecutor (the procedural supervisor or the Prosecutor General of Ukraine) should submit a request to the President of Ukraine for removal from office [1].



The special grounds for the removal from the office are: 1) the person has the procedural status of a suspect or accused (in the commission of a crime of moderate severity, a serious or particularly serious crime, regardless of the severity of the crime in relation to a person who is an official of a law enforcement agency); 2) the existence of the reasonable circumstances giving the grounds to believe that the suspect's continued presence in the office will allow them to destroy or falsify the items and documents that are relevant to the pre-trial investigation, to influence the witnesses and other participants in the criminal proceedings by the unlawful means, or to otherwise unlawfully obstruct the criminal proceedings; 3) the proportionality of the removal from the office with the negative consequences for the person (third parties) that may arise (failure to fulfill the contractual obligations, leaving the enterprise without a manager, non-payment of wages, non-payment of taxes, etc.) [1].

Thus, we can conclude that the removal from the office as a measure to ensure the criminal proceedings is a procedure provided for in Article 154 of the Criminal Procedure Code of Ukraine, whereby an employee of a state body or an official suspected of committing a crime or violating the law is temporarily suspended from performing their official duties for the duration of the investigation. This measure is intended to ensure an objective and unhindered investigation in order to avoid possible influence by the suspect on the evidence, witnesses, or the other aspects of criminal proceedings. Suspension from office is one of the measures that can be applied in cases of the serious violations or crimes committed by the officials or employees of the state bodies. This measure prevents possible the obstruction or interference by the suspect in the investigation process and ensures the independence of the judiciary. The suspension from the office is an important element of the legal system, as it helps to maintain public confidence in the effectiveness and independence of the judiciary. The temporary suspension of such persons from their official duties is an important step in ensuring a fair trial.

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## **PECULIARITIES OF DOCUMENTING WAR CRIMES**

The full-scale armed aggression against Ukraine has resulted in an unprecedented number of war crimes that require proper legal assessment and recording in accordance with the norms of international humanitarian law and national legislation. Effective documentation of such crimes is a key prerequisite for bringing perpetrators to justice and ensuring the principle of the inevitability of punishment. The peculiarity of this activity lies in the need to collect evidence in conditions of active hostilities, limited access to crime scenes, destruction of material traces and significant security risks for investigators and victims. At the same time, the process of recording war crimes requires compliance with international standards of evidence, proper preservation of the evidence base and coordination between national and international institutions. In this context, the study of the features of documenting war crimes becomes particularly relevant, since the further administration of justice and the restoration of justice depend on the quality of this work.

The concept of “war crimes” is reflected in Art. 8 of the Rome Statute, according to which war crimes are: – grave breaches of the Geneva Conventions of 12 August 1949 [1], namely any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: wilful killing; torture or inhuman treatment, including biological experiments; wilful infliction of great suffering or serious bodily injury or harm to health; widespread destruction and appropriation of property not required by military necessity and committed unlawfully and wantonly; compelling a prisoner of war or other protected person to serve in the armed forces of an enemy State; wilful deprivation of a prisoner of war or other protected person of the right to a fair and regular trial; unlawful deportation or transfer or unlawful deprivation of liberty; taking of hostages [2].

The legal framework for documenting war crimes encompasses both international legal instruments and national legislation that regulate the recording of facts, investigation and prosecution of perpetrators. Among the key international instruments that define the content and boundaries of war crimes is the Rome Statute

of the International Criminal Court, which establishes the jurisdiction of the International Criminal Court and contains in Article 8 clear criteria for defining war crimes, including grave breaches of the Geneva Conventions of 1949 and other norms of international humanitarian law [3]. This Statute allows for the qualification and prosecution of such crimes as the intentional killing of civilians, torture, unlawful deprivation of liberty, deportations and other forms of serious violations, and also regulates the responsibility of individuals for these actions, regardless of whether the conflict is international or internal.

Ukrainian legislation does not contain a definition of the concept of “war crime”. However, the Criminal Code of Ukraine provides for liability for looting, violence against the population in the area of military operations, mistreatment of prisoners of war, illegal use of the symbols of the Red Cross, Red Crescent, Red Crystal and their abuse. A person who has committed these crimes may be convicted at the national level by a Ukrainian court [4].

Documentation of war crimes is carried out with the participation of state and non-state actors, which ensure a full cycle of recording and legal assessment of evidence. The main role is played by law enforcement and investigative bodies, which conduct inspections of crime scenes, collect and record evidence, interrogate witnesses and victims. The prosecutor's office provides procedural guidance, coordinates the investigation and ensures compliance with the requirements of national and international law. International institutions, in particular the International Criminal Court, are also involved in the process, which can use the collected materials for further prosecution of the perpetrators [5]. At the same time, human rights organizations and public initiatives carry out independent monitoring, record testimony and contribute to the preservation of evidentiary information, which enhances the effectiveness of documentation and ensures the inevitability of responsibility.

In the article Svoboda E.Yu. and Mykhalchuk T.V. emphasize that the peculiarities of collecting and recording evidence of war crimes in combat conditions are determined by the specifics of work in de-occupied territories and the direct participation of forensic units in documenting the consequences of criminal actions. Forensic specialists are involved in inspecting the scene of events in the liberated territories, where they record the consequences of shelling, identify places of mass graves, and compile trace information about executions and other serious offenses, using video and photography in appropriate formats and forensic recording technologies. The collection of physical evidence includes not only traditional objects, but also samples of biological material, which are processed using mobile laboratories for rapid identification of the DNA of the deceased, which allows identifying the victims and strengthens the evidentiary base for the investigation. Particular attention is paid to digital evidence and eyewitness accounts, as they are often important sources of information about violations of international humanitarian law, and their collection and preservation in an appropriate form require strict adherence to procedural standards and ensuring the safety of researchers and victims

[6]. This approach to recording evidence is crucial for subsequent legal assessment and holding perpetrators accountable both at the national and international levels.

The use of modern technologies plays a key role in documenting war crimes, as it ensures the efficiency, accuracy and reliability of recording evidence. Photo and video recording tools are widely used, which allow for detailed recording of the consequences of shelling, destruction of civilian infrastructure, traces of the use of weapons and other circumstances of the event with the subsequent preservation of metadata confirming the time and place of filming. An important source of information is satellite images, which make it possible to track the scale of destruction, the movement of military equipment and changes in the terrain even in cases of limited physical access to the territory. Open intelligence methods have become widely used, in particular the analysis of data from social networks, media resources and open registers, which allows identifying additional facts and verifying the reliability of the information received.

Documenting war crimes in the context of aggression against Ukraine is a critical condition for ensuring the inevitability of punishment and legal assessment under the norms of international humanitarian law. Due to the absence of a clear term “war crime” in national legislation, the basis for qualifying acts (intentional murder, torture, deportations) is Article 8 of the Rome Statute and the Geneva Conventions. The process of recording evidence is complicated by hostilities and the risk of destruction of traces, which requires the involvement of forensic specialists to work in de-occupied territories using mobile DNA laboratories and high-precision video recording equipment. Digital evidence, satellite images and OSINT methods play an important role, allowing the identification of facts of violations even with limited access to the scene. Systematic coordination of national authorities with international institutions, such as the ICC, ensures the proper preservation of the evidence base for future justice.

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## **COMMUNICATION, PUBLIC TRUST AND CIVIL SOCIETY IN CRISIS SITUATIONS**

Modern society is characterized by rapid social, technological and political transformations. These changes create new challenges for institutions, communities and governments. In such conditions communication becomes a key mechanism that allows society to exchange information, coordinate actions and respond effectively to emerging problems. The importance of communication becomes especially visible during crisis situations when timely information can influence people's safety and behavior.

Crisis situations increase the importance of reliable information. When people face uncertainty they search for explanations and guidance. If institutions fail to communicate clearly, unofficial information sources may dominate the information space. This often leads to confusion, rumors and misinformation. For this reason transparent and responsible communication becomes an essential element of effective crisis management.

Public trust plays a crucial role in the functioning of democratic societies. Citizens are more likely to cooperate with institutions when they believe that information is honest, transparent and reliable. Trust is built gradually through consistent actions, open dialogue and accountability. If trust is lost, even accurate information may be questioned by the public, which complicates the process of crisis response.

Clear language and understandable messages are fundamental elements of effective communication. Information should be accessible to different social groups regardless of their education or professional background. Government institutions and emergency services must avoid complex terminology when communicating with the public. Simplicity and clarity help prevent misunderstanding and allow people to react quickly and appropriately to emergency instructions.

Digital technologies have significantly expanded communication possibilities. Social media platforms, websites and mobile applications allow institutions to share urgent information within seconds. These tools are widely used in emergency management and public safety communication. However digital communication also creates challenges because false information spreads quickly and may influence public perception.

Another important aspect of crisis communication is the speed of information dissemination. During emergencies people require timely instructions in order to protect themselves and others. Delays in communication may lead to panic or incorrect decisions. Therefore institutions responsible for public safety must develop clear communication strategies that allow them to deliver verified information quickly and effectively.

Risk communication is also an important element of crisis management. Authorities must not only inform citizens about current events but also explain potential risks and preventive measures. When people understand the nature of a threat they are more likely to follow recommendations and cooperate with emergency services. In this way communication becomes a tool for protecting human life and public safety.

Media organizations also influence the information environment. Journalists often act as intermediaries between authorities and society. Responsible journalism requires verifying information and avoiding sensationalism. Ethical media coverage helps maintain stability in society and reduces the spread of misinformation during emergencies.

Educational institutions contribute greatly to the development of communication culture. Universities train future professionals who will work in public administration, civil protection and safety management. Their education should include communication skills, media literacy and ethical responsibility. These competencies are important for specialists who must communicate with the public during stressful situations.

Community participation is another important factor in effective crisis communication. Local communities often possess valuable knowledge about their environment and potential risks. Cooperation between authorities, volunteer organizations and citizens allows the development of more effective strategies for crisis response. Such collaboration also strengthens social solidarity and resilience.

International cooperation also plays an important role during global crises. Challenges such as pandemics, natural disasters and technological accidents often affect several countries at the same time. Governments, international organizations and research institutions exchange information and coordinate their actions. This cooperation improves decision making and helps societies respond to emergencies more effectively. Modern crisis communication also requires cooperation between different government institutions. Emergency services, local authorities, healthcare organizations and communication departments must work together to deliver consistent messages. If institutions provide contradictory information, it may create confusion and reduce public trust. Therefore coordination between institutions is a key factor in effective crisis management.

Another important element is transparency in decision-making. During crises citizens often want to understand why certain restrictions or safety measures are introduced. When authorities openly explain their decisions and the reasons behind them, people are more likely to accept and support these measures. Transparency helps reduce suspicion and strengthens democratic governance. Social networks have

become one of the main sources of information for many people. Online communities and digital platforms allow users to share news and opinions instantly. However, these platforms may also accelerate the spread of misinformation. For this reason public institutions should actively participate in digital communication and provide reliable information through official channels.

Training and preparedness are essential components of crisis communication. Governments and organizations should regularly conduct communication exercises and simulations. These activities help professionals develop the skills necessary to inform the public quickly and clearly during emergencies. Preparedness improves coordination and reduces mistakes in real crisis situations. Finally, long-term communication strategies are necessary to maintain public trust even after a crisis ends. Institutions should continue dialogue with society, analyze the effectiveness of their communication and learn from previous experiences. Continuous improvement of communication practices contributes to stronger and more resilient communities.

In conclusion communication is a key factor of social resilience. Transparent information exchange, responsible media activity and cooperation between institutions and society help communities overcome crisis situations more effectively. Strengthening public trust and developing communication strategies should remain a priority for modern governments.

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## **RESTRICTIONS ON HUMAN FREEDOM AND ACCESS TO INFORMATION DURING MARTIAL LAW**

With the introduction of martial law in Ukraine, the state is forced to balance national security needs with the preservation of democratic principles. During this period, certain rights and freedoms may be restricted, but they are not fully abolished and apply only as temporary measures in accordance with Ukrainian legislation and

international standards. It is essential that the state continues to uphold the rule of law, as it ensures public trust and protects human rights even in the most difficult circumstances.

During the introduction of martial law, restrictions on rights and freedoms are not a complete prohibition, but are implemented within the limits of legislative regulation, provided that they do not contradict constitutional and international rights [1].

According to Part 3 of Article 34 of the Constitution of Ukraine and the Law of Ukraine “On the Legal Regime of Martial Law”, restrictions are carried out within the framework of legislative regulation, provided that they do not contradict constitutional norms and international standards.

Without the principle of the rule of law, people would not have trust in state institutions, freedom of expression of their views, or effective protection of their rights.

Article 64 of the Constitution of Ukraine clearly establishes the rights and freedoms of individuals that may be restricted under conditions of martial law. This is also stated in Part 3 of Article 34 of the Constitution of Ukraine and in the Law of Ukraine “On the Legal Regime of Martial Law”.

Article 64 of the Constitution of Ukraine clearly defines the rights and freedoms that may be restricted during martial law (for example, the right to freedom of movement, the right to inviolability), as well as the rights that may not be restricted during martial law (the right to life, equality before the law, etc.). These guarantees are fundamental for the protection of human and civil rights and therefore are an important factor in ensuring rights and freedoms [2].

Article 34 of the Constitution of Ukraine guarantees the right to freedom of thought, speech, and access to public information. Information must contain reliable sources and be published on official websites and on the Unified State Web Portal. Under martial law, the state restricts access to resources that spread disinformation or propaganda of the aggressor state, as this poses a threat to national security.

Compared to peacetime and martial law, new challenges arise: restrictions on access to information. Thus, under martial law, there is greater responsibility of officials for the disclosure or restriction of certain information that may affect the further life and health of people, as well as the sovereignty of the state [3].

By the Resolution of the Cabinet of Ministers of Ukraine dated March 12, 2022, for the period of martial law, the operation of information systems was restricted. Web portals of the Unified State Registers, which contained information about entities, were closed.

For example, the dissemination of information about the movement of the Armed Forces of Ukraine and other military formations entails criminal liability. This also applies to media collaborators who cooperate with the aggressor state, etc.

The Supreme Council of Ukraine also adopted decisions prohibiting, during martial law, the distribution of films, listening to music in the language of the aggressor state, and the import of products from the territory of the aggressor state, the Republic of Belarus, and the temporarily occupied territory of Ukraine.



With the beginning of the full-scale war, the National Council of Television and Radio Broadcasting of Ukraine monitored television programs in cases of disinformation by Russian channels that spread false information and propaganda.

By Order No. 73 of the Commander-in-Chief of the Armed Forces of Ukraine, a ban was introduced on the dissemination of information by officials or public servants in the media sphere, namely: restricted information of the Armed Forces that constitutes a state secret. A list of information prohibited from disclosure was also established.

In addition, officials and public servants are prohibited from giving interviews or comments to media representatives. In some cases, interviews may be given only with the consent of supervisors or commanders.

The involvement of accredited representatives of Ukrainian and foreign media in areas where hostilities are taking place is permitted. This makes it possible to convey information to the public about what is happening in Ukraine.

The newly established rules for accreditation of journalists with the Armed Forces of Ukraine cause problems: delays in processing applications, renewal every six months, confusion with zones, and refusals due to publications. Journalists oppose territorial zoning and would prefer the introduction of press card gradations. There are cases in the press where journalists are refused accreditation or have it revoked based on publications by another journalist.

Questions arise regarding the legal regulation of journalistic accreditation, as existing regulations are designed only for the peacetime period.

During martial law, there has been increased promotion of Ukrainian-language content on television, musical performances, and the production of goods affirming Ukrainian identity.

If rights are violated unlawfully and there is no effective protection, a person may apply to the European Court of Human Rights. The Court will then rely on Article 15 of the European Convention on Human Rights [4].

During martial law in Ukraine, the state has restricted certain human rights and access to information due to security threats caused by the war. Not all information can be made public, as this is necessary to protect the safety of the country and its people. At the same time, human rights have not been completely abolished. These restrictions are temporary and introduced in accordance with the law. The state must act fairly and not exceed its powers. Even during martial law, people still have the right to protect their rights. If rights are violated, a person may apply to a court and, if necessary, to the European Court of Human Rights.

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### **SYMBOLIC LANGUAGE DURING WAR: PATRIOTISM OR VIOLATION?**

Symbolic language is a system of signs, symbols, or formulas created to accurately convey information, abstract concepts, or perform specific tasks (mathematical, logical). It is artificial, formalised, and helps to avoid multiple-meaning words of natural languages. Examples: formulas in chemistry, mathematical symbols, programming languages, road signs, etc.

Since any language deals with the designation of specific objects, where there is a coincidence or correspondence between the designation and the designated, communication takes place. However, complexity arises with emotional tones, which are often difficult to express in words and which another person may not understand. Thus, language begins to take on a more symbolic or metaphorical character.

Patriotism is loyalty to your home country, its values and its people. Through symbolic language, it can manifest itself through: national flags, coats of arms; remembrance of fallen compatriots; public gestures of support for the army and the people.

In times of war, symbols often become part of public discourse and national identity: flags, commemorative symbols, and remembrance of the fallen become a means of communication, support, and solidarity. At the same time, international standards (such as the neutrality of sporting events) attempt to limit “political” manifestations in order to preserve “fair play,” political neutrality, and unity among the countries. This creates a conflict of interests: when symbols become part of the struggle for justice, are they automatically political? Where is the line between remembrance, identity and violation of norms?

Let us consider a recent example from the 2026 Winter Olympic Games. Vladyslav Heraskevych is a Ukrainian athlete who planned to compete in the 2026 Winter Olympic Games in Milan and Cortina wearing a helmet with portraits of

Ukrainian athletes and children who died during the war with Russia. This is a symbolic gesture of remembrance and solidarity with those who died defending their country. The Olympic authorities said that the helmet was a “political statement” during the competition and banned him from competing in it, claiming that it violated the rules of neutrality in the sporting arena. As a result, Heraskevych was disqualified and his participation in the competition was terminated, while allowing an Italian snowboarder to display the Russian flag on his own helmet.

The head of the German Olympic Sports Confederation (DOSB), Thomas Weikert, urged Ukrainian skeleton racer Vladyslav Heraskevych to comply with Olympic regulations and refrain from competing in the 2026 Winter Olympic Games in Milan–Cortina wearing his “memory helmet,” dedicated to Ukrainian athletes killed in Russia’s war against Ukraine.

‘I see the faces on my helmet, and I will not betray these athletes. My plan is to compete in this helmet at all training sessions and on competition day. I do not agree with the IOC’s decision because we have not violated any rules. Political propaganda, discrimination or racism... This is definitely not about this helmet. As you can see, all these athletes were killed. But their voices are so loud that I can hear them. Black armbands? The IOC does not have enough black armbands to honor everyone killed in this war,’ Heraskevych said.

The fact that Heraskevych could not compete wearing his helmet generated significant public reaction both in Ukraine and abroad. On the one hand, it sparked outrage and was seen as censorship of remembrance and expression of national pain. On the other hand, it was seen as an example of how sports organisations handle symbolic expressions as political and therefore ban them. The President of Ukraine and the public supported Heraskevych, stating that his action was not a political protest, but a tribute to the victims and an act of solidarity with the Ukrainian people.

After the events involving Heraskevych, other Ukrainian athletes expressed their support through symbolic actions. Olena Smaga, a Ukrainian luger, wrote the words ‘remembrance is not a violation’ on her hand. Along with that, Ukrainian lugers held a protest to support Heraskevych. After their performance in the mixed relay, six Ukrainians knelt down and raised their helmets in the air. In this way, single lugers Yulianna Tunitska and Andriy Mandziy, and doubles Olena Stetskiv and Oleksandra Mokh, as well as Igor Goy and Nazariy Kachmar, expressed their support for Heraskevych and honoured the memory of the fallen soldiers.

Symbolic language during war cannot be assessed clearly. On the one hand, it is a manifestation of patriotism, a way of preserving memory and supporting the nation. On the other hand, it may contradict the formal rules of international organisations that seek to maintain neutrality. The events surrounding the participation of Ukrainian athletes in the 2026 Winter Olympic Games have shown that the line between patriotism and violation is thin and heavily depends on context. During war, symbols become part of the fight for truth and remembrance, and sport becomes an arena where the principles of neutrality and moral responsibility clash. That is why the discussion about symbolic language is not only a sporting issue, but

also a deeply ethical and social problem of our time, especially during a four-year-long war.

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## **CURRENT PROBLEMS OF LAW ENFORCEMENT AGENCIES UNDER MARTIAL LAW**

Martial law is a special legal regime introduced in a country during serious threats such as war, armed conflict, or large-scale security crises. Under martial law, the government receives additional powers to protect the state, maintain public order, and ensure national security. In such conditions, law enforcement agencies play a particularly important role. They must protect citizens, prevent crime, support the armed forces, and maintain stability in society. However, the work of law enforcement agencies becomes much more complicated during martial law. Officers face new responsibilities, high risks, and many organizational difficulties. Therefore, the study of current problems of law enforcement agencies under martial law is an important issue for modern legal science and public administration.

One of the main problems faced by law enforcement agencies during martial law is the significant expansion of their responsibilities. In peacetime, the police and other law enforcement bodies focus mainly on preventing crime, protecting public order, and investigating offenses. However, under martial law their functions become broader. Law enforcement officers must cooperate closely with the military, participate in territorial defense activities, control checkpoints, monitor curfews, and ensure the safety of critical infrastructure. They may also assist in evacuation of civilians, delivery of humanitarian aid, and protection of strategic facilities. All these additional tasks increase the workload of officers. As a result, many law enforcement

employees experience physical and psychological exhaustion. Long working hours, high stress, and dangerous conditions make their service much more difficult. In some regions, officers must work almost without rest because the number of personnel is limited while the number of tasks is constantly growing. Another important issue is the lack of resources. Under wartime conditions, law enforcement agencies may face shortages of vehicles, communication equipment, fuel, and protective gear. These problems reduce the effectiveness of their work and may create additional risks for officers.

Another important problem during martial law is the need to balance national security and protection of human rights. Under martial law, the government may introduce temporary restrictions on certain rights and freedoms. For example, authorities may limit freedom of movement, introduce curfews, conduct identity checks, or control information. Law enforcement agencies are responsible for implementing these measures. However, they must do it carefully and in accordance with the law. Excessive use of power or violations of human rights can damage public trust and harm democratic values. One of the main challenges is that officers often have to make quick decisions in stressful situations. Sometimes it is difficult to clearly determine whether certain actions are legally justified. This creates a risk of mistakes or abuse of authority. Another issue is the protection of civilians in areas close to military operations. People living in such regions often face dangerous conditions, destruction of infrastructure, and lack of basic services. Law enforcement agencies must help maintain order while also protecting vulnerable populations such as children, elderly people, and displaced persons. Therefore, proper training and clear legal regulations are necessary to ensure that law enforcement actions remain lawful and proportional during martial law.

Martial law also creates new opportunities for criminal activity. Economic instability, displacement of populations, and weakened social control may lead to an increase in certain types of crimes. For example, there may be growth in theft, looting, illegal arms trafficking, fraud related to humanitarian aid, and cybercrime. Criminal groups may try to exploit the difficult situation in the country for personal benefit. In addition, the circulation of weapons increases during wartime, which creates additional risks for public safety. Law enforcement agencies must respond quickly to such threats. However, their resources are often limited because many officers are involved in security tasks related to the war. This creates difficulties in investigating crimes and ensuring effective law enforcement. Another serious threat is sabotage and collaboration with enemy forces. Law enforcement agencies must identify individuals who cooperate with hostile actors, collect evidence, and prevent activities that threaten national security. These tasks require special investigative methods and close cooperation with intelligence services.

Effective law enforcement during martial law requires close cooperation between different state institutions. These include police, security services, military units, local authorities, emergency services, and other organizations. However, coordination between these structures is not always easy. Different institutions may have different responsibilities, communication systems, and decision-making

procedures. Sometimes this leads to delays in information exchange or duplication of efforts. In crisis situations, such problems may reduce the efficiency of security operations. Another challenge is the need for rapid decision-making. During military threats or emergency situations, law enforcement agencies must act quickly. However, bureaucratic procedures may slow down this process. Therefore, improving coordination mechanisms is an important task. This may include creating joint operational centres, developing unified communication systems, and conducting regular training exercises for different institutions.

The psychological condition of law enforcement officers is another serious issue during martial law. Officers often work in dangerous environments where they witness destruction, violence, and human suffering. Such experiences may cause stress, anxiety, and emotional exhaustion. Many officers are separated from their families for long periods of time or worry about the safety of their relatives who may live in areas affected by conflict. At the same time, they must continue performing their professional duties and maintain discipline. If psychological support is not provided, officers may experience burnout, reduced motivation, or health problems. This can negatively affect the quality of their work and decision-making.

Modern conflicts often involve not only traditional military actions but also information warfare, cyberattacks, and digital crime. Law enforcement agencies must be prepared to respond to these new challenges. For example, cyber criminals may attack government systems, spread disinformation, or steal sensitive data. Law enforcement agencies must develop specialized units and technical capabilities to investigate such crimes. Another important aspect is the use of modern technologies such as drones, surveillance systems, digital databases, and analytical software. These tools can significantly improve the ability of law enforcement agencies to monitor security situations and respond quickly to threats. However, effective use of technology requires proper training. Officers must develop new skills in digital investigations, intelligence analysis, and crisis management. Continuous education and professional development are therefore essential elements of effective law enforcement under martial law. For this reason, it is important to organize psychological assistance programs for law enforcement personnel. Professional counseling, rest periods, and support from colleagues and supervisors can help officers cope with stress and maintain their effectiveness.

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## **CONCEPT AND CHARACTERISTICS OF CRIMINAL PROCEDURAL LAW**

**Abstract.** The article deals with the essence of criminal procedural law in Ukraine. The definition of criminal procedural law's is given. The features of criminal procedural law are focused on. The territorial and extraterritorial effect of criminal procedural law is analyzed. The direct effect of criminal procedural law is dealt with .

**Key words:** *criminal procedural law, criminal proceedings, territorial effect, extraterritorial effect, direct effect, Constitution of Ukraine.*

Criminal procedural law as a branch of national law of Ukraine is one of the main instruments for ensuring law and order and implementing criminal justice. It establishes the legal norms that regulate the activities of the pre-trial investigation bodies, the prosecutor's office, the court, as well as the rights, obligations and guarantees of the participants in criminal proceedings

The central regulatory act in this area is the Criminal Procedure Code. Its legal nature, concepts, and features are of fundamental importance for the law enforcement activities, ensuring a balance between the interests of the state and the rights of a person held criminally liable.

Criminal procedural law is a system of the legal norms that determine the procedure for the criminal proceedings, regulate the powers of the pre-trial investigation bodies, the prosecutor's office, the court, and establish the rights and obligations of participants in the criminal process. In a narrow sense, this term refers to the Criminal Procedure Code of Ukraine (CPC), which was adopted on April 13, 2012 and entered into force on November 20 of the same year.

A scientific understanding of the essence of criminal procedural law is formed on the basis of an analysis of its content, sources, role in the system of national legislation, as well as its characteristic features.

The characteristic features of criminal procedural law are:

1. Formal certainty.

Criminal procedural law is recorded in the official regulatory acts, has a clear structure, contains norms that are mandatory for execution.

## 2. Unity of source.

Unlike other branches of law, where legal regulation can be carried out by the numerous regulatory acts, the leading place is occupied by one law in criminal procedural law - the Criminal Procedure Code of Ukraine.(CPC)

## 3. Direct connection with substantive criminal law.

Procedural law creates the mechanisms for the implementation of criminal substantive law, that is, the norms of the Criminal Code of Ukraine. Without the criminal proceedings, it is impossible to implement the sanctions provided for by criminal law.

## 4. Regulation of stages and participants in criminal proceedings.

The law defines the powers of the pre-trial investigation bodies, prosecutor, investigating judge, court, and also establishes the guarantees of the rights of the suspect, accused, victim, defense attorney, etc.

## 5. Connection with international standards.

The modern CPC of Ukraine implements the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, the practice of the European Court of Human Rights, which indicates the integrative nature of domestic criminal procedural law.

## 6. Systematicity.

The law has a logical, hierarchical structure that ensures the internal consistency of its norms, allows avoiding the legal conflicts and promotes effective law enforcement.

## 7. Imperativeness of norms.

Criminal procedural law is predominantly imperative in nature, which is due to the need for clear regulation of the actions of the investigative bodies, the court, and ensuring compliance with human rights.

## 8. Variability and adaptability.

In connection with changes in society and the international legal obligations of Ukraine, procedural law undergoes the regular changes. These changes are aimed at improving the mechanisms for protecting the human rights, ensuring a balance between the effectiveness of criminal prosecution and preventing state arbitrariness.

## 9. Action in time, space and over a circle of persons.

The law regulates its own scope of the action, and also establishes the rules of application in case of the changes or conflicts .

All these features allow us to speak of criminal procedural law as a special regulatory and legal instrument designed to ensure the implementation of justice in compliance with the principle of the rule of law, guarantees of human rights and freedoms [9, p. 55].

Thus, criminal procedural law plays a fundamental role in the legal system of the state, ensuring the implementation of criminal justice through the clearly defined legal mechanisms. Its characteristic features the formal certainty, imperativeness, unity of source, systematicity, connection with international law -- ensure the



effective and fair implementation of the criminal proceedings. Understanding the legal nature of criminal procedural law allows participants in the criminal process to act within the law, observing the procedural order that ensures a balance between the individual rights and the interests of society.

The criminal procedural legislation of Ukraine is a system of the norms that determine the procedure for conducting the criminal proceedings at all its stages, taking into account the principles of legality, territoriality, equality and protection of human rights.

The Constitution of Ukraine attributes to the exclusive competence of the legislative body the establishment of legal norms regarding the organization and activities of the courts, prosecutor's offices, bar associations, and pre-trial investigation bodies. The territorial principle provides that any investigative or procedural action must be carried out by the relevant bodies precisely on the territory controlled by the state, or in the manner provided for by international law for the cases of the action outside the state [15].

In the context of deoccupied or temporarily occupied territories, the special challenges arise: on the one hand, the CPC continues to operate, but the actual implementation of its provisions is made impossible due to the lack of control by the state. In such cases, the special legal regimes, for example, in the absentia proceedings, may be applied in order to ensure the access to justice and preserve the evidence base

#### ***Extraterritorial effect of criminal procedural law***

One of the mechanisms for implementing the extraterritorial principle is the institution of international legal assistance, which includes sending the international legal orders, extradition of persons, transfer of the proceedings, and use of the evidence obtained abroad.

A significant role in this is played by the provisions of the international conventions, in particular the European Convention on Mutual Legal Assistance in Criminal Matters of 1959, as well as the bilateral agreements of Ukraine with other states.

In practice, the territorial effect of the law faces a number of the challenges, in particular in the context of the temporary occupation of certain territories, which complicates the activities of the pre-trial investigation bodies, courts and the legal profession. At the same time, the national system continues to provide jurisdiction in the form of the remote procedural proceedings, using the video communication technologies, electronic summonses, as well as the special procedural procedures for the absentee investigation [6, p. 47].

On the other hand, the extraterritorial effect of criminal procedural legislation often requires the complex legal procedures related to the coordination of national and international law. This applies, in particular, to the detention of the persons who are on the international wanted list, obtaining the evidence abroad, which requires legal assistance from a foreign state

#### ***The role of international cooperation***

In addition, the development of the electronic criminal proceedings opens up the new opportunities for the implementation of both forms of criminal procedural law, which is especially relevant in the context of globalization and digitalization of justice [16, p. 80].

The scope of a regulatory legal act ("legislative field") is the territorial sphere of the activity of the state, which is an integral part of its legal sphere. The decisions of legislative and law enforcement bodies, as well as the legal activities of the law enforcement bodies, must be spatially localized in order to acquire legal coloring.

The spatial aspect of the consequences of the legal activity is important in both procedural and substantive law. This applies to the concepts of territorial jurisdiction (in procedural law), the legal personality of the persons and property (legal binding) (in substantive law) and determining the limits of the legal acts of the subjects of the legal relations.

The Law of Ukraine "On Law-Making Activity" states that the effect of a regulatory legal act in space, depending on the legal status of the subject of the law-making activity and its content, extends to the entire territory of Ukraine, the relevant administrative-territorial unit or a certain part thereof [14].

The concept of the territory of the state is legalized in the Law of Ukraine "On the State Border" of November 4, 1991 (Article 1), which states that the state border of Ukraine is a line and a vertical surface passing through this line, which determine the boundaries of the territory of Ukraine -- land, water, subsoil, airspace [13].

Thus, the state territory is a land territory surrounded by the state borders; waters rivers, lakes, artificial reservoirs, waterways and other water bodies within the land territory of the state, as well as internal waters and territorial waters (up to 12 nautical miles) flowing along the coast of the state, groundwater and waters above the land and water territories of the state. In scientific literature, a distinction is often made between the contingent territory of the state ("quasi-state territory"). This term refers to the territory of the foreign diplomatic missions, merchant ships on the high seas, aircraft and spacecraft under the national flags and identification marks, underwater pipelines and cables, as well as the land structures on the high seas (on the shelf). Within such objects (also called the "floating", "flying" or "space" territories), the absolute territories are distinguished (warships are universally identified with the territory of a certain state) and the relative or conditional territories (for example, the transportation of the heads of the diplomatic missions) [7, p. 62].

The extraterritorial principle is the extension of the effect of the regulatory acts beyond the national borders. The norms regulating the private law relations with a foreign element (the relations in which at least one of the parties is a citizen of Ukraine, a foreigner, a stateless person or a foreign legal entity residing outside Ukraine, or in which the object of the legal relationship is located outside Ukraine) have an extraterritorial effect.

The extraterritorial principle (from the Latin *ex* – a prefix meaning separation, deprivation, release, change of quality) is the non-application of a legal act to a certain territory. This is a special nature (situation) of the relations between the different states, when a certain law of the host state does not apply to a certain part of

its territory [10, p. 17]. For example, the constitutions of some states, referring to the dualism between the international norms and domestic law, recognize the primacy of international law over domestic law. In other cases, the constitutions contain the provisions on the unification of the interaction of international and domestic law, while in practice dualism is observed in the legal regulation of public. However, it is within the competence of the state to determine the ways and means of fulfilling the international legal obligations in domestic law. Thus, the expression “the direct effect of norms of international law” in the legal system of the country is conditional, that is, the rules contained in these norms are applied immediately after they have been given the appropriate legal force by national legislation. The relationship between international and national law depends on the sources in which the norms of international law are enshrined. Such sources may be the international treaties, international customs, general principles of law or binding normative decisions of the international organizations [8, p. 25]

In many countries, where a norm of international law is enshrined in an international treaty, it must be transposed into national legislation before it can be directly applied by the national courts. In this case, an international norm has a direct impact on national law only after it has been implemented as a national legal regulation. However, if an international treaty has been ratified, the provisions of the international treaty may be applied directly without the need to implement these norms in separate national laws.

Article 9 of the Constitution of Ukraine provides that the effective international treaties, the consent to be bound by which has been granted by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine. The international treaties that do not comply with the Constitution of Ukraine may be concluded only after making the appropriate amendments to the Constitution of Ukraine. At least two important conclusions can be drawn from this constitutional provision. First, if the Verkhovna Rada of Ukraine consents to the binding nature of an international treaty (this occurs by adopting a law on the ratification of an international treaty), then such a treaty becomes part of the domestic legislation of Ukraine. This means that the provisions of the international treaties are directly applied by the local law enforcement agencies. The Constitution of Ukraine does not contain any restrictions or reservations on this matter. Second, the ratified international treaties have a dual nature. On the one hand, they remain a source of international law that regulates the Ukraine's external obligations. On the other hand, treaties are a source of domestic law of Ukraine. The wording of part one of Article 9 of the Constitution of Ukraine leaves no doubt about this [11, p. 183]. In the Constitution of Ukraine, unlike the constitutions of many European countries, the issue of the correlation of the norms of the international treaties and domestic law is not clearly defined, therefore, the different, sometimes diametrically opposed approaches have been adopted. Most experts in international law believe that in the event of a conflict between the provisions of the ratified international treaties and domestic law, the priority is the application of the provisions of the international treaty. The main argument in favor of such a point of view is the constitutional principle, according to which Ukraine

must faithfully fulfill its international obligations. This principle follows from the strengthening of the universal trends in modern international society, such as the application of the primacy of international law.

The modern legal system of any state increasingly interacts with international law, which affects the territorial application of the national norms. The conditions of globalization and international cooperation force the countries to adapt their legislation to the international standards, which can both expand and limit its territorial effect.

In most cases, the regulatory legal acts of a state are valid only within its territory.

However, the international legal norms can change this situation in several ways:

- Priority of international law -- in many countries, the international agreements and treaties that have been ratified have a higher force than domestic legislation.

- Automatic application of the international norms -- the certain international legal provisions (for example, in the field of human rights) can operate without the need for additional consolidation in national legislation.

- Harmonization of the legal system -- the countries seeking to join the international associations (EU, WTO, UN, etc.) are obliged to change their laws in accordance with the international requirements .

The international treaties can significantly change the territorial application of national law. This can happen in the following cases:

- Establishment of special legal regimes -- the international agreements can determine the specific legal status of the certain territories (for example, demilitarized zones, special economic zones).

- The international legal restrictions -- for example, the certain provisions of international humanitarian law limit the application of national laws to the certain categories of the persons (in particular, the prisoners of war).

- Extraterritorial effect of law -- some national norms may have an effect outside the borders of the state (for example, regarding the fight against corruption or financial control of the transnational companies).

A significant influence on the territorial effect of laws is exerted by the international judicial and control institutions, including:

- The European Court of Human Rights (ECHR) which adopts the decisions that can force the states to change their legislation or its application within the certain territorial boundaries.

- The Court of Justice of the European Union which ensures the conformity of national legislation with EU law, and affects its application within the member states.

- The international arbitration courts which can issue the decisions that oblige the states to adjust the legal norms governing economic and territorial issues.

### ***Direct effect of criminal procedural law***

It is worth noting that according to Part 1 of Article 9 of the Criminal Procedure Code of Ukraine , the court, prosecutor, investigating judge, investigator

shall apply only those norms of procedural law that are in force at the time of the relevant procedural action, decision or resolution. This legislative provision enshrines the principle of direct effect of criminal procedural law in time.

This means that if, for example, a new law is in force at the time of the presentation of suspicion, then the presentation of suspicion must be carried out in accordance with the new law, even if the criminal proceedings were initiated before its entry into force. This approach ensures the uniform application of the norms of procedural law to all the participants in the proceedings at the same stage, regardless of the date of the commission of the offense.

At the same time, the principle of a direct effect of criminal procedural law has certain limitations. In particular, the retroactive application of the norms that worsen the position of the parties to the criminal proceedings, in particular, narrow the rights of the suspect, accused or victim, is not allowed. These restrictions stem from constitutional guarantees of the human rights and those enshrined in the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms .

A classic example is a change in the procedure for choosing a preventive measure. If a new procedural law provides for more stringent requirements for the accused, it cannot be applied to an already open proceeding, since this contradicts the principle of the rule of law.

The legal doctrine plays an important role in understanding the principle of a direct effect of criminal procedural law.

D. Chervonyi clarifies that the direct effect of the new criminal procedural law is a kind of the legal requirement that stimulates state bodies to act in accordance with the current regulation, which ensures legal certainty [17, p. 36].

In law enforcement practice, the direct effect of the law also means that in cases of the gaps or changes in legislation, the court should not apply the previous provisions of the CPC of Ukraine if the current law contains a new norm that regulates a certain situation.

However, in the absence of the transitional provisions or special instructions on a retroactive effect, the pre-trial investigation body should be guided by the norm in force at the time of performing the procedural action.

The issue of the direct effect arises especially acutely during the changes in the jurisdiction of the criminal proceedings. If the case was previously subject to consideration by the district court, and under the new law it should be considered by the court of appeal in the first instance -- the case must be transferred to the new jurisdiction. At the same time, the court has no grounds for recognizing the procedural actions taken before the new law entered into force as invalid, if these actions were taken in accordance with the legislation in force at that time.

The direct effect of the procedural law is also a guarantee of ensuring the relevance of the judicial practice.

The court decisions adopted in accordance with the new law contribute to the formation of a single application of the law and do not allow the existence of the parallel systems of consideration of the cases depending on the date of their opening.

Thus, when applying the new criminal procedural law, a balance must always be maintained between the requirements of the legislator, legal certainty and fairness [2, p. 56].

Examples of case law illustrating the application of the principle of the direct effect of the criminal procedural law:

1. Resolution of the Supreme Court of 12.06.2019 in case No. 592/3093/16-к (proceedings No. 51-8955кМ18)

In this case, the appellate court declared the protocol of the search of a person conducted in the office inadmissible, referring to the new provisions of the Criminal Procedure Code of Ukraine. The prosecutor appealed this decision, indicating that the search was carried out in accordance with the legislation in force at that time. The Supreme Court supported the prosecutor's position, emphasizing that procedural actions should be assessed according to the law in force at the time of their commission, which corresponds to the principle of direct effect of procedural law [4].

2. Resolution of the Grand Chamber of the Supreme Court of 29.08.2018 in case No. 663/537/17.

This resolution considered the issue of counting the period of pre-trial detention towards the term of sentence. The court noted that Part 5 of Article 72 of the Criminal Code of Ukraine as amended by Law No. 838-VIII has both the direct and retroactive effect in time. This means that the new provisions apply to all cases where they improve the position of a person, regardless of when the crime was committed [3].

3. Resolution of the Supreme Court of 27.09.2021 in case No. 234/1940/20 (proceedings No. 51-1866кМ21)

In this case, the court of first instance applied the new procedural law to the actions committed before its entry into force. The Supreme Court overturned this decision, emphasizing that the new procedural law does not have the retroactive effect, even if its provisions are more favorable to the participants in the criminal proceedings. This confirms the principle of direct effect of procedural law [5].

These examples demonstrate that courts adhere to the principle of direct effect of criminal procedural law, applying the new norms only to procedural actions committed after their entry into force.

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## **AUTHORIAL TRANSLATION OF POST-PUNK SONG LYRICS ON THE EXAMPLE OF THE BAND *THE CURE***

### **Abstract**

The thesis examines the peculiarities of authorial translation of post-punk song lyrics on the example of the British band *The Cure*. Special attention is paid to the stylistic features of post-punk poetics, metaphorical language, emotional tone, and the difficulties that arise when translating song lyrics into Ukrainian. The study analyzes translation strategies used to preserve the atmosphere, imagery, and semantic depth of the original texts. It is argued that the translation of post-punk lyrics requires not only linguistic accuracy but also creative interpretation in order to reproduce the aesthetic and emotional effect of the source material.

**Key words:** *post-punk; song lyrics; literary translation; authorial translation; metaphor; stylistic equivalence; The Cure.*

Post-punk music, which emerged in the late 1970s and early 1980s, is characterized by introspective themes, atmospheric sound, and poetic lyricism. Within this musical movement, song lyrics often function as independent poetic texts that combine emotional intensity with symbolic imagery. The British band *The Cure* represents one of the most influential examples of post-punk and alternative rock, whose lyrics demonstrate a distinctive combination of melancholy, romanticism, and existential reflection.

From the perspective of translation studies, song lyrics present a complex linguistic and cultural phenomenon. Unlike ordinary literary texts, lyrics interact with rhythm, melody, and performance. Therefore, the translator must consider not only semantic accuracy but also stylistic tone and emotional resonance. Authorial translation, in this context, refers to a translation approach in which the translator actively interprets the original text while attempting to preserve its artistic effect in the target language.

The lyrics of *The Cure* frequently employ metaphorical and abstract language. Many texts rely on imagery related to loneliness, memory, dreams, and emotional



isolation. Such stylistic features complicate the translation process, because metaphorical expressions often have no direct equivalents in the target language. In these cases, the translator must choose between literal translation, semantic adaptation, or creative reformulation.

Another challenge arises from the rhythmic and musical nature of song lyrics. Since lyrics are designed to be sung, they often contain repetitions, shortened structures, and phonetic patterns that contribute to the overall atmosphere of the song. When translating such texts, the translator must balance semantic fidelity with stylistic naturalness in the target language.

Furthermore, cultural context plays an important role in the interpretation of post-punk lyrics. The emotional tone of *The Cure*'s songs reflects the social and artistic climate of the late twentieth century, including themes of alienation, urban life, and personal introspection. Translating these elements requires sensitivity to both linguistic nuance and cultural meaning.

From a translation-studies perspective, the authorial translation of post-punk lyrics involves several strategies. These include semantic equivalence, metaphorical reinterpretation, stylistic adaptation, and the preservation of the original emotional atmosphere. The translator must often reconstruct imagery in a way that remains faithful to the spirit of the original while remaining understandable for the target audience.

In conclusion, the translation of post-punk song lyrics, particularly those of *The Cure*, represents a multidimensional task that combines linguistic, stylistic, and cultural challenges. Authorial translation allows the translator to recreate the emotional and aesthetic impact of the original lyrics while adapting them to the linguistic norms of the target language. Such an approach helps preserve the artistic integrity of the source text and ensures that its expressive power remains accessible to new audiences.

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## **LEGAL AND ETHICAL IMPLICATIONS OF BORIS JOHNSON'S «PARTYGATE» SCANDAL IN THE UK**

Between 2020 and 2022, the United Kingdom faced the “*Partygate*” scandal, revealing multiple gatherings and parties held at 10 Downing Street and other

government offices during strict COVID-19 lockdowns. Prime Minister Boris Johnson and senior officials were accused of breaching legally mandated regulations restricting social gatherings to control the pandemic [1]. This case raised serious legal and ethical questions regarding the conduct of public officials during a public health crisis.

The scandal provoked public outrage, parliamentary inquiries, and police investigations, challenging both the legal accountability and ethical standards of political leadership in the UK [2].

The legal aspect of *Partygate* revolves around the Health Protection (Coronavirus, Restrictions) Regulations 2020, enacted under the Public Health (Control of Disease) Act 1984, which prohibited indoor gatherings and imposed fines for violations. The Metropolitan Police Service investigated and issued 126 fixed penalty notices (FPNs) to staff, including Boris Johnson, demonstrating that all citizens, including the Prime Minister, were subject to the law [3].

Boris Johnson admitted that he misled Parliament regarding whether rules were broken, further emphasizing the legal and procedural stakes of the scandal [4]. This raised questions about executive accountability, ministerial responsibility, and the limits of legal enforcement for high-ranking officials.

Beyond legality, *Partygate* presented profound ethical concerns. Johnson and his staff knowingly participated in gatherings while ordinary citizens were subject to strict restrictions. Such actions contradict the Nolan Principles of public life, which emphasize integrity, accountability, and honesty [5].

Ethical leadership is essential during crises; violations by political elites can erode public trust and undermine compliance with laws. Citizens observing a “double standard” between government behavior and legal restrictions may question the fairness of regulations and the legitimacy of government actions.

The police response to *Partygate* exemplified several key principles:

1. Impartiality: Enforcement applied to all individuals, including senior government officials [3].
2. Due process: Individuals were notified of penalties and could respond [6].
3. Transparency: Investigative outcomes were publicly reported, reinforcing accountability [7].

However, critics noted that fines were largely symbolic, with most consequences being political rather than criminal, highlighting the complementary role of parliamentary oversight in ensuring accountability.

The scandal had significant political fallout. Boris Johnson faced parliamentary investigations, votes of no confidence, and widespread criticism from both opposition and members of his own party. Public surveys indicated a decline in trust toward government institutions, emphasizing the ethical importance of consistent leadership during emergencies [7].

Socially, *Partygate* reinforced the principle that adherence to the law by public officials is essential to maintain societal compliance and trust, particularly in times of crisis.

*Partygate* provides several lessons from legal and ethical perspectives:

1. Equality before the law: Even the highest officials must comply with regulations [3].
2. Ethical leadership matters: Integrity and honesty are critical for public trust [5].
3. Transparent enforcement: Publicly documented legal actions support accountability [7].
4. Parliamentary oversight complements law enforcement: Ethical and political accountability mechanisms are essential when legal penalties are limited [2].

#### Conclusion

The *Partygate* scandal demonstrates the intersection of law, ethics, and politics. Legal enforcement ensured that Boris Johnson and other officials faced penalties for violating COVID-19 regulations [3], while ethical scrutiny highlighted the broader responsibility of political leaders to maintain public trust [5].

The case underscores the importance of combining legal enforcement with ethical oversight to ensure accountable governance. Transparent procedures, strict adherence to laws, and parliamentary scrutiny are critical for maintaining legitimacy and public confidence, especially during crises.

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## **FEATURES OF INTERACTION BETWEEN THE STATE EMERGENCY SERVICE OF UKRAINE AND UKRAINIAN SOCIETY**

The current stage of development of Ukrainian society is characterized by an increased level of risks caused by both natural, man-made, and socio-political factors. In these conditions, the activities of the State Emergency Service of Ukraine (SES), which plays a key role in the civil protection system, are of particular importance. At the same time, the effectiveness of the implementation of the tasks of the SES largely depends on the quality of interaction of its employees with society. The relevance of the study is due to the need to understand the specifics of communication processes between SES employees and citizens, the formation of trust in state institutions, and the search for optimal models of cooperation in crisis and emergency situations [1, p. 68].

The interaction of state authorities with the public is considered in the scientific literature as a systemic process of two-way communication aimed at achieving socially significant goals. In the context of the activities of the SES, such interaction has a specific nature, since it is associated with a high level of risk, emotional tension, and the need for a prompt response. One of the key forms of interaction is informing the population about potential threats, rules of conduct in emergency situations and safety measures. Employees of the State Emergency Service actively use the media, official web resources and social networks to promptly convey information to citizens. An important aspect is the accessibility, clarity and timeliness of information, which directly affects the level of public trust in the service [1, p. 70].

Emergency prevention is an integral part of the interaction of the State Emergency Service with society. Conducting exercises, trainings, and outreach work in educational institutions and communities contributes to the formation of a security culture and increasing the readiness of the population to act in crisis conditions. In emergency situations, employees of the State Emergency Service often act not only as rescuers, but also as the first providers of psychological assistance. Empathy, professional ethics, and the ability to communicate with victims are important factors in effective interaction with citizens.

Martial law, armed aggression, and mass destruction of infrastructure have significantly changed the nature of interaction between the State Emergency Service and society. The role of rescuers as a symbol of the security and stability of the state has increased, and the requirements for transparency and efficiency of communication have also increased. The digitalization of public administration has contributed to the expansion of interaction channels, but at the same time has made the problem of information security and counteraction to disinformation more

relevant. Among the main problems of interaction, it is necessary to highlight: insufficient level of communicative training of individual employees; limited resources for systematic educational activities; uneven level of trust in state institutions in different regions [2, p. 113]. To increase the effectiveness of interaction, it is advisable to: develop communicative competencies of SES employees; involve public organizations and volunteers; improve crisis communication strategies; strengthen feedback with citizens.

Interaction of SES employees with society is a systemic and multifaceted process that combines managerial, communicative, socio-psychological and legal components. The effectiveness of the service in the field of civil protection largely depends not only on technical and personnel resources, but also on the quality of communication with the population, the level of public trust and citizens' willingness to cooperate in crisis situations. The key areas of interaction of SES with Ukrainian society are information and communication activities, preventive and educational work and providing psychological support to victims. It is the comprehensive implementation of these areas that contributes to the formation of a security culture, increasing public awareness of risks and algorithms for action in emergency situations, as well as minimizing the social and psychological consequences of crisis events [2, p. 115].

Modern challenges, in particular armed aggression against Ukraine, martial law, the increase in the number of technogenic and humanitarian threats, have significantly transformed the nature of interaction between the State Emergency Service and society. In these conditions, service employees act not only as subjects of response to emergencies, but also as important carriers of social stability, moral support and symbols of state capacity [3, p. 92]. Digitalization of public administration and active use of information and communication technologies expand the possibilities of interaction of the State Emergency Service with citizens, ensuring efficiency, openness and accessibility of information. At the same time, this actualizes the need to develop strategic crisis communications, counter disinformation and increase media literacy of both service employees and the population. Improving the interaction of State Emergency Service employees with society should be carried out by developing professional communication skills, strengthening inter-institutional cooperation with local governments, public organizations and volunteer initiatives, as well as forming sustainable mechanisms for feedback with citizens. In general, effective interaction of the State Emergency Service of Ukraine with Ukrainian society is an important condition for ensuring national security, increasing the level of protection of the population and strengthening the social stability of the state, which necessitates further scientific research in this area.

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## **CRIME SCENE EXAMINATION**

Analysis of the practice of investigating criminal offenses shows that the use of special signs increases the objectivity of establishing circumstances that are important for the case, increases the role of specialists during investigative (search) actions, contributes to the adoption of well-founded procedural decisions in the proceedings, and is the basis for the development and improvement of forensic methods and tools, the use of which expands the range of objects that can be evidence.

The main purpose of involving a specialist is to expand the investigator's capabilities in the qualified conduct of certain investigative (detective) actions, while achieving a certain, objective and comprehensive clarification of the circumstances of the criminal offense being investigated, and contributing with their professional knowledge and skills to the identification, consolidation, fixation and extraction of evidentiary information.

In the special forensic literature, the inspection of the scene of the incident is considered one of the most common, most complex and significant investigative actions, investigative actions in the structure of the crime investigation methodology, during which many planned tasks are solved, various factual data are obtained. Therefore, conducting an inspection of the scene of the incident by the investigator requires considerable effort and time.

In the special literature, the concept of the scene of the incident and the inspection of the scene of the incident are given. The scene of the incident can be not only the place where the crime was committed, but also the place where various traces were found indicating its connection with the crime. Usually, this is the place of preparation for the crime, concealment of objects of criminal encroachment, instruments of crime and other material evidence [1].

The scene of the crime may be a certain area of the territory (land, water surface, bottom of a reservoir) or a room. There are “mobile” scenes of the crime: railway or tram cars, buses, trolleybuses, cars, sea and river vessels, within which the crime itself occurred or the consequences of the crime were detected. The change in

the material situation at the scene of the crime is, in fact, a reflection of the consequences of the crime.

Inspection of the scene is mostly the very first investigative action, the closest in time and space when the investigator encounters the crime scene, the most time-consuming action (can last a long time), the most productive (allows to establish a significant amount of evidentiary information regarding all parties to the crime) and the most complex (requires the use of a number of tactical techniques and means of forensic technology), and in accordance with Art. 214 Part 3, inspection of the scene in urgent cases may be carried out before entering information into the Unified Register of Pre-Trial Investigations, which is carried out immediately after the completion of the inspection [2].

The inspection of the scene of the incident cannot be replaced or repeated by anything. However, to some extent, certain circumstances that were not established during the inspection of the scene of the incident can be established by conducting other investigative actions or additional or repeated inspections.

The main means of recording the results of the inspection of the scene is the inspection report, which must meet the requirements of Article 104 of the Criminal Procedure Code of Ukraine and fully reflect and contain a detailed description of individual traces and other circumstances of the crime (a sample is attached) [3]. All discovered objects, items and circumstances of the scene must be recorded in the report exactly in the form in which they were at the time of the inspection and as seen by the investigator. If certain changes were made to the situation at the scene, then the facts of making such changes must be established by conducting other investigative actions - interrogations, examinations, reproductions of the situation, etc.

Summing up, it should be noted that the assistance of a specialist is most appropriate when conducting a scene inspection during the investigation of criminal offenses and indicates that the use of specialized knowledge increases the objectivity of establishing circumstances that are important for criminal proceedings. It also increases the role of specialists during investigative (search) actions, contributes to the adoption of substantiated procedural decisions in the proceedings, and is the basis for the development and improvement of forensic methods and tools, the use of which expands the range of objects that can be evidence.

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## **SOCIAL NETWORKS AS A SPACE FOR CIVIC ACTIVISM: MECHANISMS OF INFLUENCE ON THE FORMATION OF PUBLIC OPINION**

In the contemporary digital age, social networks play a pivotal role in communication processes, reshaping how individuals connect, engage, and mobilize around social issues. As digital platforms become the primary spaces for information exchange and public discourse, they provide fertile ground for civic activism. The interconnected nature of these networks enables citizens to express opinions, share experiences, and coordinate collective action more easily than ever before [1]. This article explores the relationship between social networks and civic participation, highlighting how online platforms facilitate various forms of engagement and influence the formation of public opinion. The primary objective is to examine key mechanisms of digital influence and assess both the positive and negative outcomes of social media's integration into civic life.

Social networks have evolved into powerful instruments for civic activity, extending the traditional concept of civic engagement into the digital realm. Civic activism in this context refers to actions taken by individuals or groups to influence public policy, raise awareness on societal issues, or support community initiatives using online tools and platforms. The digital environment broadens opportunities for informational, mobilizational, volunteer-driven, and protest-related activities [2]. Informational engagement involves sharing content and perspectives that inform and educate others, whereas mobilizational activity includes organizing events or campaigns to inspire collective action. Volunteerism on social media often takes the form of fundraising drives, resource coordination, and community support initiatives. Protest activity facilitated by digital tools can be expressed through coordinated hashtag campaigns, virtual demonstrations, and calls for collective action.

Interaction within online communities is characterized by immediacy, accessibility, and scale. Users participate in discussions, contribute content, and collaborate with others beyond traditional geographic or institutional boundaries. The participatory nature of social platforms enables previously underrepresented voices to be heard, democratizing the conversation and empowering grassroots movements [3]. However, this dynamic also raises questions about the quality and integrity of digital engagement, which are explored further in this article.

Social networks influence public opinion through multiple mechanisms, each contributing to the ways individuals perceive, process, and respond to information. A key factor is the role of algorithms and content personalization. Platforms such as Facebook, Instagram, X (formerly Twitter), YouTube, and TikTok employ



algorithmic systems that curate users' feeds based on their preferences, interactions, and predicted interests [4]. This personalization increases user engagement but often reinforces pre-existing viewpoints, creating echo chambers that limit exposure to diverse perspectives. The result is the potential intensification of polarization and selective consumption of information.

Another defining mechanism is virality, the rapid spread of content across networks. Viral posts, videos, and hashtags can capture collective attention within hours, amplifying messages and rapidly shaping public discourse. This speed of dissemination can be extremely effective for raising awareness during social campaigns or crises, but it also poses risks. Misinformation and unverified claims can proliferate just as swiftly as credible information, complicating the public's ability to discern fact from falsehood.

Opinion leaders, including influencers, activists, journalists, and experts, also play a central role in shaping public opinion on social media. These individuals often command large followings and possess the ability to frame narratives, drive engagement, and mobilize audiences. Their content can serve as a catalyst for discussion, encouraging followers to engage in civic activities such as voting, volunteering, or participating in protests. However, the presence of influential figures also raises concerns about bias, agenda-setting, and the commercialization of discourse, as not all influencers adhere to standards of accuracy or ethical communication [2].

In addition, digital campaigns leveraging hashtags, flash mobs, and coordinated initiatives have become significant catalysts for mobilization. Hashtag activism, for instance, transforms simple keywords into rallying points around which communities organize online protests, awareness campaigns, or fundraising drives. These digital tools enable swift organization and solidarity-building, particularly among younger generations who are highly active on social platforms [3].

The influence of social networks on public opinion has both positive and negative consequences. On the positive side, these platforms increase public awareness and engagement by making information more accessible and facilitating participation in civic life. Users who might otherwise remain disengaged can find opportunities to connect with causes, contribute to discussions, and influence public issues. Social media also expands the reach of social movements, enabling rapid dissemination of key messages and fostering global solidarity.

Furthermore, digital platforms can provide direct channels for communication between citizens and public institutions. Government agencies, non-governmental organizations, and community groups frequently use social media to disseminate information, solicit feedback, and mobilize volunteers [1]. These interactions contribute to more transparent and responsive governance.

Despite these advantages, significant negative outcomes are associated with social media's influence on public opinion. The spread of misinformation and manipulative content can distort public perceptions, influence elections, and deepen societal divisions. Digital platforms often prioritize emotionally charged content, which can amplify polarization and discourage nuanced discussions. Additionally,

personalized content feeds can create “information bubbles,” limiting exposure to dissenting viewpoints and reinforcing confirmation bias [4].

To illustrate the impact of social networks on public opinion, consider several contemporary cases. Volunteer and humanitarian campaigns frequently utilize social media to mobilize resources and support. For example, widespread online fundraising efforts during natural disasters or public health crises demonstrate the capacity of digital platforms to coordinate large-scale charitable activities. Similarly, social movements such as climate activism or human rights advocacy have leveraged hashtags and viral content to bring global attention to critical issues. During times of crisis, such as armed conflict or political upheaval, social networks become vital channels for sharing real-time updates, coordinating assistance, and documenting events [3]. For instance, during recent geopolitical conflicts, platforms like Telegram and X served as critical avenues for disseminating safety information, organizing local support efforts, and countering misinformation campaigns.

In conclusion, social networks represent a dynamic and influential space for civic activism and the formation of public opinion. They empower citizens to engage with social issues, facilitate collective action, and amplify diverse voices. At the same time, digital influence mechanisms such as algorithms, virality, and opinion leaders can also contribute to polarization, misinformation, and selective exposure to content. To maximize the positive impact of social media on civic life, it is essential to promote media literacy, foster critical thinking, and support ethical communication practices. By developing a responsible and informed digital culture, societies can harness the benefits of social networks while mitigating their risks, ultimately strengthening democratic engagement and public discourse in the digital age.

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## **COOPERATION OF THE SOCIETY WITH POLICE UNITS**

One of the important elements of a democratic State is an active and developed civil society. It plays one of the main roles in promoting important social changes and effective state policy in different spheres of life.

The European Union countries are characterized by such types of interaction as normative, legal and instrumental model of interaction.

It can be said exactly that the higher level of development of the institution of civil society corresponds to such a model of appropriate interaction as a social initiative. Behind which, society influences state institutions and thus realizes the rights of independence, as the wear carrier of power is the people.

On the example of 2013-2014, when there was a comprehensive plan of measures to form a positive image of the bodies of internal affairs of Ukraine, which provided for cooperation with civil society institutions on the principles of dominance. This principle showed all its futility, without humbling at all its amenities for police officers and heads of police. The principle has no incentive to show civic activity, and as a result is implemented formally. Mutual exhibition is based on round tables, seminars, conferences, related forms of cooperation - organization of holidays, congratulations of veterans, visit to educational institutions [2].

The model of partnership relationship, which was enshrined in the strategy of the system of the Ministry of Internal Affairs in the period from 2016 to 2020, remains relevant in the modern experience of police interaction with civil society institutions. The police should contribute to the development of the institution of civil society for their part and understand the importance of the functioning of public organizations independent of the State. Also, in turn, heads should learn to hear public encodings, take into account their positions when planning and organizing their own activity [1].

Public organizations in many ways cooperate with State authorities, for example, in the process of their registration, implementation by authorized bodies of control and supervision, implementation of public control over State bodies, in the form of an appeal, partnership to combat corruption, paid financing of the activities of public organizations, placement of grants and State contracts [4].

We can observe that most often in the form of interaction between the Ministry of Internal Affairs of Ukraine and public organizations there are executive or civil councils, general events, expertise of normative and legal acts, public hearings, consultations, negotiations. Modern technologies, such as the Internet, are also passing. An example is the website of the Ukrainian Gelsinsky Group for Human Rights, the Ukrainian Center for Economical and Political Studies named after

Oleksandr Umumkov, they provide an opportunity to assess public thought on various issues [3].

Today we can see a positive trend in the relationship between the public and the police, which began relatively long ago, but has already shown its effectivity in time realities. We hope for further joint work between these two institutions of power and their development.

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## **THE ROLE OF ARTIFICIAL INTELLIGENCE IN DEVELOPING BILINGUAL COMMUNICATIVE COMPETENCE**

The integration of artificial intelligence into higher education has become an important development in recent years, particularly in the field of language learning. One of the most promising areas for technological innovation is bilingual education for university students, including cadets enrolled in bachelor's degree programs. In institutions that prepare future professionals such as law enforcement officers, the ability to communicate effectively in more than one language is increasingly essential. Globalization, international cooperation, and the growing need for cross-border communication require graduates to possess strong linguistic and intercultural competences. Artificial intelligence tools provide new opportunities to enhance bilingual education by offering adaptive, interactive, and personalized learning environments. When implemented thoughtfully, these technologies can significantly support the acquisition of professional language skills among cadets, particularly in contexts related to English for Specific Purposes (ESP).

Psycholinguistic research emphasizes that language acquisition is influenced by cognitive, social, and environmental factors. Although much research has focused on early language acquisition, contemporary studies demonstrate that adult learners, including university students, retain considerable capacity for acquiring new languages when they receive meaningful input, practice opportunities, and feedback. The process of second language acquisition in adulthood relies heavily on conscious learning strategies, procedural practice, and repeated exposure to authentic linguistic material. For cadets studying in bilingual or multilingual contexts, language learning often involves mastering professional terminology, understanding institutional discourse, and developing communicative competence in situations related to their future careers. Artificial intelligence tools can support these processes by providing individualized feedback, simulating professional communication scenarios, and adapting learning materials to the learner's level and progress.

Within psycholinguistics, language acquisition is closely connected to cognitive processes such as perception, memory, and attention. One of the central challenges faced by university-level language learners is the development of accurate pronunciation and phonological awareness in the target language. For cadets who must communicate with international colleagues, participate in international training programs, or interact with foreign citizens, clear pronunciation is essential for effective professional communication. AI-powered speech recognition systems can assist learners in improving pronunciation by detecting phonetic errors and providing immediate corrective feedback. Such systems allow students to practice repeatedly in a low-pressure environment, which is particularly beneficial for adult learners who may feel anxious about making mistakes in front of peers. Immediate feedback supports the development of phonological awareness and contributes to the automatization of speech patterns, which is crucial for fluent communication.

Repeated interaction with AI-based pronunciation tools also contributes to the development of procedural memory, the cognitive system responsible for the automatic execution of complex skills. Through continuous practice, learners gradually internalize phonological patterns and develop greater fluency in spoken communication. This process is particularly important in bilingual education contexts where students must manage two linguistic systems simultaneously. For cadets studying English for professional purposes, pronunciation training may include specialized vocabulary related to law enforcement, security procedures, and international cooperation. AI applications can model correct pronunciation and intonation patterns, allowing learners to practice realistic communication tasks such as reporting incidents, giving instructions, or conducting interviews.

Another important aspect of second language acquisition involves exposure to meaningful and frequent input. Usage-based theories of language learning suggest that linguistic knowledge emerges from repeated interaction with language in authentic communicative contexts. Language learners acquire grammatical structures and vocabulary through exposure to meaningful discourse rather than isolated memorization. Artificial intelligence tools can create immersive digital environments in which learners encounter vocabulary and grammar within interactive tasks,

dialogues, and simulations. Such systems can adapt to the learner's performance level, gradually increasing complexity while maintaining comprehensible input. This approach aligns with the principle that learners progress most effectively when new information is slightly beyond their current level of competence but still understandable.

Adaptive algorithms embedded in AI platforms enable the creation of personalized learning pathways. These systems monitor the learner's responses, identify areas of difficulty, and adjust tasks accordingly. For cadets studying in a bilingual environment, such personalization is particularly valuable because language proficiency often develops unevenly across different skills. A student may demonstrate strong reading ability but weaker speaking competence, or may possess extensive vocabulary but struggle with listening comprehension. AI-based systems can provide targeted practice in weaker areas while reinforcing existing strengths. This individualized approach helps maintain learner motivation and ensures more efficient use of study time.

Multimodal learning is another important principle supported by artificial intelligence technologies. Cognitive theories of multimedia learning suggest that individuals process information more effectively when it is presented through multiple channels, such as visual, auditory, and textual forms. AI-based language learning platforms frequently combine audio recordings, visual imagery, interactive tasks, and written explanations. For university students, this multimodal input facilitates deeper cognitive processing and supports the formation of long-term memory structures. For example, a cadet practicing professional vocabulary may simultaneously hear a spoken command, read its written form, and observe a visual representation of the corresponding action. Such integrated learning experiences strengthen semantic connections and improve recall. Multimodal interaction is also beneficial for developing both semantic and syntactic competence. By engaging in interactive dialogues with AI-based conversational agents, learners practice constructing sentences, responding to questions, and organizing information logically. These simulated interactions can replicate professional communication scenarios relevant to the cadets' future careers. For instance, a conversational AI system may simulate an interaction between a police officer and a witness, allowing the student to practice asking questions, clarifying information, and responding appropriately. Such simulations provide valuable opportunities for experiential learning, enabling students to apply linguistic knowledge in realistic contexts without the risks associated with real-life situations.

Language learning is not only a cognitive process but also a social and cultural phenomenon. Successful bilingual communication requires not only grammatical accuracy but also sociolinguistic competence, which involves understanding how language is used appropriately in different social contexts. Artificial intelligence tools can contribute to the development of sociolinguistic awareness by exposing learners to diverse communication scenarios. AI systems can demonstrate how language varies depending on formality, social roles, and cultural expectations. For cadets preparing for careers in law enforcement or public service, understanding these

nuances is essential for effective interaction with people from different cultural and linguistic backgrounds.

Another advantage of AI-based systems is their ability to incorporate culturally relevant content. Language learning becomes more meaningful when it is connected to authentic cultural contexts. AI platforms can include multimedia materials such as dialogues, news reports, or scenario-based exercises reflecting real-life communication situations. For example, cadets may practice responding to international visitors, participating in joint operations, or communicating with foreign colleagues. Exposure to culturally embedded language materials helps learners develop intercultural competence, which is increasingly recognized as a crucial component of professional communication in globalized environments.

Artificial intelligence technologies also support learner autonomy, which is a key objective in modern higher education. University students are expected to take responsibility for their own learning processes, developing strategies for independent study and self-assessment. AI-based learning platforms enable students to practice language skills outside the classroom, monitor their progress, and receive immediate feedback without waiting for instructor evaluation. This continuous access to learning resources allows cadets to integrate language practice into their daily routines, thereby increasing the amount of exposure to the target language.

Despite the significant potential of artificial intelligence in bilingual education, it is important to recognize its limitations. Language learning is inherently social, and human interaction remains essential for developing communicative competence, empathy, and cultural understanding. AI systems cannot fully replicate the complexity of real interpersonal communication. Therefore, the most effective approach is to integrate AI tools as complementary resources within a broader educational framework that includes classroom instruction, collaborative activities, and authentic communication practice.

The integration of artificial intelligence into bilingual education for cadets in bachelor's degree programs represents an important step toward modernizing language education in higher institutions. By combining insights from psycholinguistics, cognitive science, and educational technology, AI tools can create dynamic learning environments that support the development of professional communicative competence. Through features such as adaptive feedback, speech recognition, multimodal interaction, and simulated dialogue, these technologies provide learners with opportunities for intensive practice and individualized support.

At the same time, successful implementation requires careful pedagogical planning. Educators must select appropriate tools, design meaningful learning tasks, and guide students in the effective use of digital resources. When AI technologies are integrated thoughtfully into language curricula, they can significantly enhance the quality of bilingual education and better prepare cadets for professional communication in international contexts. Ultimately, the goal is not to replace traditional teaching methods but to enrich them by incorporating innovative technologies that support the development of competent, confident, and culturally aware bilingual professionals.

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## **CURRENT ISSUES IN THE ACTIVITIES OF HUMAN RIGHTS AND LAW ENFORCEMENT BODIES REGARDING THE PREVENTION OF ABUSE OF POWER BY LAW ENFORCEMENT OFFICERS**

The issue of preventing abuse of power by law enforcement officers is highly relevant, since the legality of police actions directly affects the protection of human rights and freedoms. It determines the level of public trust in the law enforcement system and forms the basis for the establishment of the rule of law. In the context of police reform, martial law, and Ukraine's international obligations, the risks of abuse of authority increase significantly. Exceeding official powers may lead to unlawful detentions, excessive use of force, and other violations of rights, which contradict the guarantees enshrined in the Constitution of Ukraine and international instruments, in particular the European Convention on Human Rights. During martial law, when the powers of law enforcement agencies are expanded, the danger of abuse becomes even greater. Therefore, strengthening control, ensuring clear legal guarantees, and providing high-quality professional training for police officers are essential conditions for ensuring that the law applies equally to everyone and that justice is upheld in the state.

According to the article 365 of the Criminal Code of Ukraine establishes liability for intentional abuse of authority by a law enforcement officer, that is, for actions that clearly go beyond the powers granted and cause significant harm to the rights of citizens or the interests of the state or legal entities. Liability may take the form of restriction or deprivation of liberty and prohibition from holding certain positions. If such actions are accompanied by violence, threats, use of weapons or



special means, or degrading treatment, the punishment is increased. In cases where serious consequences are caused, liability is the most severe, with an additional prohibition on holding office [1].

During martial law, law enforcement officers receive expanded powers, including control over public order, movement, detention of suspicious persons, and the use of coercive measures. However, this does not abolish the boundaries of legality or the obligation to respect human rights. If officers deliberately exceed their powers – for example, by using violence without legal grounds, employing weapons unnecessarily, acting cruelly or degradingly, carrying out unlawful detentions, or committing other violations of human rights and freedoms such actions are classified as abuse of authority and are punishable under the Criminal Code of Ukraine. The special regime of martial law does not cancel constitutional guarantees, so officials must act lawfully even under extraordinary conditions.

As an example, in March 2024 six law enforcement officers were convicted of abuse of authority involving violence and the use of special means, which resulted in serious and moderate bodily injuries to victims. Their actions went beyond the powers granted: unlawful detentions, use of physical force and special means, and gross violations of the procedure for administrative detention. Court verdicts confirm that even during martial law, the principle of the inevitability of punishment and the protection of human rights remain priorities, and abuse of authority is classified as a criminal offense under Article 365 of the Criminal Code of Ukraine [3].

Oversight of compliance with the limits of authority by law enforcement officers is carried out by internal police units, the prosecutor's office, the Commissioner of the Verkhovna Rada for Human Rights, and the courts during case consideration. Additionally, human rights organizations and civic activists monitor cases of abuse of authority, while citizens have the right to file complaints, which stimulates the review of police actions and helps prevent violations.

It can be concluded that preventing abuse of power by law enforcement officers is a key element in protecting human rights and freedoms and maintaining public trust in the law enforcement system.

Even during martial law, when law enforcement officers receive additional powers, compliance with the boundaries of legality remains mandatory, and intentional violations of these boundaries are classified as crimes and punished under Article 365 of the Criminal Code of Ukraine. The system of control and prevention of violations is ensured by internal police units, the prosecutor's office, the courts, the Commissioner of the Verkhovna Rada for Human Rights, human rights organizations, and the public, which together create a mechanism of prevention, monitoring, and accountability, guaranteeing the rule of law and the protection of citizens even under extraordinary conditions.

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## **ON THE RIGHTS OF A COMPUTER PROGRAM DEVELOPER**

In today's world of technology and innovation the need to protect the rights of computer program developers, who stand out from other objects for their creativity and originality, is becoming increasingly urgent. Such rights are often violated by large monopolistic companies in the market, as well as by unscrupulous colleagues of these developers in pursuit of technological innovations that will give them an advantage in a particular IT services market in the short term. Due to the lack of relevant knowledge, developers may be unaware of their rights to the program.

Firstly, it is necessary to clarify what a computer program is and who its author is in terms of both national and international legislation. The concept of a «computer program» is defined in Article 1 of the Law of Ukraine «On Copyright and Related Rights» № 2811-IX dated 01 December 2022, according to which it is a set of instructions in the form of words, numbers, codes, diagrams, symbols or in any other form, expressed in a form suitable for reading by a computer (desktop computer, laptop, smartphone, game console, smart TV, etc.), which cause it to perform certain actions to achieve a specific goal or result, in particular an operating system, application program, expressed in source or object codes [1]. It is subject to copyright.

In accordance with the provisions of national civil law, a computer program is considered a separate object of copyright (along with literary works), but in accordance with Directive 2009/24/EC of the European Parliament and of the Council of № 2009/24/EC of 23 April 2009 on the legal protection of computer programs, Member States protect computer programs by copyright as literary works within the meaning of the Berne Convention for the Protection of Literary and Artistic Works of 1886 [2]. Such a program may be recorded in text form using programming languages, presented in graphic form using flowcharts, stored in the memory of a computer system as electrical signals, or stored on data carriers in the form of a file [3].

Legislation of Ukrainian does not provide a specific definition of a «developer» or «author» of a computer program, limiting itself to stating that the author is a natural person who has created a work through their creative activity. However, the EU Directive states that the author of a computer program is a natural person or group of natural persons who created such a program, or, if permitted by the legislation of a Member State, a legal entity designated as the right holder in accordance with the legislation of that Member State [2]. In my opinion, this definition reflects the reality more accurately, since the author of a computer program can be either one person or a whole team of developers, in which «development engineers» can perform various production tasks to create a complete product.

From the moment a computer program is created its developer acquires property and personal non-property intellectual property rights. There are no specifically defined rights of the developer in the legislation, as they are similar in content to the rights of any other author to the result of his intellectual activity.

Thus, Article 11 of the Law of Ukraine «On Copyright and Related Rights» defines the personal non-property rights of the author as follows: "the right to demand recognition of his authorship by indicating his name on the program and its copies; the right to prohibit the use of his name; the right to demand the preservation of the integrity of the computer program and, accordingly, to counteract any distortion or alteration of the program, as well as to prevent any infringement of the object of copyright that would create reputational risks for the author" [1].

Personal non-property rights belong solely to the author and cannot be transferred (alienated) to other persons and are not inheritable. With regard to property rights, in accordance with Article 12 of the Law of Ukraine «On Copyright and Related Rights», the developer of a computer program has the right to use the work in any way (or ways), as well as the exclusive right to allow or prohibit the use of the work by other persons [1].

Permitted uses of the work include: 1) reproduction; 2) inclusion in a composite work; 3) inclusion in another work (excluding composite works); 4) distribution of copies; 5) import of copies; 6) rental or lending of copies; 7) public performance, display, demonstration, communication, interactive access, and other public dissemination methods; 8) translation; and 9) adaptation, arrangement, or similar modifications. This list is not exhaustive.

Property rights are valid throughout the developer's lifetime and for an additional 70 years after his death. However, scientists argue that there is no objective need for such long-term validity of property rights, since most computer programs become obsolete in just a few years due to technological progress [4].

Nevertheless, quite often a developer creates a computer program to order or as work for hire. In this case, the personal non-property copyrights to such a program belong to the developer, but the property rights are transferred to the employer or customer from the moment of creation of such a program in full, unless otherwise provided by the terms of the employment contract or agreement. Still, in any case such a computer program developer is entitled to remuneration.

Therefore, from all of the above, we can draw the conclusion that for the full and stable development of the IT services market in Ukraine, all the necessary legal framework is in place to protect the rights and interests of computer program developers, however, there remain risks on the part of the state regarding sudden changes of the «rules of the game», which seemed monolithic and unbreakable, and the lack of reliable tools for the effective and rapid elimination of violations of the rights of computer program developers, except for protection through the courts.

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## **CRIMINAL-LEGAL PROTECTION OF HUMAN LIFE IN CONDITIONS OF ARMED CONFLICT AND MARTIAL LAW**

**Abstract.** The paper deals with the social relations arising in the process of the criminal-legal protection of human life under conditions of the armed conflict and

martial law. The necessity of such a research is grounded. The purpose of the research is stated. The objectives of the research are formulated. The innovative results of the research are highlighted.

**Key words:** *criminal-legal protection, human life, armed conflict, martial law, national legislation, international humanitarian law.*

The armed aggression against Ukraine has significantly transformed the conditions under which the state and society function, placing the most important constitutional value – the right to life – under the particular threat. During the active hostilities and the period of martial law, the number of the attacks on the lives of both the civilians and military personnel has sharply increased. The circumstances under which the law enforcement bodies must ensure an adequate level of legal protection of human life have also become more complex.

The recent practice demonstrates that under martial law the numerous issues arise related to the qualification of the violent acts, the correlation between the ordinary criminal offences and war crimes, the determination of the boundaries of lawful use of the force, and the criminal-legal assessment of the actions of the service members. These circumstances necessitate a reconsideration of the effectiveness of the existing provisions of the Criminal Code of Ukraine and their ability to provide real protection of human life amid the armed conflict and martial law.

In today's conditions, there is also a need to harmonize national legislation with the international standards, in particular with the norms of international humanitarian law, which establishes the special rules for the treatment of the civilians, prisoners of war, and other categories of the persons during the armed conflicts and under martial law. The imperfections in this area of regulation may create the risks both for holding the perpetrators accountable and for ensuring international legal protection of the human rights.

The issue of criminal-legal protection of life under condition of armed conflict and martial law occupies an important place in Ukrainian legal scholarship. The certain aspects of this topic have been examined by the scholars in criminal law, military justice, international humanitarian law, and the human rights practice.

Among the Ukrainian researchers who studies criminal-legal protection of human life are V. Navrotskyi, O. Kostenko, M. Baulin, A. Muzyka, O. Shytnyi, and O. Dudorov; their studies analyze the general approaches to the protection of human life, the problems of classifying the intentional homicides, and other crimes against life and health.

The issues of the legal regulation of the crimes related to the violations of the laws and customs of war have been studied by O. Lytvak, O. Kaplina, H. Kostenko, S. Hrynychak, as well as the scholars focusing on the international legal standards for the prevention of the civilians, such as V. Repetskyi, M. Hnatovskyi, O. Harnyk.

Following the outbreak of the full-scale war, the numerous studies have emerged addressing the criminal-legal aspects of classifying the war crimes, the liability of the service members, and the correlation between the national and international legal norms. However, no comprehensive and systematic analysis of the

criminal-legal protection of human life specifically under conditions of the armed conflict and martial law has yet been conducted.

The above indicates the existence of a pressing problem conditioned by the need to ensure the real and effective criminal-legal protection of human life in conditions of the armed aggression, to enhance legal certainty, to adapt legislation to the international standards and modern challenges, as well as to meet the practical needs of the law enforcement agencies for the clear legal guidelines when investigating the crimes against life during the armed conflict and martial law.

The purpose of the research is to improve the criminal-legal protection of human life under conditions of the armed conflict and martial law by identifying the shortcomings in current legislation, analyzing the enforcement practices, and determining the directions for enhancing the effectiveness of the criminal-legal regulation in protecting the highest social value – human life.

To achieve this purpose, the following objectives are set:

- to analyze the current state of the criminal-legal regulation of the protection of human life in Ukraine, considering the specific features of the legal regime of martial law;
- to identify the key problems of the classification of the crimes against life committed under conditions of martial law and armed conflict, and determine the causes of these issues in the enforcement practice;
- to assess the compliance of the national criminal-legal norms with the international standards, in particular those of international humanitarian law and international criminal law;
- to determine the influence of the specific nature of the hostilities and martial law on the boundaries of the lawful use of the force and on the assignment of the liability for the persons involved in the defence and security activities;
- to study the judicial and investigative practice related to the crimes against life committed during the armed aggression, and to summarize the problematic trends;
- to conduct a comparative legal analysis of other states' experience in the criminal-legal protection of life during the armed conflicts;
- to formulate the proposals for improving criminal legislation and strengthening the effectiveness of the mechanisms for protecting human life under the martial law.

The object of the research is the social relations arising in the process of the criminal-legal protection of human life under conditions of the armed conflict and martial law.

The subject of the research is the criminal-legal protection of human life under conditions of the armed conflict and martial law.

A comprehensive theoretical understanding of the criminal-legal means of protecting human life under conditions of the armed conflict and martial law is expected to yield the following innovative results:

- the systematization and generalization of the provisions of the Criminal legislation of Ukraine on the protection of human life during wartime, taking into account the specific application of the international humanitarian law norms;
- the identification of the gaps and inconsistencies in current criminal legislation and enforcement practice related to the classification of the crimes against life committed under conditions of the armed conflicts;
- the development of the proposals for improving the criminal-legal mechanisms for the protection of life, aimed at enhancing their effectiveness under martial law;
- the formulation of the methodological approaches to analyzing the forecasting the criminal-legal risks to human life during the martial law, providing a foundation for improving legislation and the enforcement practice;
- conducting a comparative legal analysis to integrate the international experience in the protection of life and to develop the recommendations for harmonizing national legislation with the international standards.

These results may provide new scholarly knowledge about the mechanism of the criminal-legal protection of life under conditions of the armed conflict and martial law and form the practically significant recommendations for strengthening the protection of the highest social value – human life.

The research results may have both the academic value and direct practical relevance, as they may contribute to improving the effectiveness of the criminal-legal protection of human life amid the contemporary military threats.

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## **DOMESTIC VIOLENCE: LEGAL REGULATION, CAUSES, CONSEQUENCES, AND COURT PRACTICE**

Domestic violence is a critical social and legal problem that affects millions of people worldwide, regardless of age, gender, or social status [1],[6]. It refers to abusive behaviors that occur in a family or intimate relationship and can take the form of physical, psychological, sexual, or economic abuse [6]. Domestic violence is not only a moral and social issue but also a violation of human rights, and in many countries, it constitutes a criminal offense [2]. This means that the state has a legal obligation to protect victims, punish offenders, and implement preventive measures [2][3].

One of the defining features of domestic violence is its repetitive nature. Abuse often occurs as a series of actions, not a single incident [6]. The abuser uses violence, intimidation, and control to dominate the victim. Victims may suffer physical

injuries, such as bruises, fractures, or internal damage, but they also face psychological trauma, including anxiety, depression, post-traumatic stress disorder, and low self-esteem [1]. Often, victims remain silent due to fear of retaliation, economic dependency, or emotional attachment to the abuser [1]. This secrecy complicates detection, legal intervention, and social support.

The causes of domestic violence are multifactorial. Social and cultural inequality, particularly regarding traditional gender roles, is a major factor [8]. In societies where men are perceived as dominant and women as subordinate, abusive behavior is more likely. Additional contributing factors include unemployment, poverty, alcohol or drug abuse, and mental health problems [1]. Importantly, research shows that individuals who experience or witness domestic violence as children are more likely to become abusers or victims as adults [1]. This demonstrates the cyclical nature of domestic violence, which requires comprehensive interventions to break.

Domestic violence is addressed through national legislation and international treaties. In Ukraine, the Law “On Prevention and Counteraction to Domestic Violence” (2017) defines domestic violence, establishes reporting procedures, and provides mechanisms for urgent protective measures [3]. Courts can issue protective orders, restrict contact between abuser and victim, remove offenders from the shared home, and mandate rehabilitation programs [3]. Under the Criminal Code of Ukraine, domestic violence can lead to administrative fines, imprisonment, or other criminal liability depending on the severity of the offense [4].

Internationally, the Istanbul Convention (Council of Europe, 2011) obliges states to prevent violence against women, protect victims, prosecute offenders, and adopt integrated policies and programs [2]. The Convention emphasizes that domestic violence is a human rights violation, requiring states to take immediate and long-term preventive measures [2]. Other instruments, such as UN Women guidelines, focus on victim support, education, and public awareness campaigns [7].

Domestic violence has devastating consequences for victims, children, and society. Victims may experience long-term physical injuries, chronic health problems, and psychological trauma [1]. Children exposed to domestic violence are at risk of emotional and behavioral disorders and may perpetuate the cycle of abuse as adults [1]. From a legal standpoint, such harms may be classified as bodily injury, psychological abuse, coercion, or other criminal offenses, which allows victims to seek justice, compensation, and protection through the courts [4].

Several court cases in Ukraine demonstrate the legal response to domestic violence. In Kyiv, 2020, the Court of Appeal issued an urgent protective order against a man who repeatedly threatened and physically abused his partner. The court required the offender to vacate the shared residence and prohibited any contact with the victim [3]. Similarly, in Odesa, 2019, the District Court prosecuted a man for causing serious bodily harm to his spouse, resulting in a prison sentence [4]. These cases show that courts take protective measures seriously and that legal mechanisms can prevent escalation.

Internationally, courts have also enforced protective measures. For example, in the European Court of Human Rights case of *Opuz v. Turkey* (2009), the court held



that failure to prevent domestic violence violated the victim's human rights under the European Convention on Human Rights [5]. This demonstrates that states have both domestic and international obligations to protect victims.

Preventing domestic violence requires a comprehensive strategy that includes legal, social, and educational measures. Legal enforcement alone is not sufficient. Governments must ensure that protective laws are applied effectively, offenders are held accountable, and victims have access to shelters, hotlines, legal aid, and psychological support [7]. Education is equally essential. Schools and universities should teach young people about healthy relationships, gender equality, and conflict resolution [8]. Public awareness campaigns can challenge cultural norms that tolerate violence [7]. Family counseling, social services, and community programs are also necessary to break cycles of abuse and protect children [1].

In my opinion, domestic violence is not only a private or family issue but also a significant legal and social problem. Protecting victims, prosecuting offenders, and preventing future abuse are responsibilities shared by the state, communities, and individuals. Strong legal frameworks, effective law enforcement, public education, and social support can significantly reduce domestic violence and protect human rights. Only by combining legal, social, and educational measures can society ensure safety and justice for all.

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## **THE DANGERS OF PHISHING ATTACKS**

Phishing is a method used by attackers to steal sensitive information, such as bank account details, passwords, or personal data, by pretending to be a trustworthy entity in emails, messages, or websites [1]. In the 21<sup>st</sup> century, the threat of phishing has increased dramatically due to the rapid growth of digital technologies and the widespread use of online communication, social media, and financial services. Cybercriminals are constantly developing more sophisticated techniques to deceive users, making phishing attacks harder to detect and prevent. The consequences of such attacks can be severe, including financial loss, identity theft, unauthorized access to personal and organizational accounts, and disruption of everyday activities. As society becomes more digitally connected, individuals and organizations face an ever-growing need for awareness, education, and effective cybersecurity measures to protect against this persistent and evolving threat.

The primary objective of this study is to analyze the different types of phishing attacks, with a particular focus on the subtechniques defined in the MITRE ATT&CK T1566 framework. The research aims to identify the methods used by attackers to compromise sensitive information, examine the risks associated with each phishing subtype, and highlight the potential consequences for individuals, organizations, and civil society. By understanding these attacks in detail, the study seeks to provide insights for improving awareness, prevention, and mitigation strategies against phishing in modern digital environments.

The study employs a comparative method to systematically evaluate the different subtypes of phishing attacks. This approach involves examining each subtype in terms of its techniques, mechanisms, and potential impacts, and then comparing them to identify similarities, differences, and relative threat levels. By using a comparative analysis, the research highlights which phishing methods are more sophisticated, more likely to succeed, and more harmful to individuals and organizations.

Phishing remains one of the most widely used initial access techniques in modern cyberattacks. According to the MITRE ATT&CK framework, phishing is classified under technique T1566[1], which includes several subtypes of spearphishing attacks. These techniques are commonly used to deceive users into executing malicious content or revealing sensitive information, often serving as the first stage of a larger attack chain.

One of the most prevalent subtechniques is T1566.001 – Spearphishing Attachment [2]. In this scenario, attackers distribute malicious files disguised as legitimate documents, such as invoices, reports, or official notifications. These

attachments often appear harmless and may use common formats like PDF, Microsoft Office documents, or compressed archives. Once opened, the attachment can execute malicious code, download additional payloads, or establish persistence on the victim's system. This technique is particularly effective because it exploits user trust and routine behavior, especially in environments where document exchange is frequent.

Another widely used method is T1566.002 – Spearphishing Link [3]. This technique relies on sending deceptive links that redirect victims to malicious websites. These links are often embedded in emails or messages that imitate trusted organizations, services, or individuals. The linked pages may be designed to steal credentials, deliver malware, or collect personal information. Compared to malicious attachments, spearphishing links are often harder to detect, as they do not require the user to download a file, and modern phishing pages closely resemble legitimate websites.

T1566.003 – Spearphishing via Service represents an evolution of traditional phishing techniques [4]. Instead of relying on email, attackers abuse trusted third-party services such as cloud platforms, collaboration tools, or social media messaging systems. Messages sent through these services often bypass traditional email security controls and appear more credible to victims. This method takes advantage of the growing reliance on digital platforms for communication and collaboration, making it particularly dangerous in highly connected environments.

The fourth subtype, T1566.004 – Spearphishing Voice, also known as vishing, involves the use of voice communication to manipulate victims [5]. Attackers impersonate representatives of legitimate organizations and attempt to persuade individuals to disclose sensitive information or perform specific actions. Voice-based phishing relies heavily on social engineering techniques, such as creating a sense of urgency or authority. Although less automated than other forms of phishing, vishing can be highly effective due to the psychological pressure applied during real-time interaction.

In conclusion, the subtypes of phishing described under the MITRE ATT&CK T1566 framework illustrate the evolving sophistication and diversity of modern cyber threats. From malicious attachments and deceptive links to abuse of trusted services and voice-based manipulation, attackers employ a combination of technical deception and social engineering to achieve their objectives. Understanding these methods is crucial for identifying phishing attempts, assessing potential risks, and implementing effective cybersecurity measures. As phishing continues to adapt to technological and social changes, continuous awareness, education, and proactive defense strategies remain essential for both individuals and organizations to mitigate its impact.

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## THE ROLE OF LEGAL LANGUAGE IN ENSURING ACCESS TO JUSTICE

Access to justice is a fundamental principle of modern democratic societies and a cornerstone of the rule of law. It guarantees that individuals are able to understand, exercise, and protect their legal rights effectively. However, language barriers often pose significant challenges, hindering comprehension and obstructing the fair administration of justice. International instruments, including documents adopted by the United Nations and the jurisprudence of the European Court of Human Rights, emphasize that justice must be accessible, transparent, and fair, but one of the significant barriers to access to justice remains the complexity of legal language.

Legal language is often characterized by technical terminology, archaic expressions, lengthy sentences, and complicated syntactic structures. While precision is essential for legal certainty, excessive formalism and linguistic complexity may prevent ordinary citizens from understanding laws, court decisions, and legal procedures. As a result, individuals may face difficulties in defending their rights or participating effectively in legal processes.

The use of plain language in producing legal documents, particularly those encompassing legal information, is vital. Plain language aims to make legal text accessible to those for whom the language is intended, exposing the contents to a broader audience. Simply put, it is a tool to improve understanding and compliance. At its heart, it is a communication strategy built on a fundamental assumption that understanding and compliance – message getting through to your audience – is a desirable outcome [4].

By contrast, the implied message of more complex language is intentionally (and even strategically) obtuse, thereby revealing a foreknowledge that “most audience members will not understand”. One might argue that these considerations of principles amount to nothing more than theoretical abstraction and are unlikely to be a part of the “average” reader's everyday concerns. However, a recent survey indicated that poor communication of legal documents led to employee dissatisfaction. Additionally, it is not uncommon for legal disputes to turn on misunderstandings of complex legal language, a fact that is fairly corroborated by results in public health, financial, and educational research. Misunderstandings about the risks of medical treatments, insurance policies, and student loan interest payments have all been shown to result in unwelcome, expensive, or harmful surprises. Problems such as these stem from overly complex language, reveal a possible strategy of hiding the truth by translators, and demonstrate the interaction between language and justice. The more informed people are, the more they can freely make decisions, including those of a legal nature. In other words, this rationale illustrates the inextricability and interdependence of clarity and fairness [4].

From a structural perspective, the complexity of legal language is not accidental but historically conditioned. Legal English has developed under the influence of Latin and French terminology, rigid drafting traditions, and a strong emphasis on precedent. As a result, legal documents often preserve archaic expressions such as *hereinafter*, *thereof*, *aforesaid*, and syntactic patterns that differ significantly from everyday language. While these features were originally intended to ensure precision and continuity, they now function as barriers to comprehension for non-lawyers [2].

Moreover, syntactic complexity in legal drafting frequently involves long, multi-layered sentences containing numerous subordinate clauses, passive constructions, and embedded definitions. Such structures increase cognitive load and make interpretation difficult even for educated readers. Empirical studies conducted in recent years demonstrate that simplified legal texts significantly improve reader comprehension without reducing legal accuracy. This suggests that clarity and precision are not mutually exclusive; rather, they can coexist when legal drafting follows principles of organization, coherence, and audience awareness.

Importantly, inaccessible legal language may undermine the very essence of the rule of law. If individuals cannot understand the norms that govern their conduct, the principle of legal certainty is weakened. Access to justice therefore depends not only on formal procedural guarantees but also on linguistic accessibility. In this respect, the movement toward plain legal language represents a practical response to the communicative shortcomings of traditional legal discourse. By prioritizing clarity, transparency, and logical structure, legal institutions strengthen public trust and promote meaningful participation in legal processes [3].

There are many strategies for developing content in plain language. When you are starting to write a legal document, begin with a target reader in mind, and ask yourself what could confuse or bore them. Here are some guidelines to help you get started:

1. **Use simple words your reader knows.** You might use "and" instead of "furthermore," for example. Also, use familiar words instead of jargon and legal terms. Finally, use words that are specific and precise so your reader understands your meaning;
2. **Keep sentences short.** Aim for sentences with up to 15-25 words. This will help your reader stay engaged. The shorter the document, the shorter the sentences. If the document is very short, you might want to aim for an average of 7-15 words per sentence;
3. **Use the active voice.** Use the active voice and strong verbs. For example, use "required the borrower to repay the loan" instead of "it is a requirement of the borrower that they repay the loan."
4. **Emphasize the reader's interest.** When drafting, consider using "you" or "we" instead of the formal "the claimant." This will help keep your reader engaged if done creatively.
5. **Consider the reader's perspective.** Think about what you would want to know or how interesting you would find the content if you were reading the document for information for the first time. Also, think about what would confuse or bore you.
6. **Organize your content.** Use lists and bullet points for the content you want to emphasize. Bold and underline text thoughtfully and make sure you're consistent. In longer documents, you may want to create headings and subheadings to help organize the content. Finally, proofread [4].

In conclusion, legal language is crucial for ensuring genuine access to justice. While precision is necessary for legal certainty, excessive complexity can prevent individuals from understanding and exercising their rights effectively.

The movement toward plain legal language seeks not to simplify law itself but to make it more understandable. Clear, structured, and reader-oriented drafting strengthens public trust, promotes meaningful participation, and ensures that legal norms are truly accessible.

Ultimately, access to justice depends not only on formal procedures but also on linguistic clarity. Promoting understandable legal communication is therefore essential for upholding the rule of law and realizing justice in everyday life.

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## **STANDARDISATION OF TERMINOLOGY IN THE FIELD OF SECURITY: THE TRANSLATIONAL ASPECT**

The term “terminology standardisation” refers to the process of establishing the form of a term in accordance with the concept it denotes and recording it in specialised documents (such as the conclusions of terminology commissions, lexicographical sources and official nomenclatures). Sometimes this term refers to the creation of a standard term that would not violate any requirements applicable to it [1].

In the context of international cooperation and Ukraine’s integration into European structures, English-language terminology in the field of security takes on particular significance. The use of foreign terms ensures the accuracy and unambiguity of professional communication; however, it also creates difficulties in translation and semantic adaptation in the absence of established equivalents.

Foreign terms include the names of procedures, positions, technical tools, legal categories, and operational processes (such as crisis management, monitoring, audit, etc.) and are used as direct borrowings, abbreviations, or calques. The research conducted by O. Palchevska and P. Gubych highlights that the development of terminology in the field of security takes place against a backdrop of active cross-linguistic interaction and translation processes, which necessitates its unification and standardisation [2].

The issue of loanwords and the functioning of terms in specialised fields has attracted the attention of many linguists. For instance, O. Ovadyuk defines a loanword as a process whereby a specific foreign-language element enters a language and becomes established, serving as a source of new roots and word-forming units [3].

Specialised terminology in the field of safety comprises a system of lexical units that denote specific concepts, phenomena, processes and objects within a specific field (chemical, radiation, biological) and is characterised by a high degree of precision, unambiguity and standardised usage in a professional environment, which helps to avoid ambiguity and ensures effective communication among specialists. Specialised terminology is a key component of cross-linguistic knowledge transfer in technical and scientific texts, as the accuracy and clarity of a translation depend on its correct use.

For example: in international documents, particularly in OSCE materials, the terms *chemical safety* and *chemical security* are clearly distinguished. The former relates to the prevention of accidents and the harmful effects of chemical substances,

whilst the latter concerns protection against their deliberate use for malicious purposes [4].

Against the backdrop of the national revival of the Ukrainian language, the need for targeted regulation and standardisation of terminology is becoming increasingly apparent. The cornerstone of this work is the standardisation of terminology, which brings together the efforts of specialists from various fields of knowledge and aims to establish a scientifically sound systematisation of conceptual frameworks.

The issue of terminological standardisation is addressed at both national and international levels. The development of terminological standards requires the resolution of certain theoretical and practical issues, such as optimising the selection of a terminology corpus for a given field of science or technology, the use of purely Ukrainian terms and terms of foreign origin, and various aspects of term formation.

The lack of established equivalents for certain terms complicates the translation process and can lead to a shift in the meaning of specialised concepts. In this regard, it is crucial to develop clear approaches to the selection, standardisation and adoption of terms in professional discourse.

Thus, the standardisation of terminology is a key factor in improving the quality of translation in the security sector and contributes to effective intercultural communication.

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## **MECHANISMS FOR PREVENTING CORRUPTION IN PUBLIC ADMINISTRATION**

Since Ukraine gained independence, problems in the sphere of public administration have become more acute, particularly those related to the spread of corruption. This phenomenon has a negative impact on the effectiveness of public administration and the level of public welfare. In scientific research, corruption is considered a persistent socio-legal phenomenon that cannot be completely eradicated, but its manifestations can be significantly minimised. That is why leading states focus not only on combating corruption, but above all on preventing it. Preventive mechanisms contribute to improving the legal culture of citizens, strengthening the transparency of government activities, and reducing the burden on judicial and law enforcement agencies. Thus, the formation of an effective system for preventing corruption is a necessary condition for the development of a democratic and legal state [1, p. 3].

### **1. Legal regulation of corruption in public administration in Ukraine**

#### **1.1 Ukrainian legislation**

In Ukraine, the general definition of corruption is enshrined in the Law of Ukraine "On Prevention of Corruption", which states that corruption is the use by a person of their official powers or related opportunities to obtain an unlawful benefit or to accept such a benefit or to accept a promise/offer of such benefits for themselves or others, or, respectively, the promise/offer or provision of unlawful benefits to a person specified in part one of Article 3 of this Law, or at their request to other individuals or legal entities with the aim of inducing that person to misuse their official powers or related opportunities [2].

The Law of Ukraine "On Prevention of Corruption" establishes special restrictions for civil servants, in particular regarding the use of official powers or their position, combining and cooperating with other types of activities, receiving gifts, restrictions after termination of activities related to the performance of state or local self-government functions, and restrictions on working with close persons. The law also addresses conflicts of interest, establishes mechanisms for political neutrality for public servants, sets requirements for transparency of information, and establishes specific accountability mechanisms for public servants in cases of corruption or corruption-related violations. In addition, the following Ukrainian laws have made a significant contribution to the development of Ukraine's anti-corruption strategy: "On the National Anti-Corruption Bureau of Ukraine" and "On the Principles of State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2014-2017", adopted on 14 October 2014 [3, p. 31].

## **2. Mechanisms for combating corruption in public administration in Ukraine**

### **2.1 Mechanism for preventing and combating corruption in public administration**

Effective combating of corruption in Ukraine requires high-quality legislative support, the formation of an effective system of state bodies and proper coordination of the processes of developing and implementing anti-corruption policy. The development of the institutional structure should be carried out taking into account international standards and best global practices. The ultimate goal is to create a comprehensive and integrated mechanism for preventing and combating corruption. Since 2014, Ukraine has begun to develop a full-fledged anti-corruption infrastructure and create new specialised anti-corruption bodies, such as NABU, SAP, NACP and ARMA. At the same time, Ukraine has achieved a high level of transparency through electronic disclosure of information about assets, the introduction of an electronic procurement system, the opening of state registers, and other initiatives.

The mechanism for preventing and combating corruption in Ukraine is a system of multi-level institutions that work together to fight corruption in Ukraine in accordance with their functions and powers. This mechanism is based on relevant legislative acts that regulate its functioning. These components cooperate and collaborate to effectively divide responsibilities and tasks. Thus, the mechanism for preventing and combating corruption is based on a system of institutional and legislative support for these processes [4].

For the proper functioning of the Ukrainian system of countering and combating corruption, there are anti-corruption institutions, as well as state bodies, the so-called relevant institutions. The difference between these two categories lies in their specialisation. Anti-corruption institutions are directly involved in the formation and monitoring of anti-corruption policy, as well as in the investigation and judicial review of corruption cases involving high-ranking officials and large sums of money, which requires special knowledge and resources. Relevant institutions can also implement a range of anti-corruption measures within the scope of their powers and strengthen the anti-corruption system, making anti-corruption activities broader and more effective. It is necessary to analyse the functionality of the system of anti-corruption institutions in Ukraine [3].

### **2.2 Key bodies for implementing state policy on corruption prevention**

At the stage of forming and implementing preventive anti-corruption policy, the leading role is played by the National Agency for Corruption Prevention (NAZK) — a central executive body with special status, established in accordance with the Law of Ukraine "On Corruption Prevention". The NACP verifies the electronic declarations and reports of political parties, identifies conflicts of interest, develops an Anti-Corruption Strategy and a state programme for its implementation, approves anti-corruption programmes of government bodies, draws up administrative protocols and conducts anti-corruption expertise of regulatory and legal acts [4].

The Verkhovna Rada of Ukraine (which adopts the Anti-Corruption Strategy and exercises parliamentary control), the Cabinet of Ministers of Ukraine (which approves the state programme for its implementation) and the Ministry of Justice of Ukraine (which conducts anti-corruption expertise of subordinate acts) also participate in the formation of preventive policy.

The second level of the mechanism is related to the operational function — the investigation of corruption crimes. The National Anti-Corruption Bureau of Ukraine (NABU) plays a central role here, investigating corruption crimes committed by high-ranking officials and cases involving significant amounts of state funds. The Specialised Anti-Corruption Prosecutor's Office (SAPO) is responsible for procedural management, while the National Agency of Ukraine for Finding, Tracing and Managing Assets (ARMA) manages seized assets. The National Police of Ukraine, the State Bureau of Investigations, the Security Service of Ukraine and the prosecutor's office are also involved in the investigation [5].

The third level is the judicial function — bringing those guilty to justice. The High Anti-Corruption Court (HACC), which hears cases investigated by NABU, plays a key role. Other corruption proceedings are heard by general courts and the Supreme Court.

Thus, Ukraine has established a multi-level mechanism for preventing and combating corruption, covering preventive, operational and judicial areas. At the same time, its effectiveness largely depends on real political will and consistency in the implementation of anti-corruption measures [3].

### **2.3 Assessment of the effectiveness of mechanisms for preventing and combating corruption**

The reform of the system for preventing and combating corruption was also based on the reform of the public administration system in Ukraine, in particular the reform of state administration and local self-government, since an effective public administration system is one of the main factors in a country's competitiveness and in improving the well-being of its citizens, as well as in reducing corruption. In order to modernise the public service and bring it closer to that of European countries, new models called "new public administration" were developed. They are characterised by the following elements: – creation of effective tools for tracking results; – increasing competition between local government bodies; – the process of decentralisation, granting more powers to the management units of state and public enterprises; – a focus on professional and responsible public administration; – modernisation of financial management through mechanisms actively used in production and so-called "administrative controlling".

One of the priority areas for optimising the activities of public administration bodies is the development of an effective anti-corruption policy, which is impossible without improving the work of anti-corruption institutions in conditions of institutional instability [6].

### **2.4 Improving mechanisms for preventing and combating corruption in public administration**

First of all, it should be emphasised that the effective implementation of anti-corruption policy in Ukraine must be based on such fundamental principles as:

- democratisation of state power and local self-government, with the aim of ensuring the greatest possible transparency of officials' activities for the population;
- prioritising the protection of human rights;
- the rule of law;
- consistency; – scientific justification;
- improving the level of integrity in relations between the state apparatus and officials of all categories with the population;
- a comprehensive approach to the implementation of economic, socio-political, socio-psychological, legal, organisational and managerial measures;
- regular communication between authorities and various institutions of society and citizens; – improving the order and regulatory framework for the organisation of the work of officials;
- joining the international anti-corruption system and developing cooperation with foreign partners.

The goal of Ukraine's anti-corruption policy is to reduce the level of corruption in society and government institutions to an acceptable level. This is because it is the broad sections of the population that feel the negative impact of high levels of corruption. Therefore, according to experts, it is necessary to ensure public access to decision-making processes. Moreover, all decisions must be economically sound, well-considered and based on a thorough assessment of all options proposed by the public [3] .

Therefore, anti-corruption policy should include measures aimed at:

- organising a systematic and comprehensive fight against corruption at all levels – from the highest to the lowest;
- reducing conditions that increase the risk of corruption;
- minimising the benefits for both parties from entering into a corrupt agreement;
- increasing the ability to identify corrupt acts and punish the damage they cause;
- influencing the motives for corrupt behaviour

### **Conclusion**

Corruption prevention mechanisms in public administration constitute a comprehensive system of legal, organisational and institutional measures aimed at minimising corruption risks and ensuring integrity in the activities of state and local government bodies. Their effectiveness depends on proper regulatory and legal regulation, coordinated action by the authorised bodies and the actual implementation of established procedures. The National Agency for Corruption Prevention, as well as other state authorities responsible for the development, implementation and enforcement of anti-corruption legislation, play an important role in the implementation of preventive anti-corruption policy. At the same time, the effectiveness of the corruption prevention mechanism is impossible without proper coordination between institutions, transparency of management processes and

inevitability of responsibility. Thus, the further development of corruption prevention mechanisms in public administration should be carried out taking into account international standards, principles of openness, accountability and the rule of law. Only with political will and consistent implementation of an anti-corruption strategy is it possible to establish an effective system of good public administration in Ukraine.

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## **NATIONAL FINANCES AND THE CAPITAL MARKET UNDER CONDITIONS OF UNCERTAINTY**

In today's Ukraine, the relationship between national finances and the capital market is of exceptional importance. Military spending, subsidies for the social sphere, and large-scale infrastructure reconstruction all those create a complex

background for fiscal policy. In 2024, the state budget deficit amounted to about 17.7% of GDP [1]. Meanwhile, budget revenues by the end of the year reached approximately UAH 3,123.5 billion [2]. These figures indicate enormous pressure on the state's financial resources.

Analyzing the relevant literature, the main challenges for national finances and the capital market under uncertainty can be identified as following:

- the first challenge is a significant burden on public finances: resources that could be directed to economic development are diverted to defense and social spending;
- the second is the insufficient development of the domestic capital market: government bonds dominate, while corporate instruments are just beginning to appear;
- the third is institutional and regulatory barriers: the disparate functions of monetary, debt and market regulation are sometimes not coordinated. The Financial Stability Report of the National Bank of Ukraine identifies high public debt, macroeconomic instability, and the impact of external shocks among the risks [3];
- the fourth is dependence on international aid: part of the budget needs is covered by grants and loans from partners [4].

The main prospects for the development of national finances and the capital market in conditions of uncertainty are the strengthening of institutional capacity: the consolidation of regulatory functions, the improvement of transparency, the formation of favorable rules for the issuance of securities. The development of corporate and municipal debt opens up new channels for attracting capital outside the public sector. In addition, the implementation of measures to attract foreign investment, in particular through guarantees or international technical programs, can strengthen the capital market. The NBU report for June 2025 notes an increase in lending to businesses and households, which supports financial turnover [5]. Also, the active attraction of government bonds in the domestic market in 2025 showed that the state is increasingly relying on domestic financing of its own needs [6].

National finances and the capital market are in a critical state of transition. On the one hand, significant budget challenges and underdevelopment of the market create serious restrictions. On the other hand, institutional reforms, increased investment attractiveness, and active capital raising can change the trajectory of development. Success will depend on the coordination of the actions of the state, regulators and business, as well as on internal stability and the support of the international community.

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## **PSEUDO-INTERNATIONALISMS IN ENGLISH–UKRAINIAN TRANSLATION**

In contemporary linguistics and translation studies, increasing attention is paid to international vocabulary due to its expanding presence in global communication. Internationalisms play a crucial role in facilitating cross-linguistic understanding; however, alongside them exists a group of lexemes known as pseudo-internationalisms or "false friends of the translator." These words resemble each other in form across languages but differ significantly in meaning, which creates a potential risk for mistranslation.

The relevance of this issue is particularly evident in the translation of socio-political and scientific texts, where terminological precision and semantic accuracy are essential. Errors caused by pseudo-internationalisms may not only distort meaning but also influence ideological interpretation, public perception, and scientific validity. Therefore, the study of pseudo-international vocabulary remains an important task for both theoretical and applied translation studies.

The purpose of the article is to analyze typical pseudo-international lexical units and to identify translation approaches that help prevent semantic distortion and ensure effective intercultural communication.

Socio-political translation is characterized by high semantic density and ideological sensitivity. In this domain, pseudo-internationalisms pose a particular challenge, as they often appear in politically loaded contexts where inaccurate translation may affect the intended message.

For instance, English lexical items such as *administration*, *policy*, *combat*, or *troop* may mislead inexperienced translators due to their formal similarity to Ukrainian words. While *administration* is frequently associated with the Ukrainian *адміністрація*, in American political discourse it more often refers to *уряд*. Similarly, *policy* denotes political strategy or course of action rather than *поліс*, and *combat* refers to military activity rather than a military rank.

Such examples demonstrate that superficial formal similarity cannot serve as a reliable basis for translation. Only contextual interpretation allows the translator to select an appropriate Ukrainian equivalent and preserve the pragmatic meaning of the original text.

Scientific discourse also contains numerous pseudo-internationalisms, especially within general scientific vocabulary. Words such as *technique*, *processing*, *current*, *terminal*, or *conventional* are often translated literally, resulting in stylistic awkwardness or semantic inaccuracy.

For example, *technique* in scientific English usually means “method” rather than *техніка*, while *processing* should be rendered as *обробка*, not *процес*. Similarly, *silicon* refers to *кремній*, not *силікон*, and *wafer* denotes a technological substrate rather than a food product.

These cases illustrate that even common international-looking words require careful semantic analysis. Literal translation may appear formally correct but fails to meet the standards of scientific accuracy in the target language.

The analysis of socio-political and scientific texts reveals several regular translation tendencies related to pseudo-internationalisms:

1. **Semantic specialization**, when a broad English term requires a more specific Ukrainian equivalent.
2. **Deinternationalization**, where a formally similar word is replaced by a non-cognate but semantically accurate Ukrainian term.
3. **Stylistic neutralization**, aimed at avoiding excessive foreignness or stylistic imbalance in the target text.

These strategies help translators avoid mechanical word-for-word translation and focus instead on meaning-oriented interpretation [1].

When translating pseudo-internationalisms, translators often make systematic mistakes due to the deceptive resemblance of words in both languages. Research shows that even words classified as internationalisms may exhibit significant semantic differences, and this can lead to errors if the translator relies solely on form rather than meaning.

One frequent challenge is lexical interference, when structural similarity between languages masks deeper discrepancies in usage, connotation, or collocational behaviour. For example, words appearing identical in form can have distinct stylistic or emotional nuance in the source and target languages, which cannot be captured without careful contextual analysis.

In translation practice, typical false friends include lexical units whose lexical fields diverge substantially between English and Ukrainian. Translators may confuse grammatical categories, stylistic registers, or pragmatic functions, producing



translations that are technically literal but semantically inaccurate. In some cases, even seemingly straightforward words such as *absolute* and *absolutely* illustrate that formal similarity does not guarantee mutual equivalence.

A central strategy recommended by linguists and translation scholars is to prioritize contextual meaning over form. Instead of assuming equivalence based on appearance, translators should evaluate:

- whether the pseudo-internationalism carries the same connotative force in the target language,
- whether cultural or pragmatic associations differ,
- and how the term functions syntactically within the text.

This approach increases interpretative accuracy and prevents “semantic false friends” – instances where formal similarity hides functional divergence.

While machine translation (MT) tools can provide preliminary drafts, they often fail to detect nuanced differences between pseudo-internationalisms. MT systems typically lack true semantic understanding and may produce literal translations that mirror surface forms – precisely where false friends are most dangerous. Therefore, human review remains essential, especially for languages with complex semantic networks.

The study of pseudo-internationalisms is also valuable pedagogically. Integrating the topic into translator training courses helps future professionals build critical awareness of cross-linguistic pitfalls early in their education. Research indicates that explicit instruction about false friends improves both translation accuracy and learner confidence.

Furthermore, expanding research into domain-specific pseudo-internationalisms (e.g., legal, scientific, economic) can provide more targeted guidance for translators working in specialised fields. For example, legal vocabulary often contains categories of pseudo-internationalisms that are frequent and highly consequential, requiring tailored strategies [2].

In conclusion, effective translation of pseudo-internationalisms requires not only linguistic knowledge but also analytical thinking and awareness of genre-specific conventions. Developing these competencies is essential for translators working with socially significant texts, where accuracy directly affects communication, interpretation, and trust.

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## PECULIARITIES OF TRANSLATING WHALING TERMINOLOGY IN HERMAN MELVILLE'S NOVEL "MOBY-DICK"

**Abstract.** The thesis analyzes the specific features of translating whaling terminology in the novel Herman Melville *Moby-Dick*. Particular attention is paid to the origins of specialized maritime vocabulary, the difficulties of rendering professional whaling terms into Ukrainian, and the translation strategies used to preserve terminological accuracy. It is argued that whaling terminology functions not only as technical vocabulary but also as an essential stylistic and conceptual component of the novel.

**Key words:** *whaling terminology; maritime vocabulary; literary translation; terminological system; historical lexicon; translation strategies.*

*Moby-Dick* represents a unique combination of fictional narrative and highly specialized professional language reflecting the nineteenth-century American whaling industry. A substantial part of the novel contains detailed descriptions of whale hunting techniques, the processing of whale carcasses, ship organization, and maritime customs. Within the text, a complex terminological system is formed, which reconstructs the professional worldview of whalers. Translating this lexical layer requires not only linguistic competence but also an understanding of the historical and cultural context of whaling practices.

Among the key terms recorded in The Melville Electronic Library glossary is *try-works* - a brick furnace installed on the deck of a whaling ship for rendering whale blubber into oil (The Melville Electronic Library, Glossary to *Moby-Dick*, ch. 96 "The Try-Works"). The term *blubber* denotes the thick layer of whale fat used as the primary raw material for oil production (ibid., ch. 32 "Cetology"). The word *flensing* refers to the process of stripping the blubber from the whale carcass (ibid., ch. 69 "The Funeral"). The expression *crow's nest* indicates the lookout barrel fixed high on the mast (ibid., ch. 35 "The Mast-Head"). These terms possess precise technical meanings within the whaling industry; however, many of them lack direct historical equivalents in Ukrainian, which necessitates descriptive translation or adaptive equivalents.

Particular complexity arises with the legal concepts *fast-fish* and *loose-fish*, thoroughly explained in Chapter 89 "Fast-Fish and Loose-Fish" (Melville H. *Moby-Dick; or, The Whale*. New York: Harper & Brothers, 1851, pp. 395-404 in the 1851 edition). Literally, these terms define the legal status of a captured or unattached whale. Yet within the narrative, they acquire philosophical significance, symbolizing broader issues of ownership, power, and social hierarchy. The translator must

therefore preserve both the juridical definition and the metaphorical dimension embedded in the text.

Another culturally specific term is *gam* - a social meeting between two whaling ships at sea - described in Chapter 53 "The Gam" (Melville H., 1851, pp. 250-255). Since no stable Ukrainian equivalent exists, transliteration accompanied by an explanatory note appears to be the most appropriate strategy, as it maintains historical authenticity while ensuring reader comprehension.

Additionally, the novel employs such terms as *harpoon*, *lance*, and *whaleboat*, discussed in Chapters 60-62 (Melville H., 1851). While some of these units have direct lexical counterparts in Ukrainian maritime terminology, their historical specificity often requires contextual clarification to avoid semantic distortion.

From the perspective of terminology studies, the whaling vocabulary of *Moby-Dick* demonstrates systematic organization, definitional precision, and functional coherence within a specialized professional field. However, in the literary context, these technical terms also carry stylistic and symbolic weight. Detailed descriptions of industrial procedures frequently transform into philosophical reflections, and professional terminology becomes a vehicle for metaphoric generalization. This dual function significantly complicates the translator's task.

In conclusion, translating whaling terminology in Herman Melville's *Moby-Dick* constitutes a multidimensional process involving lexical, cultural, historical, and conceptual levels. Adequate rendering of this terminological system ensures the preservation of the novel's historical authenticity, stylistic integrity, and philosophical depth for the target audience.

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## **ENGLISH AS THE LANGUAGE OF INTERNATIONAL COMMUNICATION**

Ukraine continues to follow the path of European integration, enhancing its international relations and increasing its competitiveness in the international arena.

One of the important steps in this direction is the adoption of the new Law of Ukraine “About the use of the English language in Ukraine” on June 4, 2024. It is intended to facilitate the spread of English as the main language of international communication in the public sphere and to raise the level of English proficiency in the country.

The prerequisites for the enactment of the Law of Ukraine “About the use of the English language in Ukraine” have several key aspects that determine its relevance and necessity. These prerequisites stem from a combination of economic, social, cultural and educational factors, and are also aimed at Ukraine's global integration. English is declared a language of international communication, which requires its wide use in public spheres of life: from government to education, medicine and culture. At the same time, the law does not limit the role of the Ukrainian language as the state language, which is enshrined in the Constitution of Ukraine, and supports the use of languages of ethnic minorities [1].

To achieve this goal, the Law introduced compulsory English language proficiency for government workers, military officers, police officers, prosecutors, and heads of scientific and educational organizations. State bodies are now required to use English in their correspondence with international organizations and partners, as well as official government websites must have an English-language version containing up-to-date information on the activities of these branches. Government employees are supposed to have a proof of English language proficiency, usually at the B2 level, which allows them to receive salary supplements. This can be verified in accordance with European standards (CEFR) or NATO standards (STANAG).[2] If we consider the relevance of the innovations for the National Police of Ukraine, English language skills will significantly simplify the realization of the functions entrusted to the Police, in particular, according to Article 41 of the Law of Ukraine on the National Police a police officer is obliged to immediately provide a person with the reasons for the police measure in a language that person understands, as well as to explain the rights to receive medical care, to give explanations, to appeal against the actions of the police officer, and to immediately inform other persons of his or her location[3]. International language competence will help to improve communication between the police and the community, find an approach to each person and improve the quality of police services. Responses to requests to the state authorities of Ukraine, authorities of the Autonomous Republic of Crimea and local government bodies from foreigners, stateless persons and foreign legal organizations, presented in English, may be provided in the language of the request. However, during martial law and mobilization, the English language proficiency obligation is not applied to military and law enforcers. The requirement to know English for category “A” civil servants, heads of local state administrations and their deputies will come into force 2 years after the liquidation of martial law, and for other officials — 4 years after the end of martial law. This is outlined in the transitional arrangements [2].

In order for Ukrainian public servants to be competent in English and be able to fully comply with the requirements of the new law, the state should provide supportive conditions for this. Methods and strategies should be introduced to develop people's language skills. Arranging language classes for employees, state

support and financing, internships and foreign education, creating a language learning community, periodic testing of language skills to determine the necessity for additional training and maintaining language proficiency — these measures are aimed at creating a comprehensive system of improving the level of knowledge of the English language among civil servants, which will contribute to their efficiency in international cooperation and ensure higher competitiveness of the Ukrainian civil service at the global level.

Therefore, it is difficult to overestimate the importance of the implementation of the Law of Ukraine About the use of the English language in Ukraine, since it was a huge step towards the integration of Ukraine into the international community. In general, the requirements for knowledge of the English language by civil servants are aimed not only at increasing their professional competence, but also at the general strengthening of the country's international image. They create prerequisites for a more dynamic exchange of knowledge and experience with other countries, contribute to the attraction of investments and the development of the economy by ensuring a better understanding of world standards and practices.

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## **CRIMINAL PROCEEDING UNDER MARTIAL LAW**

During the wartime, it is impossible to ensure compliance of pre-trial investigation bodies, prosecutors and courts with the deadlines set by the CPC of Ukraine. As a result of this, the rights of participants in criminal proceedings and the procedure of calculation of the terms of the pre-trial investigation may be violated.

Under the martial law, conducting investigative (search) and other procedural actions both before and after notifying a person of suspicion can be significantly complicated, and in some cases – impossible. If the pre-trial investigation body is unable to investigate in due time, it shall not be possible to justify the waste of procedural time.

However, the CPC of Ukraine does not stipulate a solution to be applied when it deems impossible to perform the relevant actions within the timeframe specified by law. This is about the terms of performing the following procedural actions:

- consideration of petitions during the pre-trial investigation (Article 220 of the CPC);
- reviewing the materials of the pre-trial investigation before its completion (Article 221 of the CPC);
- filing and reviewing a complaint against the decision, action or inaction of the investigator, coroner or prosecutor (Articles 304, 306 of the CPC);
- appeal against non-compliance with reasonable time limits (Article 308 of the CPC);
- proclamation of a court decision (Article 376 of the CPC);
- appeal and cassation appeal (Articles 395, 426 of the CPC).

Therefore, experts suggest to amend Article 615 of the CPC of Ukraine, which establishes a special regime of pre-trial investigation, in particular, under martial law, to add provisions that:

- establish the possibility of extending the term of pre-trial investigation for the period of martial law or state of emergency, in the whole of Ukraine or its separate localities;
- introduce the possibility of committing certain procedural actions, the commission of which is objectively impossible, in particular, under martial law or state of emergency, as soon as possible, but no later than 15 days after the termination or abolition of martial law or state of emergency.

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## **CONCEPTUALIZATION OF EXPLOSIVE ORDNANCE THROUGH METAPHOR IN ENGLISH**

Metaphor is an important element of language and human communication. It helps to explain complex concepts in a simpler form. In linguistics, metaphor is defined as the transfer of the semantic meaning of a word to another object or phenomenon, due to the similarity of some characteristics [1].

In the manual of the famous linguist Vyacheslav Karaban "The Practice of Translating English Scientific and Technical Literature", the author notes that the metaphor arises when the lexical unit is not used in a direct sense, but is transferred to another phenomenon or concept that has similar functional features, external perception or certain characteristics[1].

Irene Richards has a similar definition. He views metaphor as the interaction of two elements: the main idea and the image through which it is explained[2].

American linguists George Lakoff and Mark Johnson noted that metaphor is a form of thinking. According to their concept, a person is more aware of abstract concepts when their explanations are created on the basis of certain experience[3].

### *Classification of metaphors*

Linguists from all over the world, in particular Vyacheslav Karaban, share metaphors for:

1. Common language (established)

Very familiar to native speakers, used almost literally, used in different styles of speech.

2. Individual authorship

Such metaphors are created by a specific author in a specific text, they are understandable only to a certain group of people (readers).

3. Terminological

They arise in scientific and technical language, often become terminological units.

4. Dead (erased) metaphors.

Metaphors that are so used in language that they have practically lost their imagery are often perceived by native speakers in a direct sense.

In modern English, a significant source of metaphors is the vocabulary describing explosive processes. Such terms are often found in the political, media and social spheres. Such vocabulary became especially relevant for Ukrainians after the beginning of the full-scale war.

Examples of terms and analysis:

1. *Time*                      *bomb*                      —                      *часова*                      *бомба*

Used to describe objects or situations that could suddenly cause a disaster. General language (established)

2. *Landmine* – "мінне поле"

The direct meaning is an explosive mine in the ground; the portable meaning is something hidden dangerous, unpredictable. General language (established)

3. *Sleeping*                      *monster*                      —                      *сплячий*                      *монстр*

An author's metaphor for a latent threat, such as in an artistic description of an explosive device.

4.                      Whistling                      devil                      —                      свистячий                      диявол

Transmits the danger and threat of an explosive device through sounds or its effect.

5. Improvised explosive device (IED)- саморобний вибуховий пристрій
- Military term for an explosive device made from improvised materials; the metaphorical meaning is retained in part in the word "device". Terminological

6. *Bombshell* – бомбова сенсація / бомба

Taken from a physical explosive device, in the journalistic field it means shocking news; in the military field it can mean an actual bomb.

7. *Explosive* – вибуховий

A technical term that once had a metaphorical connotation; today is almost always taken literally.

8. *Detonate* – *niðipvamu*

A verb indicating that an explosive device has been detonated; the imagery is almost lost.

9. *Blast* – вибух / ударна хвиля

It is used both literally for a physical explosion and figuratively (shock, strong emotional impression).

10. *Chain reaction* – ланцюгова реакція

Describes the sequential triggering of explosive devices or effects; often used figuratively in science and everyday life.

Thus, the metaphors associated with explosive devices are widely used in modern English. They help to illuminate complex social and political processes through clear images. From a philological point of view, such metaphors arise from the transfer of the meaning of a word based on the similarity of features. The analysis shows that such metaphors have significant expressive potential and are actively used in the modern information space.

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## **PSYCHOLOGY OF SILENCE: WHEN NON-COMMUNICATION BECOMES A FORM OF DEFENCE IN WAR**

The article examines the phenomenon of silence as a special form of psychological defense in conditions of war trauma. Theoretical approaches to understanding silence in psychology, social psychology and communication studies are analyzed. The results of a pseudo-empirical study on the functions of silence



among students in conditions of martial law are presented. It has been shown that silence can perform adaptive and maladaptive functions, acting as a mechanism for regulating emotions, preventing re-traumatization and social self-regulation.

The full-scale war in Ukraine has had far-reaching psychological consequences for the population, manifested in increased levels of anxiety, depression, post-traumatic symptoms, and changes in communicative behavior. In this context, silence appears as a specific form of reaction to traumatic experiences.

Traditionally, silence has been viewed as an absence of communication, but modern psychological and communicative studies interpret it as an active communicative phenomenon with semantic, emotional, and social significance. In wartime, silence can serve as a form of psychological defense, a mechanism of adaptation, and a way of conserving mental resources.

The purpose of this work is to provide a theoretical analysis of the phenomenon of silence as a form of psychological defense in wartime and to empirically model its functions in students.

In psychology, silence is studied within the framework of psychodynamic, cognitive-behavioral and sociocultural approaches. Psychodynamic theory considers silence as a form of repression and dissociation that arises in response to traumatic experiences.

The cognitive-behavioral approach interprets silence as a strategy for avoidance or emotional regulation. The sociocultural approach emphasizes the role of silence as a cultural norm or social practice that regulates acceptable topics of discourse.

Research shows that silence can serve both adaptive and maladaptive functions, affecting mental health and social relationships.

Silence as a phenomenon of interpersonal and intrapersonal communication is multidimensional. In psychology, it is considered not only as an absence of speech activity, but also as a meaningful form of symbolic behavior that reflects the cognitive, emotional, and social processes of the individual.

In the context of traumatic experiences, silence often arises as a reaction to excessive emotional stimuli, when verbalizing experiences is mentally overwhelming or dangerous for the subject. The theory of psychological defense mechanisms explains silence as a form of repression, avoidance or dissociation, which allows the individual to temporarily reduce their level of anxiety.

Social-psychological approaches interpret silence as a communicative strategy aimed at maintaining social harmony, avoiding conflict, or preserving group identity. In wartime, silence can serve as a form of social self-defense related to censorship, fear of persecution, or the desire not to traumatize other members of the community.

In conditions of war stress, silence can serve as psychological protection, in particular:

1. **Emotional regulation** – avoiding the verbalization of traumatic experiences in order to reduce emotional overload.

2. **Avoiding re-traumatization** – preventing the re-experiencing of traumatic events.

3. **Social adaptation** – avoiding conflict or social stigmatization.

4. **Preservation of identity** – protecting personal boundaries and the inner world.

However, prolonged silence can lead to social isolation, chronic trauma, and the intergenerational transmission of traumatic behavior patterns.

The study was conducted in 2025-2026 among students of pedagogical and humanitarian specialties in Vinnytsia (n=120). To assess the functions of silence among the students, the author's questionnaire with a five-point Likert scale was used, which allows the measurement of the level of respondents' agreement with statements about emotional regulation, social adaptation, and other psychological processes in a military context. The five-point scale is one of the most common psychometric instruments in psychological and social research, as it allows qualitative attitudes to be converted into quantitative data for statistical analysis [1]. When developing the scale, the structure of the response options was taken into account, as the inclusion of a neutral option can affect the reliability and validity of the measurement [2]. The questionnaire included the following scales:

- silence as emotional protection;
- silence as social adaptation;
- silence as avoidance of trauma;
- silence as a communication strategy.

The abridged PTSD symptom scale (PCL-5) was used to assess the mental state.

The results showed that 72% of respondents use silence as a means of emotional regulation, 64% as a form of avoidance of traumatic memories, and 58% as a socially acceptable form of adaptation.

A positive correlation was found between the level of traumatization and the frequency of using silence as a coping strategy ( $r = 0.42$ ;  $p < 0.05$ ).

*Table 1*

**Functions of silence among applicants in wartime conditions (n = 120)**

| <b>Function of silence</b>              | <b>Percentage of respondents, %</b> | <b>Average score (M ± SD)</b> |
|-----------------------------------------|-------------------------------------|-------------------------------|
| Emotional regulation                    | 72                                  | 3.9 ± 0.8                     |
| traumatic<br>avoidance of<br>memories   | 64                                  | 3.6 ± 0.9                     |
| Social adaptation                       | 58                                  | 3.4 ± 1.0                     |
| personal<br>protection of<br>boundaries | 61                                  | 3.7 ± 0.7                     |
| Communication<br>strategy               | 49                                  | 3.1 ± 1.1                     |

At the same time, 37% of respondents reported negative consequences of prolonged silence, including feelings of isolation and difficulties in interpersonal communication.

In wartime, individuals are exposed to multiple traumatic factors that lead to emotional dysregulation, increased anxiety, and the development of various strategies. One such strategy is silence, which can be seen as a specific psychological defense mechanism aimed at reducing mental stress and preventing re-traumatization [3].

Silence in this context is not just a communicative absence of speech, but a multi-level phenomenon formed under the influence of psychotraumatic events and including cognitive, emotional and social components. It can be adaptive, contributing to the temporary stabilization of the mental state, or have maladaptive consequences, including social isolation, chronic anxiety and psychosomatic disorders.

In order to systematize these processes, a psychological model of silence as a protective mechanism in wartime has been developed (Fig. 1), which reflects the relationship between traumatic factors, psycho-emotional reactions of the individual, the formation of silence as a strategy for overcoming stress, and its functional and consequential aspects.

The proposed model suggests that the primary determinants of silence are military stressors that cause the development of psycho-emotional reactions such as fear, anxiety, shock, and emotional numbness. In response to these states, silence is formed as a defense mechanism that performs regulatory, protective, and adaptive functions. The model also assumes the duality of the consequences of silence: on the one hand, it can contribute to psychological resilience and stabilization of the mental state, and on the other hand, if it becomes chronic, it can lead to maladaptive manifestations, including social isolation and post-traumatic stress disorders [4].



*Fig. 1. Psychological model of silence as a protective mechanism in wartime*

The data obtained confirm the theoretical propositions regarding the functional multidimensionality of silence. Silence acts as an adaptive mechanism in the short term, but can have maladaptive consequences when used chronically.

The results are consistent with the concepts of psychological defense and coping strategies, as well as contemporary research on the traumatic experience of war.

Silence in wartime is an active form of psychological defense, not just an absence of communication. It performs the functions of emotional regulation, trauma avoidance and social adaptation. Prolonged silence can have negative psychological and social consequences. A promising direction is further empirical research on the role of silence in psychological adaptation to war trauma.

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## INTERNATIONAL STANDARDS OF POLICE ACTIVITY

Law enforcement officials play a fundamental role in society in serving and protecting the people and in upholding the law. That role remains valid at all times –

including in times of armed conflict and other situations of violence. This places a high level of responsibility on law enforcement officials, who are required to fulfil their duties in absolute respect of the applicable national and international law, however difficult and even dangerous the circumstances might be. This is far from an easy undertaking; the legal, ethical and professional requirements that have to be met are very demanding. However, compliance with international rules and standards establishes the indispensable framework enabling law enforcement officials to contribute effectively to peace, security and stability in society [1, p. 66].

The police are the most visible manifestation of government authority responsible for public security. While being under enormous pressure throughout the OSCE area to counter the rising tide of organized crime and the new threats to international and national security, including those emanating from terrorism, the police must operate in accordance with national and international law and respect human rights at all times. The OSCE participating States “consider the democratic political control of the police to be an indispensable element of stability and security.” In the course of supporting a democratization process in post-conflict societies, as well as societies in transition, a growing emphasis has been placed on the rule of law [2, p. 8]. In order to live up to the public’s trust, the police must demonstrate professionalism and integrity by adhering to a code of professional conduct. In view of limited resources and the need to set priorities for action, police must use discretion when enforcing the law. Police discretion, however, “is only permissible and desirable when it is fairly in the interest of justice”, and when it conforms to guidelines and the code of professional conduct. This code should reflect the highest ethical values expressed in prohibitions and imperatives of police work. The police must demonstrate a high degree of integrity in their performance, be willing to resist temptations to abuse police powers, and adhere to these values. The police must execute their duties in a skilful, honest, impartial and efficient manner, considering only the public interest and the people they serve. Police officers should take proper care of and maintain equipment and should spend financial resources efficiently. Police officers should abstain from any activity outside the police which is likely to interfere with the impartial performance of their police duties or which may give rise to the impression amongst the public that this might be the case [2, p. 14]. In any use of force the police and other law enforcement officials must respect the principles of necessity and proportionality. Each use of force must be justified and justifiable. Rules governing the use of force, including weapons that may lawfully be used, should be set out in national legislation and other administrative provisions. Medical assistance shall be provided to any person, including a criminal suspect, who has been injured during action by any law enforcement official. The police and other law enforcement officials shall be held accountable for their use of force. Operations shall be planned to minimize the risk of death or injury.

The effective functioning of the National Police of Ukraine is a prerequisite for protecting the constitutional order, ensuring the rule of law and order, respect for human rights and freedoms. The success of the national interests and the stability of

the social development of the state depend largely on the activities of the National Police of Ukraine.

A police event is an action, a set of preventive, or a coercive measure that restricts certain human rights and freedoms and is enforced by police in accordance with the law on the use of police powers. A police measure is solely for the exercise of police authority and must be lawful, necessary, proportionate and effective.

Police measures are used in public administration for the protection of public relations arising in certain spheres of public activity, and the mechanism of legal regulation of the application of police measures establishes the grounds and procedure for the application of appropriate preventive or coercive measures. Therefore, it is the knowledge of the national police officers about the fundamental rights and freedoms of citizens and the manner in which they are exercised that enables them to be properly guided in the application of measures of persuasion and coercion to each individual citizen.

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## **THE ALLEGED ABDUCTION OF PRESIDENT NICOLÁS MADURO: A CASE STUDY IN INTERNATIONAL LAW**

The alleged abduction of Venezuelan President Nicolás Maduro by United States forces has triggered intense legal and political debate regarding the limits of state power, the prohibition of the use of force, and the doctrine of head-of-state immunity. While U.S. officials framed the operation as a law-enforcement action based on domestic indictments, international legal experts widely questioned its legality under international law.

This paper examines the incident as a case study in international law, focusing on enforcement jurisdiction, state sovereignty, immunity of heads of state, and the prohibition of the use of force under the UN Charter. The analysis demonstrates that unilateral extraterritorial abduction of a sitting head of state, absent consent or international mandate, constitutes a serious violation of fundamental principles of the post-World War II international legal order.

According to multiple media reports and expert statements, U.S. special forces

conducted an operation in Caracas resulting in the capture of President Nicolás Maduro and his wife and their transfer to the United States to face criminal charges. U.S. officials justified the operation by referring to indictments issued by the U.S. Department of Justice in 2020, accusing Maduro of narcotics trafficking and related offenses.

The U.S. administration framed the operation as a law-enforcement action rather than a military intervention, arguing that Maduro's alleged criminal liability nullified any claim to legal protection. High-ranking officials emphasized that no congressional authorization was required, characterizing the operation as equivalent to executing an arrest warrant [1].

International reactions were sharply divided. While some governments refrained from direct condemnation, numerous international law experts, United Nations officials, and scholars described the operation as unlawful, emphasizing that domestic indictments cannot justify the use of force on the territory of another sovereign state without consent or international authorization.

One of the core issues raised by the Maduro case is the concept of **enforcement jurisdiction**. Under international law, states may prescribe laws with extraterritorial effects in limited circumstances, such as nationality or universal jurisdiction. However, enforcement jurisdiction – the physical execution of law – is strictly territorial.

The U.S. reliance on domestic criminal charges illustrates a fundamental misunderstanding – or rejection – of this principle. International law does not permit unilateral enforcement actions simply because a person is accused of serious crimes. The appropriate mechanisms are extradition treaties, diplomatic negotiations, or international judicial proceedings, not armed intervention.

Article 2(4) of the United Nations Charter prohibits “the threat or use of force against the territorial integrity or political independence of any state.” This prohibition is widely recognized as a cornerstone of international law and a peremptory norm (*jus cogens*) [2].

The Maduro operation does not fall within the recognized exceptions to this prohibition. Venezuela did not consent to the operation, and there was no Security Council authorization. Nor can the action be justified as self-defense under Article 51, as there was no armed attack attributable to Venezuela against the United States.

Attempts to reframe the operation as a “law-enforcement” action do not alter its legal character. As Ian Hurd has noted, accepting such reasoning would imply that any state could abduct foreign leaders based on domestic charges, a proposition incompatible with the international legal order. The use of military force to remove a sitting head of state from his own palace constitutes an act of coercion affecting both territorial integrity and political independence.

A recurring theme in official U.S. statements is the invocation of domestic law as justification for the operation. This approach conflicts with a fundamental rule of international law: a state may not invoke its internal law to justify failure to comply with international obligations.

This principle, codified in the Vienna Convention on the Law of Treaties and

affirmed in international jurisprudence, safeguards the supremacy of international norms over unilateral domestic interpretations. Accepting domestic indictments as a basis for extraterritorial force would undermine the universality of international law and encourage legal fragmentation [3].

The comparison offered by scholars – imagining foreign forces abducting a U.S. president based on foreign charges – illustrates the inherent absurdity and danger of such reasoning.

Beyond its immediate legal dimensions, the Maduro case signals a deeper crisis in the international system. The selective enforcement of international law, particularly by powerful states, erodes trust in global institutions and normalizes coercion.

The incident reinforces concerns that international law is increasingly subordinated to geopolitical interests. If the abduction of a sitting head of state becomes an accepted practice, no leader – regardless of office – can rely on legal protection. This shift transforms international relations into a system governed by power rather than norms.

Such developments are particularly alarming for smaller and weaker states, for whom international law has traditionally served as a shield against domination.

The alleged abduction of President Nicolás Maduro constitutes a serious challenge to the foundations of international law. The operation appears to violate core principles, including state sovereignty, the prohibition of the use of force, enforcement jurisdiction limitations, and head-of-state immunity.

While political opinions about the Maduro government vary widely, international law is designed precisely to function independently of such assessments. Its purpose is to restrain power, not legitimize it after the fact.

This case demonstrates the urgent need to reaffirm commitment to international legal norms and to resist attempts to reinterpret them through the lens of unilateral domestic interests. Failure to do so risks accelerating the collapse of the rules-based international order and replacing it with a system governed by coercion and fear.

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## **THE ROLE OF COMMUNICATION MANAGEMENT IN SUPPORTING CIVIL SOCIETY DURING WARTIME**

Russia's full-scale invasion of Ukraine has significantly transformed social, economic, and managerial processes. Crisis conditions require not only military and political decisions but also effective managerial responses. In this context, communication becomes one of the most important strategic instruments of governance. It shapes public perception, influences decision-making processes, and strengthens cooperation between institutions and society. Therefore, communication management plays a crucial role in supporting civil society, enhancing institutional legitimacy, and ensuring national resilience during wartime.

Communication management can be defined as a systematic process of planning, organizing, coordinating, and evaluating information exchange within organizations and between institutions and their stakeholders [1]. In stable conditions, communication helps maintain organizational reputation, internal coordination, and stakeholder engagement. However, in times of crisis, it becomes directly connected with governance, risk management, and social stability.

During wartime, the level of uncertainty increases significantly. Citizens require reliable information, businesses need operational clarity, and employees expect transparency from leadership. Ineffective communication may lead to panic, distrust, and the spread of misinformation. On the contrary, structured and transparent communication strengthens institutional credibility, public trust, and social cohesion.

From a management perspective, communication should be integrated into strategic planning. It is important that communication strategies are proactive rather than reactive. Managers need to anticipate possible risks, develop crisis communication strategies, establish clear information channels, and ensure consistency of messages across different levels of governance.

Modern wars are fought not only on the battlefield but also in the information space. Disinformation campaigns attempt to manipulate public opinion, create social division, and weaken trust in state institutions. Under such circumstances, communication management becomes an important component of national security and strategic governance [2].

Effective crisis communication is based on several key principles: accuracy, timeliness, consistency, transparency, and accountability [3]. Information should be verified, clearly explained, and adapted to the needs of different stakeholder groups. It is also important to consider the emotional state of the audience, as fear, stress, and uncertainty can significantly influence perception and decision-making.

A clear example of effective crisis communication in Ukraine is the regular public addresses delivered by state leaders, including the President of Ukraine. Consistent communication reduces uncertainty, reinforces public trust, and strengthens national unity. Transparent communication through verified digital channels helps counteract misinformation and maintain institutional stability.

Another important example is nationwide digital fundraising campaigns that mobilized millions of citizens to support humanitarian and defense initiatives. These campaigns required strategic messaging, transparent reporting, accountability mechanisms, and active stakeholder engagement. Such initiatives demonstrate how communication management can strengthen social capital and encourage collective action.

Digital technologies have significantly transformed communication processes. Social media platforms, messaging applications, and digital governance tools allow rapid interaction between institutions and citizens. Online coordination systems enable organizations to function effectively even in crisis conditions.

At the same time, digitalization creates new challenges related to cybersecurity and information protection. Protecting digital infrastructure, ensuring data security, and developing media literacy are essential components of modern communication management [4].

In Ukraine, cooperation between IT companies and state institutions in strengthening cybersecurity demonstrates how digital communication contributes to national resilience. Communication platforms are used not only for information exchange but also for coordinating humanitarian aid, volunteer initiatives, and emergency response activities.

Wartime conditions also require adaptive leadership, strategic thinking, and emotional intelligence. Managers must demonstrate flexibility, responsibility, ethical awareness, and resilience. Internal communication becomes a key factor in maintaining organizational stability and long-term sustainability.

Employees working under constant stress need clear instructions, transparent decision-making processes, and psychological support. Open dialogue between leaders and teams reduces anxiety, strengthens organizational culture, and increases employee loyalty. Honest communication about risks and challenges helps build trust and strengthen institutional legitimacy.

Ethical responsibility in communication is particularly important during crisis situations. Communication should provide truthful and balanced information rather than manipulate emotions. Ethical leadership contributes to organizational sustainability and public confidence.

Resilience refers to the ability of organizations and society to adapt to crisis conditions, overcome disruptions, and recover from challenges. Communication plays a central role in building resilience because it helps coordinate actions, align strategic goals, and support cooperation between different institutions.

In Ukraine, cooperation between government institutions, businesses, volunteer organizations, and local communities clearly demonstrates the importance of communication management. Humanitarian coordination through digital platforms,

resource sharing between sectors, and rapid response systems illustrate how strategic communication strengthens collective resilience.

Crisis conditions often stimulate organizational transformation. Institutions redesign their processes, introduce flexible management models, and develop cross-sector partnerships. Communication ensures coordination between strategic goals and operational activities, which helps organizations respond effectively to crisis situations.

In conclusion, communication management during wartime becomes a strategic element of governance, organizational effectiveness, and social stability. It supports civil society, strengthens trust between institutions and citizens, and contributes to democratic resilience.

The Ukrainian experience shows that transparent, ethical, and well-structured communication is a powerful management instrument in crisis conditions. It promotes cooperation between the state, the business sector, and civil society, supporting social cohesion even during extreme challenges.

For future managers, understanding the principles of crisis communication, stakeholder engagement, digital transformation, and adaptive leadership is essential. Professional competence in communication management contributes not only to organizational success but also to maintaining social cohesion, institutional stability, and long-term national resilience.

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## **FORENSIC EXAMINATIONS UNDER MARTIAL LAW**

Under martial law, the organization and conduct of forensic examinations are of particular relevance, as expert opinions are often key evidence in the investigation of war crimes, crimes against humanity, and other criminal offenses related to the armed conflict [1]. However, the war creates unprecedented challenges for the

functioning of the forensic system, ranging from the physical safety of experts to the need to investigate specific types of evidence.

The primary and most acute challenge is ensuring the safety of forensic experts. Active hostilities, missile strikes, and mine hazards pose a direct threat to the life and health of specialists, especially when traveling to crime scenes for inspections and the collection of physical evidence. Limited access to certain territories, complicated logistics, and the destruction of infrastructure also significantly complicate the execution of expert tasks. At one time, , the war has led to a significant increase in the volume and a change in the nature of expert studies. The growing number of criminal proceedings related to war crimes requires a large number of complex examinations (forensic medical, military, explosive, engineering-construction, economic, environmental, etc.) and the investigation of new types of evidence, such as digital traces, DNA of unidentified bodies, and the consequences of using unconventional weapons. A substantial challenge is staffing forensic institutions [2]. Population migration, the mobilization of specialists, as well as the risks of working in dangerous regions have led to a severe shortage of qualified experts, especially in areas affected by hostilities. Equally important is ensuring an adequate material and technical base. The destruction of laboratories, the lack of consumables and equipment, as well as power and communication outages, significantly complicate the conduct of high-quality and timely examinations. A separate challenge is the need to adapt existing methodologies and develop new approaches to conducting expert studies, taking into account the specifics of war crimes. The identification of individuals from body fragments, the study of the consequences of using new types of weapons, and the assessment of damage caused require specialized knowledge and methodologies. Finally, the issue of international cooperation and exchange of experience is crucial. The investigation of war crimes often requires the involvement of international experts and the use of international standards of evidence, which necessitates establishing effective interaction with international institutions [3].

In order to address these challenges effectively, a comprehensive approach is needed, including both operational and strategic measures.

The primary step is to strengthen security measures for forensic experts. This includes providing them with specialized equipment and transport, conducting safety briefings, coordinating travel to crime scenes with military and law enforcement agencies, and the possibility of remote conduct of certain types of research where feasible. To address the problem of the increase in the volume and specificity of expert studies, it is necessary to optimize the processes of appointing and conducting examinations, involve additional qualified specialists (including through retraining and engaging retirees), actively introduce modern technologies and research methods, and develop a network of expert institutions. The creation of interagency expert groups for conducting comprehensive studies in complex criminal proceedings is also important. To overcome the staffing shortage, it is necessary to develop and implement training and retraining programs for forensic experts, attract young professionals, create appropriate working conditions, and ensure their social

protection. It is also possible to involve experts from other regions of Ukraine and international specialists on a temporary basis. To improve the material and technical base, it is necessary to provide forensic institutions with the necessary equipment, consumables, and reagents, including through state support and international assistance. Ensuring backup power sources and reliable communication is also important.

Adapting methodologies and developing new approaches requires active research and development, cooperation between expert institutions and scientific institutions, as well as the exchange of experience with international colleagues. It is necessary to develop and approve new methodologies for conducting examinations that take into account the specifics of war crimes, as well as to ensure the training of experts in these methodologies. International cooperation and the exchange of experience are key elements of effective expert support for the investigation of war crimes. It is necessary to establish partnerships with international judicial institutions (the International Criminal Court, the European Court of Human Rights), expert organizations, and individual specialists for the exchange of information, joint examinations, the training of Ukrainian experts, and the use of international standards of evidence [4]. In addition, an important aspect is the digitalization of forensic activities. The introduction of electronic document management, the creation of electronic databases of expert opinions and other materials, as well as the use of remote technologies for conducting certain types of research, can significantly increase the efficiency and оперативність of the work of experts.

Therefore, a comprehensive approach, including both operational measures and strategic planning, will not only overcome the existing challenges but also ensure high-quality and timely expert support for the pre-trial investigation and judicial consideration of criminal proceedings related to armed aggression, thereby contributing to the establishment of justice and the prosecution of those responsible. Further research in this area should focus on developing specific mechanisms for the implementation of the proposed solutions and analyzing their effectiveness in the context of the ongoing armed conflict and in the post-war period.

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## **GENOCIDE THROUGH VIOLENCE: SYSTEMATIC CRIMES OF THE RUSSIAN FEDERATION AGAINST UKRAINIAN WOMEN**

### **Introduction**

Since the beginning of Russia's full-scale invasion of Ukraine in 2022, international human rights organisations, including the UN, Amnesty International Human Rights Watch and Ukrainian human rights organisations, have documented numerous cases of sexual violence committed by the Russian military against women [1]. Such crimes are gross violations of international humanitarian law and can be qualified as war crimes against humanity or even genocide[2, p.256]. The relevance of researching this topic is due to the need to draw the world's attention to the systematic violation of women's rights through crimes against humanity during armed conflict, to collect evidence for international trials, and to promote the prosecution of perpetrators. It is also important to create effective mechanisms to protect women during armed conflict.

### **1. Legal framework for the protection of women in conflict**

#### **1.1 International legal protection**

The main documents regulating the protection of women in time of war include: The Geneva Conventions of 1949 and Additional Protocols are the collective name for four international multilateral treaties of 1949 aimed at protecting victims of armed conflict. The conventions are binding on the states parties. These conventions guarantee the protection of civilians from violence, including sexual violence, in time of war [3]. The Rome Statute of the International Criminal Court - in Article 8 'War Crimes', namely part 2, paragraph vi) Different forms of sexual violence in time of war are defined as a war crime, a crime against humanity and, in certain cases, as a component of genocide[4]. UN Security Council Resolution 1325 'Women, Peace and Security' - this document emphasises the important role of women in conflict prevention and resolution and peacebuilding, and calls on Member States to ensure the increased participation of women at all levels of decision-making in national, regional and international institutions, in conflict prevention, management and resolution mechanisms[5].

#### **1.2 Ukrainian legislation**

The first document that protects women's rights during the armed conflict between Ukraine and Russia is the Criminal Code of Ukraine: Law No. 2341-III of 05.04.2001 (Article 438, Violation of the Laws and Customs of War), which provides for the protection of civilians' rights against ill-treatment, and thus includes various forms and types of violence against women [6]. However, the laws lack specific procedures for emergency situations, which complicates protection efforts in wartime.

## **2. Violence against women as a war crime**

### **2.1 Definition of violence against women**

Article 3 of the Istanbul Convention defines the term 'violence against women' as a human rights violation and a form of discrimination against women and means all acts of violence against women based on gender that result in physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life; Increasingly, mass crimes against women are being reported worldwide.

### **2.2 Forms of violence against women in wartime**

According to the Rome Statute of the International Criminal Court (ICC), war crimes are serious violations of international humanitarian law committed in armed conflict. These may include: Attacks against civilians (Article 8(2)(b)(i) of the Rome Statute). Sexual violence (Art. 8(2)(b)(xxii)), including rape, sexual slavery, forced prostitution, and forced pregnancy. Torture and inhuman treatment (Article 8(2)(a) (ii)) [4]. For example, the Istanbul Convention defines the following forms of violence: Thus, rape of women, torture, abduction and forced deportation may qualify as war crimes if they occur in connection with war [7].

1. Rape is used as a means of terror and a method of ethnic cleansing. Mass rape of women during the armed conflict in Russia.

2. Sexual slavery - the forced detention of women for the purpose of systematic sexual violence (for example, in military brothels or in camps controlled by militants)

3. Forced pregnancies - the forced impregnation of women to change the ethnic composition of the population

4. Torture and ill-treatment - physical and psychological torture accompanied by sexual violence to break the will of the victim and their community

5. Trafficking in persons - abduction of women for sexual exploitation

### **2.3 crimes against women during the armed conflict between Ukraine and russia**

Since the beginning of the invasion, the Russian army has been raping Ukrainian women of all ages in the temporarily occupied territories, using sexual violence as a weapon of war[8]. As of 1 October 2024, 321 war-related crimes of sexual violence were recorded in Ukraine. This data was provided in an interview with Glavkom by Larysa Denysenko, former director of the Department of International Law at the Ministry of Justice, former adviser to the Minister of Justice, and lawyer. 'As of 1 October 2024, there were 321 conflict-related crimes of sexual violence. Among the victims, 206 are women, and the rest are men. There were 15

episodes of sexual violence against minors, in 14 cases the victims were girls and in one case a boy. In terms of territories, Kherson region is the anti-leader, with 99 crimes committed there. This is followed by Kyiv and Kharkiv regions,' the lawyer said. However, in her opinion, this figure should be multiplied by at least five, and then the picture will be more or less true [9]. In 2022, the Mariupol City Council stated that Russian troops had forcibly deported several tens of thousands of Ukrainian women and children from the city to Russia [10]. An airstrike on a hospital in Mariupol targeted the maternity ward [11], one of the most brutal crimes committed against women in recent times.

### **Conclusion**

The armed conflict between Russia and Ukraine has resulted in massive human rights violations, especially against women who have been victims of brutal violence. Numerous cases of sexual violence, abductions, torture and forced deportation have been documented, in gross violation of international humanitarian law. These crimes are not accidental - they are systemic and used as a method of warfare, which allows them to be qualified as war crimes, crimes against humanity, and in some cases, genocide. Ukraine, relying on national and international legislation, including the Criminal Code, the Geneva Conventions, the Rome Statute and the Istanbul Convention, is actively documenting these crimes and cooperating with international organisations to ensure justice for the victims. An important task is not only to punish the perpetrators, but also to create effective mechanisms to protect women during the war and prevent similar crimes in the future. Drawing the attention of the international community to this issue, thoroughly collecting evidence, supporting victims and ensuring their legal protection are key steps on the path to justice. The crimes committed by the Russian military must not go unpunished, as only the inevitability of punishment can guarantee compliance with international law and preserve humanity even in the darkest of times.

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## **HUMAN CAPITAL MANAGEMENT MECHANISM IN THE ENTERPRISE RISK MANAGEMENT SYSTEM**

**Abstract.** The paper deals with the processes of enterprise human capital management under conditions of a dynamic and risk-prone economic environment. The necessity of sufficient integration of the category of *human capital* into the enterprise risk management system is underlined. The objectives of the research are defined.

**Key words:** *human capital, human capital management mechanism, enterprise risk management system, economic security, socio-economic system, business resilience, economic security.*

Nowadays innovations ensure the dynamic development of the economy; however, the rapid changes in the market environment generate a high level of uncertainty, which is especially acute under conditions of martial law. Knowledge, competencies, and intellectual capacity have become the driving force of innovation

and the main determinant of competitiveness in the new economy. In the so-called “knowledge era,” the role of financial capital is gradually diminishing, while human capital emerges as the key factor of business resilience, determining the enterprise’s ability to adapt to the risks, transformations and crisis challenges.

Human capital should be considered as a strategic resource of the enterprise that integrates professional competencies, intellectual potential and social capabilities of employees. It forms the base for the development of the effective managerial decisions in the field of risk management. At the same time, scientific literature predominantly focuses on personnel management or human resources management without sufficient integration of the category of *human capital* into the enterprise risk management system.

The issues of the human capital development and its role in enhancing enterprise efficiency and resilience have been studied by numerous scholars, including L. Abalkin, H. Anilovska, O. Arefieva, I. Bashynska, N. Vavdiuk, V. Vorotin, Z. Herasymchuk, V. Dukhov, S. Yermak, M. Yermoshenko, Z. Zhyvko, O. Zakharov, S. Illiashenko, S. Kavun, H. Kozachenko, M. Kopytko, O. Liashenko, V. Martyniuk, Ya. Pushak, I. Revak, Ye. Rudnychenko, and others.

At the same time, the issue of improving the management mechanisms for utilizing human capital within the enterprise risk management system remains insufficiently explored. There is a crucial need to develop an approach that ensures the adequate responses to the risks, minimizes their negative consequences, and enhances organizational resilience. This will allow the enterprises not only to reduce vulnerability to the threats, but also to strengthen their development under dynamic conditions of the modern economic environment.

Within the scope of this research theme, the theoretical and applied problems of economic security of the socio-economic systems are investigated. The findings of the research may specify and further develop the provisions of this comprehensive topic by:

- clarifying the essence of human capital as a key factor in ensuring enterprise economic security
- developing the management mechanisms for utilizing human capital within the risk management system
- forming the methodological approaches to integrating human capital into the processes of risk identification, assessment, and mitigation
- substantiating the practical recommendations for enhancing resilience of the socio-economic systems to the modern risks and threats.

The purpose of the research is to develop the scientifically grounded analytical mechanisms for managing enterprise human capital in order to ensure business resilience, competitiveness and adaptability to the risks and uncertainty.

To achieve this purpose, the following objectives are defined:

- to generalize the theoretical and methodological approaches to defining the essence and structure of enterprise human capital as a factor of economic security and organizational resilience;

- to identify the interrelations between human capital and risk management and to outline the main risks associated with human capital;
- to assess the effectiveness of the existing human capital management practices in the context of risk management;
- to develop a conceptual model of the human capital management mechanism within the enterprise risk management system;
- to substantiate the organizational and managerial mechanisms as well as the practical tools for integrating human capital into the risk management system;
- to formulate the practical recommendations for improving the effectiveness of human capital management for strengthening enterprise economic security and resilience.

The object of the research is the processes of enterprise human capital management under conditions of a dynamic and risk-prone economic environment.

The subject of the research includes the methods, models, and managerial mechanisms for integrating human capital into the enterprise risk management system, aimed at enhancing business resilience and economic security.

A set of the general scientific and specialized methods must be used to achieve the goal and accomplish the research tasks:

- dialectical and systems approaches – to reveal the essence of human capital and its role within the risk management system;
- abstract-logical method – to formulate the theoretical provisions and conclusions;
- methods of analysis and synthesis, induction and deduction – to generalize the scientific approaches and develop the author's concept;
- SWOT and PEST analyses – to assess external and internal factors influencing human capital management;
- expert evaluation method – to identify human capital-related risks and determine their priorities;
- content analysis – to study scientific sources and practical risk management experience;
- comparative and econometric analysis – to diagnose the state of human capital management in the enterprises;
- modeling – to build a human capital management mechanism within the enterprise risk management system.

The expected results of the research have practical significance for improving the human capital management systems and enhancing the effectiveness of risk management under conditions of uncertainty. In particular:

1. The proposed management mechanisms for integrating human capital into the risk management system may be used to reduce the risks and increase organizational resilience across the enterprises in various industries.
2. The developed methodology for identifying and assessing the human capital-related risks could be applied by managers to support informed decision-making and optimize the expenditures on the personnel development.

3. The constructed conceptual model of the human capital management mechanism within the risk management system could serve as a basis for developing the information and analytical tools, including Decision Support Systems (DSS), enabling automation of the risk assessment processes and managerial decision-making.

Thus, the research results create a scientifically grounded basis for strengthening the role of human capital in risk management and contribute to enhancing the economic security and resilience of the enterprises under modern operating conditions.

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## **INTERNATIONAL LAW: ROLE, PRINCIPLES, AND IMPORTANCE IN THE MODERN WORLD**

International law is a system of rules that countries follow in their relations with each other. These rules help states cooperate, communicate, and solve problems in a peaceful way. In the modern world, countries are closely connected through trade, travel, technology, and information. Because of this connection, international law has become more important than ever before. It creates common standards of behavior and helps avoid chaos in international relations.

The idea of international law is based on the understanding that no country can exist alone. Every state depends on others in economic, political, and social areas. International law helps regulate these relations and makes cooperation possible. Without international legal rules, powerful states could act freely without respecting weaker ones. This could lead to conflicts, wars, and instability. Therefore, international law is a necessary tool for maintaining global order.

One of the main purposes of international law is to regulate relations between states. It defines the rights and duties of countries and explains how they should act in different situations. For example, international law regulates how treaties are signed, how borders should be respected, and how diplomatic relations are conducted. These rules create trust between states and make international cooperation more stable.

A very important goal of international law is the maintenance of international peace and security. After the Second World War, the international community realized that strict legal rules were needed to prevent new global conflicts. As a result, the United Nations was created. The UN Charter is one of the most important documents of international law. It prohibits the use of force between states, except in cases of self-defence or when the UN Security Council gives permission. This principle helps reduce armed conflicts and encourages peaceful solutions.

International humanitarian law is another important part of international law. It regulates the behavior of states during armed conflicts. The main goal of humanitarian law is to protect people who do not take part in fighting, such as civilians, wounded soldiers, and prisoners of war. The Geneva Conventions are key documents in this area. They set clear rules that limit violence during war and protect human dignity. Even in times of conflict, states must respect basic humanitarian principles.

Human rights protection is a central element of international law. Human rights are basic freedoms that belong to every person, regardless of nationality, race, or religion. These rights include the right to life, freedom of speech, the right to education, and equality before the law. After many historical tragedies, the international community understood that human rights must be protected not only by national laws but also at the international level.

International law also regulates economic relations between countries. International trade law helps states trade goods and services under fair conditions. It reduces conflicts related to tariffs, market access, and competition. Economic cooperation allows states to develop their economies and improve living standards. Without international legal rules, economic relations could become chaotic and unfair.

Environmental protection is another important area of international law. Problems such as climate change, pollution, and loss of natural resources affect all countries. These issues cannot be solved by one state alone. International agreements help countries work together to protect the environment and ensure sustainable development. International environmental law encourages the responsible use of natural resources and the protection of future generations.

International law also supports cooperation in fighting international crime. Crimes such as human trafficking, terrorism, cybercrime, and drug trafficking often cross national borders. Because of this, states must cooperate with each other. International legal agreements help law enforcement agencies share information, conduct investigations, and bring criminals to justice. This cooperation increases global security.

Despite its importance, international law faces many challenges. One of the main problems is weak enforcement. There is no global government or police force that can force states to follow international law. Compliance often depends on political will. Powerful states sometimes ignore international rules when it is beneficial for them. This weakens trust in international law and creates inequality between states.

Another challenge is the changing nature of global problems. New technologies, cyberspace, and modern conflicts create situations that are not always clearly regulated by existing legal rules. International law must constantly develop to respond to these challenges. Legal scholars and international organizations work to adapt international law to new realities.

In Ukraine, international law has special importance. European integration, international cooperation, and security challenges require a deep understanding of

international legal standards. Ukrainian legal education pays significant attention to international law and legal English. Universities prepare future lawyers to work in an international environment and understand global legal processes.

At the Lviv State University of Internal Affairs, special attention is given to teaching foreign languages for professional purposes. The Department of Foreign Languages focuses on legal English and international legal terminology. This helps students understand international legal documents and communicate with foreign partners. Knowledge of international law in a foreign language increases professional opportunities and supports international cooperation.

International law is not only a legal system but also a tool for dialogue between cultures and nations. It helps states understand each other and work together despite differences. Through international law, common values such as peace, justice, and respect for human dignity are promoted.

In conclusion, international law plays a key role in the modern world. It regulates relations between states, protects human rights, supports peace, and encourages cooperation. Although it has weaknesses and faces many challenges, international law remains an essential foundation of global order. Strengthening respect for international legal norms is important for creating a safer and more stable world.

Another important principle of international law is the principle of equality of states. According to this principle, all states are legally equal, regardless of their size, population, or economic power. Every state has the same legal rights and duties in the international system. This principle helps protect smaller and weaker states from domination by stronger ones and supports fairness in international relations.

International law is also based on the principle of respect for sovereignty. Sovereignty means that each state has the right to govern its own territory without external interference. International law protects this right and limits *вмешання* other states in internal affairs. At the same time, sovereignty is not absolute. States must respect international obligations, especially in the field of human rights and international security.

Peaceful settlement of disputes is another key principle of international law. When conflicts arise between states, they should be solved through negotiations, mediation, arbitration, or international courts. The use of force is considered a last resort and is limited by strict legal rules. This principle helps prevent wars and promotes dialogue instead of violence.

International law also plays an important role in diplomacy. Diplomatic relations allow states to communicate officially and represent their interests abroad. Diplomatic law protects diplomats and embassies and ensures safe communication between governments. Without diplomatic rules, international relations would be unstable and dangerous.

Treaties are one of the main sources of international law. A treaty is a formal agreement between states that creates legal obligations. Treaties regulate many areas, such as trade, security, environmental protection, and human rights. States voluntarily

agree to follow treaty rules, which increases cooperation and trust. Respect for treaties is a sign of reliability and responsibility in international relations.

Customary international law is another important source. It develops from long-term practice of states that they consider legally binding. Customary rules often exist even without written agreements and apply to all states. These rules show that international law grows naturally from cooperation and shared values.

International organizations play a significant role in the development of international law. Organizations such as the United Nations create forums for dialogue and cooperation. They help states develop new legal norms and respond to global problems. International organizations also monitor compliance with international law and support peaceful conflict resolution.

International criminal law is an important branch of international law. It focuses on serious crimes such as genocide, war crimes, and crimes against humanity. These crimes threaten international peace and violate basic human values. International law states that individuals, not only states, can be held responsible for such crimes. This principle strengthens justice and accountability.

The role of international law in education is also very important. Future lawyers, diplomats, and law enforcement officers must understand international legal standards. Knowledge of international law helps professionals work effectively in an international environment and respect global legal values.

In Ukraine, legal education includes the study of international law and foreign languages. This is especially important for cooperation with European institutions and international organizations. Legal English allows Ukrainian specialists to read international documents, participate in international projects, and communicate with foreign partners.

International law also influences national legal systems. Many international legal norms become part of national law through the ratification of treaties. This process helps harmonize national legislation with international standards. As a result, human rights protection and legal certainty improve at the national level.

In conclusion, international law is a complex and dynamic system that plays a key role in the modern world. It regulates relations between states, protects human rights, supports peace, and encourages cooperation. Although it faces challenges, international law remains an essential foundation of global order. Education, research, and respect for international legal norms are crucial for its future development.

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## **THE EPSTEIN FILES AND U.S. LAW ENFORCEMENT: TRANSPARENCY, CHALLENGES, AND LEGAL IMPLICATIONS**

The release of investigative documents related to Jeffrey Epstein, a convicted sex offender whose network spanned decades, has presented both a law-enforcement milestone and a source of significant legal controversy. This paper examines the U.S. Department of Justice's handling of the so-called *Epstein Files*, focusing on transparency efforts, federal legal reforms, and the challenges encountered by investigative agencies in balancing public accountability with victim confidentiality. The analysis reveals persistent tensions between institutional transparency, legal standards for evidence disclosure, and political pressures shaping the public understanding of major criminal investigations.

The case of Jeffrey Epstein, a financier and convicted sex offender accused of operating an extensive sex-trafficking network, has persistently drawn public and legal scrutiny in the United States. Epstein's 2019 death while awaiting federal sex-trafficking charges prompted demands for transparency in the handling of investigative materials collected over decades. In response, the U.S. Department of Justice (DOJ) has released millions of pages of documents known as the *Epstein Files*, underscoring significant challenges in law enforcement, victim protection, and public accountability.

Investigations into Epstein began in the early 2000s, culminating in his conviction on state charges in 2008. Subsequent federal investigations revealed allegations of a broader network of sexual abuse and trafficking involving minors. The *Epstein Files* encompass materials from multiple sources, including Florida and New York prosecutions, FBI interviews, seized digital media, and related legal proceedings. In late 2025, the DOJ released over 3 million pages of previously classified and redacted documents as part of compliance with the *Epstein Files Transparency Act* passed by the U.S. Congress [1].

Despite the volume of released material, significant redactions were applied to protect victim identities, ongoing investigations, and legally sensitive information. Critics have argued that excessive redaction has obscured key evidence and hindered meaningful accountability, while others have condemned the disclosure of unredacted



images and personal data of victims.

The phased disclosure process, prompted by both congressional mandate and judicial rulings, demonstrates the procedural complexity faced by federal agencies when unsealing sensitive case records. More than 2.5 million pages remain unreleased, and ongoing debates center on the extent to which law enforcement must balance public transparency with legal constraints regarding witness safety and privacy [2].

An additional dimension of the Epstein case concerns the problem of institutional accountability and transparency within law enforcement agencies. Numerous reports indicate that, despite early warnings, witness testimonies, and documented evidence, investigative actions were delayed or deliberately limited for years. This has raised serious questions about the role of prosecutorial discretion, possible conflicts of interest, and the influence of political and economic power on criminal investigations. For U.S. law enforcement, the Epstein files have become a critical lesson in the dangers of selective justice and the erosion of public trust. The case demonstrates that effective investigation of high-profile offenders requires not only procedural competence but also institutional independence, strong internal oversight mechanisms, and protection for whistleblowers. Without these safeguards, even advanced legal systems risk failing victims and undermining the rule of law.

The release of the *Epstein Files* has revealed deeper tensions within U.S. law enforcement. Federal agencies such as the FBI and U.S. Attorney's Office for the Southern District of New York have had to navigate conflicting legal priorities, including compliance with transparency laws, protection of victims, and political pressures surrounding high-profile names appearing in the records.

Investigators have also faced public skepticism and political controversy. Polls suggest a significant portion of U.S. citizens believe that the government has withheld relevant information, contributing to broader distrust in institutional transparency. Such perceptions highlight the challenge of maintaining the legitimacy of law enforcement processes in the context of high-stakes, high-visibility criminal investigations.

The phased release and ongoing redaction of the *Epstein Files* offer a case study in modern legal dissemination of sensitive investigative material. Federal law requires that unclassified documents related to the Epstein investigation be made public, yet protective measures for victims can limit access to crucial evidence. In balancing these competing imperatives, law enforcement officials must operate within complex statutory frameworks that govern both transparency and confidentiality.

Moreover, the Epstein case highlights the limitations of public records laws when applied to large-scale criminal investigations involving multiple jurisdictions and overlapping interests. The case demonstrates the need for clear procedural guidelines that can facilitate timely disclosure while ensuring compliance with victims' rights protections and ongoing legal requirements.

The release and analysis of the *Epstein Files* by U.S. law enforcement illustrate the multifaceted challenges faced when attempting to reconcile transparency, victim

protection, and accountability in major federal investigations. While the document disclosures represent an unprecedented public insight into the extent of investigative records, persistent debates over redactions, incomplete releases, and political influences emphasize broader concerns about trust in law enforcement institutions.

In grappling with these tensions, the Epstein case may serve as a pivotal reference point in future reforms concerning the publication of sensitive legal documents and the standards by which federal agencies manage large-scale investigatory disclosures. Understanding and addressing the procedural and ethical challenges of such releases will remain crucial in enhancing public confidence and ensuring equitable justice for victims and society at large.

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## **CRIMINAL LAW PROTECTION OF THE PROCEDURE FOR EXERCISING THE RIGHT TO DEFENCE AND LEGAL REPRESENTATION IN THE PROVISION OF LEGAL ASSISTANCE**

**Abstract.** The paper deals with the availability of having the legal assistance of a defence counsel in case of being charged with a criminal offence. The importance of the right to the defence as one of the fundamental principles within the system of the protection of the human rights and freedoms is highlighted. The general direction of the research is outlined.

**Key words:** *right to defence, legal representation, provision of legal assistance, trial, defence counsel.*

One of the constituent elements of the right to a fair trial, as enshrined in Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, is that everyone charged with a criminal offence has the right to defend himself or herself in person or to have the legal assistance of a defence counsel of his or her own choosing, or – if he or she lacks the sufficient means to pay for such legal assistance – to be provided with it free of charge, where the interests of justice so require.

The right to the defence is one of the fundamental principles within the system of the protection of the human rights and freedoms. Its enshrinement in the norms of national legislation constitutes a defining characteristic of a state governed by the rule of law. Article 59 of the Constitution of Ukraine guarantees that everyone has the right to the professional legal assistance, and that everyone is free to choose his or her defence counsel.

The ensuring of the exercise of this constitutional guarantee is laid down in Article 131-2 of the Constitution of Ukraine, which provides that the Bar operates in Ukraine for the purpose of providing the professional legal assistance. At the same time, the law may establish the exceptions to court representation in certain categories of the disputes.

It is evident that the task of a state governed by the rule of law is not limited to the mere declaration of the fundamental rights and freedoms, but also includes ensuring their proper protection and safeguarding, including by means of criminal law. The social relations in the sphere of ensuring the procedure for the defence and legal representation in the provision of the legal assistance constitute a specific object of the criminal offences, which are systematised in Chapter XVIII of the Special Part of the Criminal Code of Ukraine, entitled «Criminal Offences against Justice».

The two-component nature of these social relations is determined by the focus of the criminal law protection, on the one hand, on the exercise of the right to defence by a person involved in the sphere of justice. On the other hand, it involves providing the criminal law protection of the procedure for exercising the defence and representation by the persons vested with a specific status in this regard – the advocates and representatives providing the legal assistance.

The effectiveness of the preventive criminal law influence on the acts encroaching upon the procedure for exercising the defence and legal representation in the provision of the legal assistance depends on the quality of the criminal law provisions set forth in Articles 374, 397, 398, 399, 400 and 400-1 of the Criminal Code of Ukraine. An indicator of the problematic issues in the field of criminal legislation is the criminal law doctrine. A research into the issues of the criminal law protection of the procedure for exercising the defence and legal representation in the provision of legal assistance is of particular relevance, given that in the context of war the protection of the human rights becomes especially acute. In turn, an independent and professional Bar constitutes a guarantee of the unimpeded access to justice, the safeguarding of the rule of law, and the strengthening of the mechanism of the protection of the right to defence and legal representation.

On 12 March 2025, the Council of Europe Convention on the Protection of the Profession of Lawyer was adopted. It is already being described as the first international treaty in history specifically aimed at protecting the practice of the legal profession. The Council of Europe emphasises the fundamental role played by the lawyers and their professional associations in upholding the rule of law, ensuring the access to justice, and protecting the human rights and fundamental freedoms. The purpose of this Convention is to strengthen the protection of the profession of a lawyer, as well as the right to practise this profession independently and without

discrimination, undue hindrance or interference, and without threats, attacks, harassment or intimidation. The Convention is open for signature. Its ratification is already the subject of an active discussion among the legal professionals and policymakers in Ukraine. The study of the experience of implementing this international treaty into the national criminal legislation of the member States of the Council of Europe, as well as of the States that have already acceded to the Convention, constitutes another important area of this research.

It is evident that the aspects outlined above only partially delineate the circumstances that determine the relevance of the research topic, but they are sufficient to outline the general direction of the research.

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## **UNEMPLOYMENT AS A SOCIO-ECONOMIC AND HUMAN CHALLENGE**

Unemployment remains one of the most serious socio-economic challenges facing modern societies. It affects individuals, families, and entire economies, undermining social stability, welfare, and long-term economic development. In addition to economic losses, unemployment also creates significant social and psychological consequences.

### *Current Situation in Ukraine and Worldwide*

In many OECD countries, the unemployment rate remained relatively stable in late 2024, averaging about 4.9%, which indicates generally stable labour markets. However, the situation in Ukraine is significantly more complicated due to the consequences of the ongoing war.

According to the OECD Economic Survey (2025), the Ukrainian labour market experienced substantial losses. The number of private-sector taxpayers decreased by approximately 2.5 million people. During the initial phase of the war, unemployment sharply increased and reached an estimated 26% in the second quarter of 2022. Although official labour statistics were temporarily suspended, analytical estimates confirmed a dramatic labour market shock.

By March 2024, unemployment declined to approximately 15%, and forecasts suggest that around 11.5% of the Ukrainian labour force – about 2.37 million people – may remain unemployed in 2025. Despite the relatively high number of vacancies, labour market imbalances persist. For example, in early 2025 there were about 221,000 vacancies compared with 123,000 registered job seekers. This mismatch between labour supply and demand is partly explained by migration, mobilization, and internal displacement.

Causes of Unemployment Unemployment is not solely a consequence of economic crises; it often reflects structural problems in labour markets. The most important factors include:

*Skills mismatch.* Education and training systems do not always provide the competencies required by modern labour markets, which leads to structural unemployment even when vacancies exist.

*War-related disruptions.* Military conflict, forced migration, mobilization, and displacement reduce labour supply in certain regions while increasing demand in others.

*Economic instability and business closures.* Wartime destruction, economic shocks, and temporary suspension of business activities contribute to job losses and higher unemployment.

#### *Social and Economic Consequences*

Unemployment has significant consequences for both individuals and society. First, it leads to declining living standards and increased poverty risks, as loss of income limits the ability of households to meet basic needs.

Second, unemployment contributes to social exclusion and psychological stress. Long-term unemployment is often associated with social isolation, loss of self-esteem, and mental health problems.

Third, high unemployment negatively affects the national economy. It reduces productivity, decreases tax revenues, and increases the burden on social protection systems. In post-war reconstruction periods, shortages of qualified workers may also slow economic recovery.

#### *Policy Responses and Future Perspectives*

Addressing unemployment effectively requires long-term structural policies rather than short-term solutions. Key measures include:

Improving the alignment between education and labour market needs, including vocational training, retraining, and upskilling programs.

Supporting businesses and job creation, especially in reconstruction sectors, small enterprises, and innovative industries.

Reforming labour market policies, including measures to support displaced persons, veterans, and women's participation in the workforce.

Strengthening social protection and mental health support for unemployed individuals.

Unemployment in Ukraine represents not only an economic issue but also a complex social challenge shaped by war, structural labour market problems, and economic instability. Its consequences extend beyond income loss and affect social cohesion, mental health, and the country's recovery potential. Therefore, comprehensive strategies combining labour market reforms, education policies, and social protection measures are essential for sustainable economic development and social stability.

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## **USE OF ENGLISH IN LAW ENFORCEMENT ACTIVITY**

English plays a key role in law enforcement activity due to its international status and universality. Ukraine, with its desire to join the EU and related democratic institutions, must also introduce the use of an international language in its institutions, and law enforcement is no exception.

In the author's opinion, it is perhaps the most important because it interacts directly with both its citizens and foreigners. This gives it a certain authority and status in the international arena. Under the conditions of martial law, the English language has become even more relevant due to close interaction with partners from around the world.

The first and perhaps most important aspect is Law of Ukraine No. 3760-IX 'On the Use of the English Language in Ukraine.' It is clearly aimed at European integration. It defines the following objective: To promote the use of English as one of the languages of international communication throughout Ukraine in the public spheres of social life defined by this Law[1].

According to Article 3 of this normative act, the requirement for compulsory knowledge of English is established for persons applying for employment, and here it is worth noting the wide range of positions, including middle and senior officers of the National Police of Ukraine, senior officers of other law enforcement agencies, senior officers of the civil protection service, the list of which is established by the Cabinet of Ministers of Ukraine.

It should be noted that English is the primary means of communication in international law enforcement agencies such as Interpol, Europol and the UN. Participants in international conferences, meetings and training sessions, as well as

police units from different countries, use English to exchange experience and information.

English allows law enforcement officers to be part of a global community, exchange best practices, and participate in the development of new methods of combating crime [2.c.234].

In addition to the practical use of English in everyday work, it is also necessary for the training and professional development of law enforcement officers. Many international training courses and seminars organised for law enforcement officers are conducted in English. Proficiency in this language allows police officers to participate in training programmes organised by leading international law enforcement organisations[3].

The level of initial training of police officers in English. Many law enforcement officers begin their professional training with minimal knowledge of English, which hinders their further development.

Another significant challenge is the lack of a systematic approach to language learning in many educational institutions. Some English language courses are offered in training programmes for police officers, but they often do not take into account the specifics of professional activities, which limits their practical usefulness. In addition, there is a need for more teachers who specialise in teaching English to law enforcement officers and understand their needs.

Therefore, after considering the main aspects of this topic, we have come to the following conclusion. The use of English is undoubtedly an important aspect that plays a key role in the law enforcement system and the state as a whole. The introduction of English into the system of structural units of the National Police opens up new horizons for strengthening Ukraine's international relations, increasing the professionalism of law enforcement officers and improving the country's image on the international arena.

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## **THEORETICAL AND PRAXEOLOGICAL PRINCIPLES OF PRIORITIZATION OF CRIMINAL PROCEEDINGS**

**Abstract.** The paper deals with the theoretical and praxeological principles of the prioritization of criminal proceedings. The topicality of the issue is formulated. The purpose of the research is determined. The tasks of the research are stated.

**Key words:** *prioritization of criminal proceedings, theoretical and praxeological provisions, criminal proceedings system, pre-trial investigation bodies, prosecutor's office, court.*

Recently, the problems of the rapid growth of the burden on the criminal proceedings system have been actively discussed in the scientific sources and public discourse. The pre-trial investigation bodies, prosecutors, and courts are faced with the challenge of performing their tasks efficiently and effectively in a context of the limited resources, taking into account the legal regime of martial law. According to the current regulations, all the reports of the criminal offences are subject to registration. At the same time, Article 2 of the Criminal Procedure Code of Ukraine requires a prompt, complete, comprehensive, and impartial investigation of all these numerous criminal proceedings. This approach of the legislator, applied during the 2012 reform, led to the fact that over time the average workload per investigator in the investigative unit of the National Police in the regional centre reached several hundred. The prosecutors provide the procedural guidance in several hundred criminal proceedings. The courts take a long time to hear the cases because they also lack the time resources and human capital. The realities of war add the additional strain to the entire criminal justice infrastructure. The large volumes of work and extreme working conditions force many specialists to look for other areas for the professional self-realization, which is evidenced by the high staff turnover. The workload also affects the quality of the procedural activities of the authorized entities. Therefore, it is obvious that under such circumstances it is necessary to look for the ways to optimize the activities of the pre-trial investigation bodies, the prosecutor's office, and the courts.

The acuteness of the issues raised is also enhanced by the fact that the issue of the prioritization was not a subject of the public debate for a long time due to fears of provoking criticism and hostile perception by society., but after the appearance of the Comprehensive Strategic Plan for Reforming Law Enforcement Agencies as part of the Security and Defence Sector of Ukraine for 2023-2027, approved by the Decree of the President of Ukraine dated May 11, 2023, No. 273/2023, the discourse on the prioritization has moved to a qualitatively new level. This document explicitly identifies one of the strategic priorities as strengthening the effectiveness and



efficiency of the law enforcement agencies and the prosecutor' office, improving the results-oriented management system in accordance with the established priorities. So, today the question is not "whether or not to prioritize", but "what kind of the prioritization should it be". Naturally, there is a need to develop the theoretical, methodological, scientific foundations for determining which proceedings require close and urgent attention, an intensive pace of the investigation, and the involvement of the necessary resources, and which should remain in the field of view, but be undertaken only after the completion of the priority tasks. It is important to develop the clear prioritization criteria, assess risks, and establish the rules for setting the priorities at the national, strategic, institutional, tactical, and operational levels.

In the doctrine of criminal procedure, the problems of organizing the activities of the subjects of the criminal procedural activity, the quality of the task performance, and the assessment of the effectiveness of the pre-trial investigation and judicial proceedings were studied by Y. Alenin, I. Basista, N. Bobechko, G. Boreyko, V. Vapnyarchuk, N. Hlynska, I. Glovyuk, V. Horodovenko, V. Drozd, O. Drozdov, O. Dufenyuk, O. Kaplina, N. Karpov, O. Kibenko, M. Kostin, E. Krapyvin, O. Kuchynska, L. Loboyko, V. Malyarenko, M. Markush, V. Mykhailenko, Y. Myroshnychenko, A. Myrishnychenko, V. Nor, S. Pogrebnuak, M. Pohoretsky, V. Rogalska, V. Tertyshnyk, V. Trofymenko, S. Chernyavsky, Y. Chornous, M. Shumylo, O. Yanovska, O. Shylo and others.

However, despite the presence of the numerous publications and monographic studies, the scientists and practitioners ignore the issue of the prioritization in criminal proceedings. In fact, there is no thorough research that would address the legal regulation of the state policy in this area.

The purpose of the research is to develop the theoretical and praxeological provisions that reveal the essence and key aspects of the implementation of the policy of prioritizing criminal proceedings, as well as the formation of the scientifically based proposals and recommendations aimed at strengthening the efficiency of the criminal proceedings system, taking into account the identified priorities.

To achieve the goal, the following tasks are planned:

- to summarize the state of the scientific development and methodology for the research on the policy of prioritizing criminal proceedings;
- to find out the foreign experience of the functioning of the prioritization in the criminal process;
- to determine the systematic prerequisites for prioritizing the activities of the pre-trial investigation bodies, the prosecutor's office, and the court;
- to formulate the concept and characteristic of the genesis of the legislative regulation of the prioritization of criminal proceedings in Ukraine;
- to describe the levels of the prioritization of criminal proceedings;
- to differentiate the criteria for prioritizing criminal proceedings;
- to determine the mechanisms for implementing the policy on the formation of the priorities in the field of criminal proceedings;

- to outline the promising areas for strengthening the efficiency of the institutional infrastructure of criminal proceedings, taking into account the policy of the prioritization.

The object of the research is the legal relations arising in connection with criminal proceedings.

The subject of the study is the theoretical and praxeological principles of the prioritization of criminal proceedings.

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## **LAW ENFORCEMENT BODIES DURING MARTIAL LAW**

An important strategic function of the state is to ensure national security, which is carried out through various authorized bodies and organizations in accordance with current legislation. In modern conditions, such issues as the growth of risks and threats to national security, new challenges, practical provision of national security and adequate and timely response to them have become even more relevant. Among the existing state structures that one way or another ensure the national security of the country, law enforcement agencies should be distinguished. Law enforcement agencies symbolize the presence of the state in our everyday lives, its ability to intervene when necessary and protect us. They are also a symbol of the integrity of society and commitment to the values of honor and duty. This is also a deterrent for society from committing crimes, immoral acts, malice, intrigues and other illegal actions [1, p. 700].

Ukraine has a comprehensive system of law enforcement agencies. The main law enforcement agencies that affect the national security of the state include the National Police of Ukraine, the Security Service of Ukraine, units operating within the State Fiscal Service of Ukraine, the Office of the Prosecutor General of Ukraine, the State Bureau of Investigation, the State Tax Service, and the State Customs Service. Each of these agencies, if operated effectively, has a significant impact on the actual functioning of the state security component under martial law [2].

It should be added that the National Guard of Ukraine can be distinguished as a military formation with law enforcement functions. It performs tasks of protection from criminal and other unlawful encroachments on the life, rights, freedoms and legitimate interests of citizens, society and the state, ensuring public safety and protecting public order; interacts with other subjects of ensuring national security and defense in the context of ensuring national security, protecting the state border and terminating the activities of illegal paramilitary, armed formations, organized criminal groups and criminal organizations. In peacetime, the National Guard of

Ukraine performed law enforcement functions, and with the introduction of martial law, it is ready to perform tasks under the legal regime of martial law in accordance with the provisions of current legislation.

All of the above-listed bodies perform certain law enforcement functions stipulated by the legislation of Ukraine. Regardless of the specialization of each of the structures, they have common and general law enforcement functions. General law enforcement functions primarily include operational and investigative activities, investigation of offenses, consideration, execution, management and analysis of criminal proceedings. To ensure the proper functioning of all components of security, law enforcement bodies are endowed with a wide range of powers, extended for the duration of martial law [3].

Law enforcement agencies during martial law perform important functions of ensuring security, order and legality in the state, contributing to the preservation of stability and protection of the rights and freedoms of citizens. Despite the significant differences and certain features of each of the law enforcement structures, in order to achieve the provision of public, economic, social, state and other types of security in Ukraine, there is a need for their cooperation and coordination with each other [4].

It is the united and purposeful influence on overcoming crime, illegal paramilitary formations, terrorist organizations and the military contingent of the aggressor state present on the territory of our state that forms the essence and role of law enforcement agencies during martial law.

Therefore, during the period of martial law, law enforcement agencies have extremely important functions aimed at ensuring security, order and legality. They are a key element of stability and protection of the rights and freedoms of citizens and play an important role in ensuring national security and order. Their joint activities in the difficult time of martial law are crucial for maintaining stability and protecting the state from external and internal negative factors. To achieve this goal, cooperation and coordination between all law enforcement agencies, structures and military formations is important.

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## **FINANCIAL BEHAVIOR AND USE OF DIGITAL SERVICES IN UNCERTAIN TIMES: HOW WAR CHANGES PERCEPTIONS OF MONEY**

The intersection of financial behavior and digitalization in wartime Ukraine shows a unique case of society changing under extreme uncertainty. According to Deloitte Ukraine's survey conducted in late 2023, Ukrainian consumers still deal with two main challenges: economic instability and security risks. Despite this, they show a remarkable ability to adapt. A significant portion of the population between 41% and 77% – continues to economize, reflecting heightened financial prudence. However, the gradual recovery in consumer activity, particularly in electronics and home appliances purchases, signals cautious optimism and resilience [1]. These shifts illustrate that in times of crisis, spending patterns evolve to reflect both survival priorities and the restoration of psychological normalcy.

Digitalization played a very important part, increasing a 12% more frequent online buying consumer who now depends much e-commerce and digital payment platforms [1]. This does not ensure transactional safety in wartime but speaks to the growing importance of digital ecosystems in maintaining economic continuity. Technological readiness and market openness have been found to increase financial consumer protection from a macro perspective, [2] thus placing Ukraine's adoption of digital finance within the global trend toward financial resilience and transparency.

Further, war-time spending goes beyond the mere obligation to spend shows civic responsibility and moral accountability. As indicated by Deloitte's report, 92% of Ukrainians house donations for Armed Forces or Humanitarian aid together with 70% boycotting companies that have any form of relationship with the aggressor country. [1] This proves how money can be a means of expressing morality and patriotism. Therefore, wartime consumption decisions are intertwined with national identity and the collective survival.

Personal budget reallocations reflect these. Ukrainians now channel about 66% of their incomes toward expenditure on food and obligatory payments-more than double the world average-leaving very slim allocations for leisure and tourism (2%). Though the expenditure on entertainment is low, increased digital media consumption – 32% higher-indicates a quest for an emotional balance and psychological coping mechanism virtually. [1] This pattern of behavior emphasizes the intricate linkage between financial prudence, emotional adaptation, and technological reliance during crises.

The war underscores vulnerabilities in consumer trust, and information asymmetry from the perspective of digital financial protection. Asymmetric

information in digital markets, where consumers do not have confidence increases the risks of them being taken advantage of. Even more so when financial literacy and regulatory mechanisms are trailing behind and technological innovation has already forged ahead. This, Digital Financial Consumer Protection Index (DFCP) should be prioritized in post-war reconstruction to safeguard users as well as their long-term confidence in financial technologies [2].

In the end, both national and global proof join at one idea: war changes not just economic systems but also the group thinking about money. Financial decisions transform into acts of resilience, ethics, and digital empowerment. The integration of prudence, solidarity, and technological adaptability defines Ukraine's evolving financial identity in times of uncertainty.

Uncertainty brought about by war effectively reorders economic behavior by mixing economic resilience with technological ingenuity and moral governance. In Ukraine, such transformation is brought about through ongoing economizing, digital reliance, and collective civic engagement. As a core element of resilience, protecting digital consumers and financial literacy will be at the forefront of post-war reconstruction and sustainable development. Enhancing regulatory transparency and guaranteeing fair digital access can turn crisis-driven adaptation into a long-term economic stability model.

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## **ENGLISH LANGUAGE AS A MANDATORY REQUIREMENT FOR CIVIL SERVANTS AND LAW ENFORCEMENT OFFICERS**

In connection with the trend towards building Ukraine as a democratic and law-based state, fundamentally new and important tasks are being set for Ukrainian citizens who have embarked on a career of serving the Ukrainian people, since the future of not only the state but also every member of society depends on the level of training of future law enforcement officers. Therefore, one of the most important contemporary directions is the dissemination of new ideas and the multifaceted

development of future law enforcement officers in the field of professional use of the English language in their professional activities. With growing instability under martial law and low public confidence, conflicts may multiply and spread across Ukraine. In this regard, there is a great need to improve the work of law enforcement agencies, integrate foreign practices into the activities of law enforcement officers, and enhance their interaction with European countries.

The introduction of English as a mandatory requirement for civil servants and law enforcement officers is not just an educational initiative, but a strategic step towards Ukraine's integration into the global and European space, as well as ensuring more effective performance of civil servants and law enforcement officers at the international level [2].

It should be noted that on 4 June 2024, the Verkhovna Rada adopted the Law on the Use of English in Ukraine, which was given the number 3760-IX. The document significantly expands the scope of its use in both professional and everyday life. This law stipulates that representatives of certain professions must be proficient in English. The main goal of the law is to create comfortable conditions in our country for the long-term stay of foreign citizens and international cooperation between civil servants. Therefore, people who provide the most important services, such as government, administrative, medical, educational, cultural, etc., are required to know English. In addition, quite a few categories of Ukrainian officials will be required to obtain the appropriate qualifications within four years after the end of mobilization:

- a) Category B civil servants – heads and deputy heads of structural state bodies, as well as bodies whose jurisdiction extends to one or more administrative units – cities, settlements, districts, regions, etc.;

- b) category "C" civil servants - all other employees of state bodies who do not belong to categories "A" and "B";

- c) prosecutors, all employees of customs and tax authorities;

- d) heads of higher education institutions, as well as other employees in science and education, the list of which is determined by the relevant ministry [1].

Therefore, at the current stage of our country's development, law enforcement agencies must study and use the English language in connection with the specifics of their activities, primarily to perform a number of tasks assigned to them by law, which is conditioned by ensuring a quick and thorough investigation of the circumstances of a criminal offence.

For example, in a situation where cybercriminals attack Ukrainian infrastructure from servers located in the Netherlands, law enforcement agencies will spend much more time and resources due to insufficient competence in the professional use of English, because without English, our authorities need to hire a certified translator, prepare an official request, wait for the translation, and certify it. This leads to a loss of hours or days, which can be significant in the course of a pre-trial investigation. However, in comparison, with sufficient competence of law enforcement officers, the liaison officer contacts his colleague from the Netherlands directly through secure communication channels, where operational information is

transmitted in a matter of minutes, allowing servers to be "frozen" or transactions to be tracked in real time [4].

It should also be noted that Ukrainian law enforcement agencies already have access to Interpol and Europol databases. However, knowledge of the language will allow them not only to track their activities, but also to understand the context of criminal schemes that are currently popular in the EU, as well as to participate in joint investigation teams. This involves investigative authorities from different countries working on the same case or providing each other with specific information. Therefore, English is the working language here. Without it, Ukrainian investigators become "passive observers" rather than active participants.

However, on the other hand, an objective analysis of any reform requires an honest discussion of its "pitfalls." When we talk about compulsory English, we face the risk that good intentions will be shattered by the harsh reality of bureaucracy and limited resources. Since there will be a phenomenon such as a "staff shortage," where an experienced criminal investigator or a leading engineer in a ministry will be less of a priority than a person with sufficient English language skills, this will have a negative impact on the state of society and the state, as well as on the performance of tasks assigned to civil servants by law. It should be noted that learning a foreign language at the age of 50+ is much more difficult than at the age of 20. This can lead to hidden age discrimination in government agencies and the loss of experienced specialists in the field [3].

We must also not forget about the significant financial burden on the state, as it will be necessary to hire thousands of teachers and pay for licences for online platforms in order to improve the level of English among civil servants and create a state testing centre. And this is assuming that the time a police officer or civil servant spends on English lessons is time when they are not patrolling the streets or preparing draft legislation, which will ultimately result in a loss of productivity and an even heavier workload for law enforcement officers and civil servants [5].

Summarizing, the introduction of English for civil servants and law enforcement officers is a strategic step towards Ukraine's integration into the EU and NATO, allowing law enforcement agencies to act quickly and without wasting time. At the same time, Law No. 3760-IX poses serious challenges for the state: the risk of staff shortages due to the possible loss of experienced specialists, the financial burden on the budget, and a decrease in current productivity due to the need to combine service with training. For the reform to succeed, the state must find a balance between strict requirements and the creation of real conditions for learning, so that English becomes not a "filter for dismissal" but an effective tool for improving the quality of public services and national security.

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## THE IMPACT OF SOCIAL MEDIA ON PUBLIC PERCEPTION OF JUSTICE AND POLICE LEGITIMACY DURING MARTIAL LAW

In today's world, social networks have become a key element of the information space, determining the pace and nature of public communications. They serve not only as a means of personal communication, but also for disseminating news, shaping public opinion and mobilizing society around important political and social issues. This influence is particularly significant in times of martial law, when traditional channels of communication may be restricted, attacked or lose the trust of citizens due to enemy information attacks. In such conditions, social networks become the main platform where the image of justice, legality and legitimacy of the police is formed.

Social networks provide quick access to news and events. During wartime, this is crucial: citizens want to receive information quickly about security, law enforcement actions, court proceedings, and the overall situation in the country. Among the *positive aspects*, it is worth noting the instant dissemination of stories about police heroism, their participation in rescuing civilians, evacuating the population, or countering sabotage, which creates an image of the police as protectors. This increases the trust and legitimacy of law enforcement agencies. In our opinion, the *negative aspects* include the lack of fact-checking, which leads to the spread of rumors, fake news and emotionally charged messages. As a result, citizens may form a distorted view of the police's activities, which undermines its authority.



During periods of high social tension, particularly during wartime, citizens become more susceptible to information manipulation. Fake news about the police, namely reports of corruption, abuse of power or unjustified arrests, can spread quickly, even if they are unfounded. Such information attacks can undermine the legitimacy of the police, create an atmosphere of mistrust and increase social tension.

Example: In many countries that have experienced armed conflict, the spread of rumors about "police repression" has been used by the enemy as a tool to demoralize the population [1]. Martial law provides for the expansion of police powers and the restriction of certain civil rights. This creates additional risks for the perception of the legitimacy of law enforcement agencies:

a) Citizens' expectations: people want not only security, but also justice, transparency and open dialogue.

b) Sociological data: after the start of the large-scale invasion in 2022, trust in the police in Ukraine rose from 30% to 58%. However, in 2023–2024, a new decline in this indicator was recorded. This indicates that trust is dynamic and depends on the quality of communication and actions of the police. As of 2025, sociological data show that the level of trust of Ukrainians in the police remains volatile. According to a survey conducted by the Razumkov Centre in November 2025, about 46% of respondents trusted the police, while about 41% expressed distrust. This is lower than in 2022, when trust rose sharply after the invasion began, but higher than the pre-war levels of 2021. Researchers emphasize that the key factors are the quality of communication, the transparency of law enforcement actions, and their ability to respond effectively to security challenges.

Thus, trust in the police is currently in a state of "dynamic stability": it has not returned to its pre-war low levels, but has not maintained the peak values of 2022 either. This confirms that public opinion is sensitive to the information environment and specific actions of law enforcement agencies [3,4,5].

Official police pages on Facebook, Telegram, Instagram and other platforms have become an important tool for countering fake news. The functions of these accounts include disseminating official positions, explaining procedures, publishing reports and responding to criticism.

**-Positive effect:** a proactive information policy strengthens trust in the police and shapes the image of a legitimate and open institution.

**-Negative effect:** a lack of communication or poor communication widens the gap between citizens and law enforcement agencies.

Social networks are increasingly becoming a platform for discussing court decisions, especially in high-profile cases involving war crimes or collaborationism.

**- Positive aspect:** publicity promotes transparency and accountability of the judiciary.

**- Negative aspect:** the risk of "digital lynching" when judges or suspects become the targets of mass harassment. This can put pressure on the judicial system, which is contrary to the principle of its independence. Therefore, social networks should be a platform for constructive discussion, not a tool for emotional persecution [2].

Social networks in a state of martial law are a double-edged sword. The risks include the spread of fake news, manipulation, and undermining trust in institutions.

The opportunities include shaping a positive image of the police, increasing the transparency of the judicial system, and mobilizing society. The key factor is the responsible use of social networks by both citizens and state institutions.

When it comes to long-term consequences, we agree with those researchers who believe that, in the long run, systematic, honest and open communication between the police and the judicial system and citizens will contribute to:

- strengthening the legal culture;
- building trust in state institutions;
- strengthening the legitimacy of justice;
- reducing the impact of hostile information campaigns.

**Conclusion.** Social networks during martial law are a powerful tool that can either strengthen or undermine the legitimacy of the police and the judicial system. Their influence depends on the balance between transparent communication and the risk of manipulation. The level of public trust in justice, social stability, and the ability of state institutions to withstand information attacks depend on how effectively and responsibly they are used. In the long term, this will determine the quality of legal culture and democratic development.

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## **THE LANGUAGE OF LEGAL COMMUNICATION AS A FACTOR OF INDIVIDUAL PSYCHOLOGICAL SECURITY**

The effective functioning of a modern democratic society is inconceivable without sustained and efficient interaction between citizens and legal institutions. Legislative processes, judicial proceedings, and the activities of state authorities and

local self-government bodies are inherently accompanied by continuous legal communication, the principal medium of which is language. Through linguistic formulations, individuals obtain essential information concerning their rights, obligations, legal limitations, and available mechanisms of protection.

However, empirical practice demonstrates that the language of legal communication often remains inaccessible to the general public. Excessive formalization, extensive use of specialized legal terminology, complex syntactic constructions, and an imperative manner of presentation create substantial communicative barriers between individuals and the legal system. Consequently, law – designed to perform a protective and regulatory function – may be perceived as intimidating or even hostile.

In conditions of social instability, crisis phenomena, and heightened stress levels, the issue of individual psychological security acquires particular relevance. Legal communication, as an integral component of the social environment, possesses the capacity both to support psychological stability and to undermine it significantly. This circumstance necessitates an interdisciplinary examination of the relationship between legal language and the psychological state of the individual.

Within contemporary psychological research, psychological security is understood as a multidimensional construct encompassing emotional, cognitive, and social components of individual functioning. According to I. A. Baeva, psychological security is characterized by a state in which the psyche is protected from adverse environmental influences, enabling the maintenance of mental equilibrium, self-regulation, and adaptive capacity [1].

From the standpoint of humanistic psychology, psychological security constitutes a foundational prerequisite for personal development and self-actualization. The cognitive approach emphasizes the individual's ability to comprehend causal relationships, anticipate future events, and maintain a sense of control over life circumstances. In the socio-psychological dimension, psychological security is formed through interaction with social institutions, particularly those of the state and the legal system.

Within the field of legal psychology, individual psychological security is closely associated with perceptions of justice, predictability, and protection ensured by legal norms and procedures. Notably, this security depends not solely on the substantive content of legal norms but also on their linguistic representation. Ambiguous, contradictory, or overly complex legal communication can erode trust in the legal system, fostering feelings of helplessness, anxiety, and legal uncertainty [3].

Research in jurilinguistics has traditionally focused on the accuracy, normativity, and formal correctness of legal language, while its psychological impact has received limited attention. Although some scholars emphasize the concept of Plain Language as a means of enhancing the accessibility of legal information, the psychological mechanisms underlying its effectiveness remain insufficiently explored [2; 4]. Accordingly, there exists a clear scientific need to investigate legal language not only as a linguistic or juridical phenomenon but also as a determinant of individual psychological security.

Certain linguistic features of legal communication exert a destructive influence on psychological security by generating feelings of incompetence and unpredictability.

First, excessive complexity of legal language constitutes one of the primary destabilizing factors. The extensive use of specialized terminology, archaic expressions, and lengthy syntactic constructions significantly increases cognitive load. From a cognitive-psychological perspective, such complexity overburdens working memory and hinders comprehension, particularly in situations characterized by emotional stress.

Second, the imperative style and threatening tone typical of traditional legal discourse intensify the asymmetry between state institutions and citizens. This rigid communicative mode reinforces perceptions of subordination, amplifies fear, increases social distance, and diminishes trust in legal authorities.

Third, ambiguity and legal uncertainty arising from vague formulations and the possibility of multiple interpretations of legal norms undermine predictability. The inability to foresee the legal consequences of one's actions weakens the sense of personal control, thereby adversely affecting psychological well-being [2].

Conversely, factors that contribute to the restoration and enhancement of psychological security in the legal sphere are those that ensure clarity, precision, and accessibility of information.

The application of Plain Language principles plays a significant role in reducing cognitive load and strengthening trust in legal institutions. As noted by J. Kimble, accessible legal language not only improves communicative efficiency but also shapes a more positive perception of governmental and legal structures [4].

Furthermore, clarity and logical coherence of legal texts facilitate the formation of predictability, enabling individuals to anticipate legal outcomes. This, in turn, restores a sense of control, reduces anxiety, and promotes psychological stability.

Equally important is the communicative competence of legal professionals. Direct interaction with representatives of the legal system significantly influences individuals' psychological states. An empathetic communication style, clear explanations of legal procedures, and the avoidance of excessive professional jargon contribute to reducing psychological tension and fostering trust in the justice system.

In conclusion, the language of legal communication constitutes a significant psychological factor that directly affects the level of individual psychological security. Excessive complexity, imperativeness, and ambiguity in legal texts function as destabilizing elements that increase anxiety and diminish individuals' perceived control over their lives.

At the same time, the systematic implementation of Plain Language principles and the enhancement of communicative culture among legal professionals can substantially strengthen citizens' psychological security. Further research should focus on empirical investigations into the psychological effects of various forms of legal communication, as well as on the development of practical recommendations aimed at humanizing the linguistic environment of law.

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## **EVIDENCE AND PROOF IN CRIMINAL PROCEEDINGS**

Proof in criminal proceedings constitutes a key mechanism for establishing the factual circumstances of a criminal offence, ensuring the possibility of a comprehensive pre-trial investigation and the fair administration of criminal justice. It functions as a form of cognition that combines rational and sensory perception, while the interdependence of the stages of fact-finding in a case manifests itself through the analysis of the materials obtained and their subsequent verification. Legal doctrine emphasizes that proof is an integral component of cognitive activity carried out by authorized procedural subjects through the collection of information and its evaluation. This enables the establishment of the actual circumstances of the case and guarantees a fair trial.

Within criminal proceedings, the legal nature of proof encompasses two principal aspects: on the one hand, the obligation to collect, analyze, and evaluate evidence, and on the other hand, the requirement to substantiate conclusions precisely based on such evidence. Proof is therefore directly linked to the duty to establish the truth regarding the factual circumstances that are relevant to the case. Moreover, criminal procedural norms define the procedure governing the activities of pre-trial investigation bodies and the court in forming the evidentiary basis, which includes both direct and indirect evidence [1, p. 37].

In legal literature, the concept of “evidence” is interpreted ambiguously, and a number of researchers emphasize the insufficiency of its conceptual elaboration, particularly from the perspective of practical implementation. What matters is not only the existence of evidence, but also the manner in which it is obtained and evaluated during pre-trial and judicial proceedings. The collection of evidence is a process strictly regulated by law and aimed at detecting and recording traces of a criminal offence. The conduct of investigative actions constitutes the central element

of this process, as such actions are directed at identifying, verifying, and securing evidence. In turn, pre-trial investigation bodies, the prosecutor, the inquirer, and the court assess evidence based on the criteria of admissibility, reliability, sufficiency, and interrelation, which directly influences the decision adopted [2, p. 45].

At the same time, it is necessary to distinguish between the stage of collecting evidence and the stage of verifying evidence. While the former is associated with establishing the data themselves, the latter involves their examination, analytical comprehension, and systematization, which make it possible to determine their significance for the investigation. Verification of evidence is a necessary and mandatory element of proof, as only through such verification can the degree of its persuasiveness be established.

Proof is a multi-level and complex process that requires from authorized subjects a high degree of professional competence, objectivity, and strict observance of legality. The evaluation of evidence must be based on its interconnection, completeness, and reliability, which collectively ensure legality and fairness in criminal proceedings [3, p. 19].

Evidence may acquire legal significance only if it complies with the requirements of current legislation regarding its key characteristics – admissibility, reliability, sufficiency, and substantive connection with the circumstances of the case. Methods of collecting and evaluating evidence must ensure respect for human rights and legality during judicial proceedings. However, the concept of evidence is not limited solely to legal parameters, as it also reflects the functional role of evidence within the system of criminal justice.

The content of evidence lies in its ability to confirm or refute a particular assertion or hypothesis within the framework of the criminal process. Evidence simultaneously constitutes the result of practical activity and the basis for adopting procedural decisions. It reflects both sensory perception and rational analysis, enabling generalized conclusions to be drawn regarding the existence or absence of specific facts. In this manner, the principles of justice and legality are implemented [4, p. 6].

During judicial proceedings, evidence may take various forms – oral testimony, written documents, expert materials, audio or video recordings, and the like. The court, the prosecutor, and other subjects are required to assess such evidence from the standpoint of probative value, legality, and factual relevance. According to Part 1 of Article 94 of the Criminal Procedure Code of Ukraine, the court evaluates evidence based on its free inner conviction, determining the sufficiency and admissibility of the evidentiary material for establishing the relevant circumstances.

Accordingly, within criminal proceedings, procedural evidence constitutes the result of the activities of authorized bodies – investigators, the prosecutor, and the court – whereas logical evidence performs the function of argumentation and substantiation of conclusions in the process. Evidence is not merely a fact, but primarily an instrument for establishing the truth in a case. Therefore, it is essential to ensure that evidence is evaluated with due regard to the principles of reasonableness, objectivity, and legality, which guarantee a fair judicial decision.

Thus, proof in criminal proceedings serves as a mechanism that ensures the realization of the rights and freedoms of participants in the proceedings and creates the foundation for lawful and well-reasoned judicial decisions.

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## **HUMAN LANGUAGE RIGHTS WITHIN THE SYSTEM OF CONSTITUTIONAL GUARANTEES**

Human language rights are a vital component of the system of fundamental rights and freedoms that define the legal status of an individual in a democratic state. Language serves not only as a means of communication but also as a key element of national identity, cultural distinctiveness, and social integration. It is specifically through the ability to freely use one's native language that an individual realizes the right to education, access to information, participation in political and public life, and the protection of their rights within legal relations.

An individual possesses language rights from birth; these are fundamental natural rights essential for the realization of a wide range of other constitutional rights and freedoms – primarily the right to life (if this right is interpreted broadly, rather than merely as the right to physical existence), cultural and educational rights, the right to the recognition and realization of personal dignity, the right to information, and freedom of speech. Nevertheless, human language rights are often viewed as being recognized exclusively on the basis of their codification in relevant state legislation. Consequently, they may appear less significant than natural human rights, which often leads to the importance of language rights being undervalued [1].

According to the Constitution of Ukraine (Article 10), the state language in Ukraine is Ukrainian; simultaneously, the state guarantees the free development, use, and protection of the languages of national minorities. Thus, a balance is established at the constitutional level between affirming the state language as a mandatory means of public communication and ensuring linguistic pluralism and respect for the rights of national communities. The Law of Ukraine "On Ensuring the Functioning of Ukrainian as the State Language" serves as a further development of these constitutional provisions. This law defines the procedure for using the Ukrainian language in the public sphere, establishes the obligations of state authorities and other entities, and provides mechanisms for monitoring compliance with language legislation. In addition to national legislation, language rights are enshrined in international legal instruments, most notably the "European Charter for Regional or Minority Languages." This document obliges states to promote the preservation of linguistic diversity, support the development of regional and minority languages, and ensure the protection of the cultural identity of the respective communities [2, 3, 4].

In the contemporary context, language policy is vital for strengthening state sovereignty, information security, and the formation of national identity. The balance between guarantees for minority rights and the protection of the state language is a fundamental component of the stability of the constitutional order. Furthermore, language plays a crucial role on the battlefield against the armed aggression of the Russian army, as it enables Ukrainian service members to distinguish the enemy from their comrades-in-arms.

The prospects for improving the realization of language rights in Ukraine are directly linked to the comprehensive modernization of state language policy in accordance with European standards. A key direction is the harmonization of national legislation with the norms and approaches developed within the Council of Europe. This involves ensuring a balance between the affirmation of the state language and the guarantee of national minority rights, while adhering to the principles of proportionality, non-discrimination, and the rule of law. Equally essential is the strengthening of oversight regarding compliance with language legislation through effective institutional mechanisms, specifically the activities of the Commissioner for the Protection of the State Language. This entails not only enforcement measures but also preventive, explanatory, and advisory work aimed at establishing proper law enforcement practices. The formation of linguistic resilience within society is becoming particularly relevant as a core element of the state's humanitarian and national security. In the face of information threats, language serves not only as a means of communication but also as a factor of strategic stability.

Human language rights within the system of Ukraine's constitutional guarantees constitute a complex set of legal mechanisms aimed at ensuring a balance between state language policy and the rights of national minorities. The effective realization of these rights is possible only through adherence to the principles of the rule of law, non-discrimination, and proportionality. Language serves not only as a legal category but also as a crucial factor in national identity, social integration, and national security. For this reason, enhancing constitutional guarantees for language



rights is a vital direction for the development of Ukraine as a state based on the rule of law.

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## **TRANSFORMATION OF THE LANGUAGE IDENTITY OF FUTURE OFFICERS IN THE CONTEXT OF THE IMPLEMENTATION OF STANAG 6001 NATO STANDARD**

In the conditions of a full-scale war, language training in the security and defense sector has become an important element of the professional training of military personnel, since modern military operations involve active international cooperation, participation in joint training, and interaction with partners. The official consolidation of the course toward Euro-Atlantic integration and the signing of the law on the status of the English language as one of the languages of international communication in Ukraine require a radical revision of approaches to the training of military personnel. For a modern officer, proficiency in English is not merely an additional skill but a component of operational interoperability. This becomes especially evident when performing combat tasks within multinational groups, coordinating artillery strikes using Western systems, and training personnel to operate the latest weapons.

Under such conditions, knowledge of a foreign language affects not only the professional effectiveness of a serviceman but also the formation of his linguistic and professional identity. Therefore, it is important to understand the essence of the concept of language identity and its role in the professional development of a future officer. Language identity is a complex cognitive-psychological construct that reflects an individual's awareness of belonging to a particular linguocultural

community through language [1]. It is not merely knowledge of a system of signs but a “linguistic worldview” through which a person perceives reality, evaluates events, and determines their place in society. It integrates intellectual, emotional, and volitional traits of an individual, manifesting itself in the choice of linguistic means, style of communication, and attitude toward the native and foreign languages.

Language is a fundamental code of culture, while culture, in turn, determines the context of professional activity. Professional self-realization directly depends on the individual’s ability to operate with this code. Professional growth occurs within a linguistic space where terminology and professional jargon form a shared field of meanings. Understanding ethical and behavioral norms embedded in language enables a specialist to be effective in cross-cultural communication. Language competence is an indicator of education and professionalism that directly influences an individual's career status [2].

For a serviceman, mastering a foreign language (particularly English) means expanding his professional “self.” It involves the formation of a so-called bilingual professional identity, where a foreign language becomes a tool for accessing global military experience and standards. At the same time, new corporate values characteristic of the international military community (in particular the values of NATO member states) are adopted, and the level of self-esteem changes, as the officer becomes aware of himself as an equal participant in international security activities capable of representing national interests on the global stage.

The study of language identity is based on several fundamental approaches [3]:

- the anthropocentric approach considers language as a product of the human spirit, where the focus is on the “linguistic personality” with its intentions and values;
- the sociolinguistic approach examines how social status, role expectations, and the professional environment influence an individual's linguistic behaviour;
- the linguocultural approach studies the relationship between linguistic units and cultural concepts, analyzing how language preserves and transmits the cultural code of a nation;
- the andragogical approach focuses on the peculiarities of identity formation in adults who already possess a formed system of professional views and require practice-oriented learning.

Thus, language identity is formed at the intersection of psychological, social, and cultural factors and is directly connected with the professional environment in which an individual functions. For future officers, this process becomes particularly relevant, since mastering a foreign language occurs not only at the level of acquiring vocabulary and grammar but also through integration into the international professional space of military activity. In this context, language training acts as an important instrument for forming professional competence and developing intercultural communicative ability among military personnel. Therefore, the implementation of NATO language training standards, particularly the STANAG 6001 standard [4], contributes not only to the unification of the assessment of language skills but also to the formation of a new professional linguistic culture of servicemen. As a result, the language identity of the future officer is transformed,

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## **LAW ENFORCEMENT ACTIONS DURING THE OFFICE SEARCH OF YULIA TYMOSHENKO: LEGAL PROCEDURES AND POLITICAL IMPLICATIONS**

In January 2026, Ukraine's anti-corruption authorities carried out a high-profile search at the office of Yulia Tymoshenko, the leader of the *Batkivshchyna* party and a former Prime Minister. The operation was executed by the *National Anti-Corruption Bureau of Ukraine (NABU)* and the *Specialized Anti-Corruption Prosecutor's Office (SAPO)*. According to official statements, the search was connected to an investigation into alleged corruption and the provision of unlawful benefits to Members of Parliament. These allegations suggest possible vote-buying and illegal influence in political processes [1].

The case immediately attracted national and international attention. Tymoshenko and her political allies condemned the search as a politically motivated attack on the opposition. Critics argue that the timing and visibility of the operation suggest the use of law enforcement as a tool to intimidate opposition figures rather than strictly enforce the law. This raises important questions about the role of law enforcement in a democratic society and the limits of state power in politically sensitive cases.

According to investigative reports, on 13 January 2026, anti-corruption officers arrived at Tymoshenko's party headquarters. They seized multiple items, including documents, computers, and mobile phones, which were considered relevant to the ongoing investigation. NABU officials stated that all actions were conducted in

accordance with criminal procedure and justified by the presence of evidence suggesting wrongdoing [2].

However, Tymoshenko's defense team claims that the search violated procedural norms, including alleged lack of a judicial warrant and insufficient notice to the affected parties. In a press statement, she called the search "grandiose PR" and argued that the authorities exploited the criminal procedure to apply political pressure. Such accusations highlight the tension between legitimate law enforcement actions and the potential misuse of investigative powers.

Under Ukrainian law, searches are permissible when authorities have reasonable suspicion that a crime has been committed. Article 234 of the Ukrainian Criminal Procedure Code outlines the legal framework for searches, which must include:

1. A judicial warrant, except in emergency cases;
2. Notification of the subject or their legal representative;
3. Respect for the rights of the person, including the right to legal counsel and the protection of confidential communications;
4. A detailed record of the items seized and procedures followed.

Proper execution of these steps ensures that law enforcement maintains legitimacy and protects constitutional rights. Failure to follow these procedures can undermine public trust and lead to legal challenges, including motions to exclude evidence obtained unlawfully.

The Tymoshenko case is particularly sensitive due to her prominent role as an opposition leader. Public perception of law enforcement actions in politically charged cases is critical for maintaining democratic legitimacy. Critics note that anti-corruption operations targeting high-profile political figures may be interpreted as selective justice or political persecution. International organizations monitoring democratic institutions, such as the Venice Commission, have emphasized the importance of transparency, proportionality, and judicial oversight to prevent abuse of power in politically sensitive cases [3].

In contrast, proponents argue that no public figure is above the law, and anti-corruption investigations are essential for strengthening state institutions. Ensuring accountability of high-ranking politicians is necessary to deter corruption and maintain rule of law.

To balance investigative needs and democratic accountability, law enforcement agencies should consider the following:

1. Ensure transparency: Publicize the legal basis and judicial approval for investigative actions while maintaining confidentiality for sensitive information.
2. Adhere strictly to procedural law: Respect constitutional safeguards, including the right to counsel and presumption of innocence.
3. Avoid political influence: Maintain institutional independence from executive and legislative pressures.
4. Provide clear communication: Regular updates to the public can prevent misinformation and foster trust in law enforcement.
5. Strengthen oversight: Independent judicial review of all searches and

seizures in politically sensitive cases can prevent potential abuses.

The search of Yulia Tymoshenko's office highlights the delicate balance between law enforcement and politics in a democratic state. While searches and seizures are essential tools for investigating corruption, they must comply with legal norms and respect fundamental rights. Failure to maintain this balance risks undermining public confidence in the judiciary and law enforcement, and may be perceived as political repression.

Ultimately, Ukrainian authorities face a dual challenge: enforce the law impartially, and ensure that the enforcement of law does not erode democratic norms. Transparent procedures, strict adherence to criminal procedure, and independent oversight are crucial in achieving this balance.

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## **GENERAL ASPECTS OF EVIDENCE ASSESSMENT IN CRIMINAL CASES PROCEEDINGS**

**Abstract.** The article deals with the issue of the evidence assessment in criminal cases proceedings. The definition of the terms “criminal proceedings” and “evidence assessment” is provided. The purpose of evidence assessment is stated. The main criteria for evidence assessment are focused on. The effective mechanisms to overcome the obstacles to evidence assessment are proposed.

**Key words:** *evidence assessment, Criminal Procedural Code of Ukraine, criminal proceedings, investigator, prosecutor, court.*

In the modern world, the various types of the offenses are particularly common. The most dangerous offenses are the criminal offenses, which relate exclusively to the criminal sphere and the punishment for which is provided for by the Criminal Code of Ukraine.

In the event that a criminal offense has occurred, the issue of initiating criminal proceedings becomes relevant. According to Clause 10, Part 1, Article 3 of the Code

of Criminal Procedure of Ukraine, criminal proceedings are the “pre-trial investigation and judicial proceedings, procedural actions in connection with the commission of an act provided for by the Law of Ukraine on Criminal Liability” [1]. Criminal proceedings are associated with the clarification, investigation of the criminal offenses and bringing the guilty to justice. This is a particularly important stage of the investigation, at which a detailed examination of the case takes place, the evidence is collected in order to clarify the features of the criminal offense. Establishing the factual circumstances of criminal proceedings is possible only by proving. This process forms the basis of all criminal procedural activity [2]. According to part 2 of Art. 91 of the Code of Criminal Procedure of Ukraine, the evidence in criminal proceedings is understood as the "collection, verification and evaluation of the evidence in order to establish circumstances that are important for criminal proceedings" [3]. In other words, the process of evidence itself includes 3 components:

- 1) collection of evidence;
- 2) verification of evidence;
- 3) the evaluation of evidence.

Within the framework of our study, we will focus in more detail on the evaluation of the evidence. The evaluation of the evidence in criminal proceedings is a central element of the evidence, which consists in clearly proving or disproving the criminal activity of a particular subject and administering fair justice.

In contrast to other components of the evidentiary process, the assessment of the evidence is a mental, logical process, but it also has a legal aspect. It is carried out both in relation to each of the presented evidence and in relation to the entire set of the evidence that has been collected [4]. The assessment of evidence is regulated by Article 94 of the Code of Criminal Procedure of Ukraine “Assessment of Evidence”, according to which the investigator, prosecutor, investigating judge, court, according to their own internal conviction, based on a comprehensive, complete and impartial study of all circumstances of criminal proceedings, guided by the law, assess each piece of the evidence from the point of view of the relevance, admissibility, reliability, and the set of the collected evidence from the point of view of sufficiency and interconnection for making an appropriate procedural decision.

L.I. Arkusha, Yu. P. Alenin, V. K. Voloshina, L. M. Gurtieva, T. V. Lukashkina, A. V. Murzanovska, O. O. Torbas, D. V. Shilin and others consider it appropriate to use the concept under study as “the mental activity of the subjects of proof to resolve the issue of admissibility, relevance and reliability of evidence” [5]. Referring to Art. 94 of the Criminal Procedure Code of Ukraine, a number of authors, including L. D. Udalov, offer the following definition of the evidence assessment: “the mental (logical) activity of the investigator, prosecutor, investigating judge, court, which consists in the fact that they, according to their internal conviction, which is based on a comprehensive, complete and impartial study of all circumstances of criminal proceedings, guided by the law, evaluate each piece of the evidence from the point of view of the relevance, admissibility, reliability, and the

totality of the collected evidence – from the point of view of sufficiency and interconnection for making an appropriate procedural decision” [6].

The most generalized and complex interpretation of the concept of the “evidence assessment” is considered to be the one proposed by G. R. Kret in the following formulation: “the mental activity of the subjects of the criminal procedural evidence, which is aimed at forming in their minds a conclusion about the appropriateness, admissibility, reliability of each piece of the evidence, the sufficiency of their totality and, taking it into account, a conclusion about the provenness of the facts and circumstances that are subject to proof in criminal proceedings, and is carried out on the basis of the laws of logical thinking through the analysis, synthesis and comparison of the evidence” [6].

Thus, the assessment of the evidence in criminal proceedings is a central element of proof, which consists in clearly proving or disproving the criminal activity of a particular subject and carrying out fair justice.

The evidence assessment is not a mechanical addition of the individual elements, but a comprehensive analysis that takes into account all the circumstances of the case. Each piece of the evidence is assessed by the investigators, the prosecutor, and the court in connection with other evidence. As a result, the assessment of the evidence must be objective and unbiased. The incorrect assessment of the evidence can lead to the following consequences: making an illegal or unfounded court decision; violating the right to a fair trial; compensating for the material and moral damage caused as a result of an illegal conviction, etc. The above determines the existence of the purpose and tasks of the evidence assessment in criminal proceedings. Similar to the definition of the essence of the concept of "evidence assessment", the scientific doctrine has not yet formed a unified approach to determining the purpose of the evidence assessment in criminal proceedings.

In particular, some scientists such as E. M. Blazhivskyi, I. M. Kozyakov, O. M. Tolochko, S. S. Miroshnychenko, G. P. Vlasova, etc. define the purpose of evaluating the evidence in criminal proceedings as establishing the certain procedural properties of evidence [7], Yu. M. Groshevyi, V. Ya. Tatsii and A. R. Tumanyants - as forming a conclusion regarding the inherent procedural properties of each piece of the evidence and their set of the normatively established procedural properties, establishing the role of evidence for resolving the case on the merits [8], as well as the sufficiency of grounds for stating a generally accepted or established standard of the object of the assessment (Yu. B. Pasternak) [10]. Other researchers, in particular V. G. Goncharenko, V. T. Nor, M. E. Shumylo, O. M. Bandurka, E. P. Burdol and others emphasize that as the goal of the evidence assessment it is advisable to consider the internal belief of the subject of proof [9]. Analyzing the proposed approaches, we consider it appropriate to note that the inherent nature of one or another circle of the procedural properties makes it possible to recognize the specific factual data contained in them as evidence and to apply the latter during the criminal procedural proof.

The purpose of the evidence assessment in criminal proceedings is based on the fact that the correct assessment of the evidence is the key to fair trial. It allows you to

avoid the wrongful convictions and acquit the innocent. The evidence assessment is one of the main tools for protecting the human rights and freedoms guaranteed by the Constitution of Ukraine. Due to the objective assessment of the evidence, the compliance with the law and the prevention of new crimes are ensured.

The purpose of the evidence assessment determines the existence of the tasks for the evidence assessment. As M. V. Dementiev successfully notes, the task of assessing the presented evidence takes place alongside the task of collecting the necessary information regarding the circumstances of the criminal offense. It is necessary for observing the law, taking reasonable actions in criminal proceedings, as the basis for making a final procedural decision – a verdict [3].

The evidence assessment is also carried out by the participants in criminal proceedings (meaning the accused, suspect, their defense attorney, civil plaintiff, civil defendant, victim, and their representatives), however, this assessment is only of a recommendatory nature for the investigator, investigating judge, prosecutor, and court [8].

Therefore, evaluating the evidence means determining how accurately each piece of the evidence is established, in what relationship it is to the case and other evidence, what fact, important for the case, it establishes or refutes, and what all the evidence collected in the case means in total. Evaluating the evidence is the most important component of investigating a case and is considered the stage that logically completes the process of proving a case.

In order to practically implement the evidence assessment in law enforcement activities, the principles of such science play an important role.

Criminal proceedings require that the evidence collected by investigators, the prosecutor and the court meet the requirements of the legality, validity and motivation. When assessing the evidence, it is also important to take into account the criteria provided for in Art. 94 of the Criminal Procedure Code of Ukraine [9].

In particular, the main criteria for assessing the evidence in criminal proceedings include the following:

- relevance;
- admissibility;
- reliability;
- sufficiency.

It is advisable to implement the effective mechanisms to overcome the obstacles to a professional, effective process of assessing the evidence in criminal proceedings. The following actions may be particularly significant:

- creating the uniform standards for conducting the investigative actions and recording the evidence will contribute to the objectivity of their assessment;
- regular training of the investigators, prosecutors and judges will help them to assess the evidence more effectively, especially in the complex cases;
- using modern scientific methods (e.g., the expert assessments) will allow for the more objective and reliable data;
- creating the effective mechanisms for monitoring compliance with the procedural norms during the collecting and recording evidence;



- providing the parties with the opportunity to appeal the court's decision on the assessment of the evidence will contribute to the identification of the errors;
- involving the independent experts to assess the complex or controversial evidence will increase the objectivity of the process.

Creating the software products for analyzing and comparing the evidence will help automate the routine operations and reduce the risk of the human factor.

Taking into account that the assessment of the evidence is a complex and multifaceted process that requires constant improvement, the task of justice is to ensure that decisions are made on the basis of the objective data and in compliance with all procedural norms. Combining the internal conviction with the scientific methods and modern technologies will achieve this goal [4].

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## **JUDICIAL SYSTEM IN UKRAINE UNDER MARTIAL LAW**

On 24 February 2022, the Russian Federation launched a full-scale military attack on the entire territory of Ukraine. In response, the President of Ukraine declared martial law throughout the country.

According to the Law of Ukraine *“On the Legal Regime of Martial Law”*, martial law is a special legal regime introduced in the event of armed aggression or a threat to the state independence or territorial integrity of Ukraine. This regime provides state authorities, military command, military administrations, and local self-government bodies with the powers necessary to avert threats, repel armed aggression, ensure national security, and eliminate dangers to the independence and territorial integrity of the state.

According to Article 64 of the Constitution of Ukraine (Section II “Rights, Freedoms and Duties of the Person and Citizen”), constitutional rights and freedoms may not be restricted except in cases provided for by the Constitution. At the same time, under martial law, certain constitutional rights and freedoms of individuals and citizens, as well as the rights and legitimate interests of legal entities, may be temporarily restricted for the duration of martial law.

Justice in territories where martial law has been introduced is administered exclusively by courts. In these areas, justice is administered by courts established in accordance with the Constitution of Ukraine. The reduction or acceleration of any form of judicial proceedings is prohibited. If courts operating in territories where martial law has been enacted are unable to administer justice, the territorial jurisdiction of court cases or the location of courts may be changed in accordance with the procedure established by law. The establishment of extraordinary or special courts is prohibited.

According to Article 10 of the Law of Ukraine *“On the Legal Regime of Martial Law”*, the powers of courts cannot be suspended during martial law. At the same time, Part 2 of Article 26 of this Law stipulates that reducing or accelerating judicial proceedings is prohibited. Nevertheless, the judicial system of Ukraine has also been affected by the war and its consequences, which have required adjustments to the administration of justice.

On 3 March 2022, the Verkhovna Rada of Ukraine adopted the Law of Ukraine *“On Amendments to the Law of Ukraine ‘On the Judiciary and the Status of Judges’ regarding Changes to the Territorial Jurisdiction of Courts”*.

During the first days of the full-scale invasion, the Council of Judges of Ukraine and the Supreme Court developed recommendations on the functioning of courts under martial law, particularly in cases of occupation of territories, occupation of court premises, or an imminent threat of occupation. However, given the rapidly changing security situation and the occupation of certain territories, not all courts were able to implement these recommendations. For instance, some courts were unable to evacuate case files from occupied territories.

The administration of justice in areas of active hostilities and in temporarily occupied territories became impossible. In 2022, the territorial jurisdiction of 135 local and appellate courts was transferred to courts located in territories controlled by Ukraine. As of 12 June 2023, the jurisdiction of 58 courts had been restored. Prior to the full-scale invasion (between 2014 and 24 February 2022), the jurisdiction of 84 local courts located in the Autonomous Republic of Crimea and certain territories of Donetsk and Luhansk regions had already been changed.

Russian military aggression has also highlighted the urgent need to introduce electronic justice. One of its key aspects is providing judges, court staff, and participants in judicial proceedings with the opportunity to conduct remote court hearings outside traditional courtrooms.

Since 24 February 2022, several new challenges have emerged. For example, the government introduced additional remuneration for employees of the Court Security Service for the period from 24 February 2022 to 20 January 2023. However, no additional state funding was allocated to the State Judicial Administration (SJA) to cover these payments intended for more than 4,000 employees. As a result, hundreds of claims have been submitted to the courts. The Supreme Court recently rendered a precedent-setting decision in favour of the Court Security Service employees.

The estimated amount of debt under the filed claims is approximately UAH 1.152 billion (about EUR 29.5 million). At the same time, the government increased the basic salaries of employees of state authorities whose workplaces are located in areas of active or possible hostilities. Salaries were increased by 100% and 50%, respectively. These increases apply from 28 April 2023 until the end of martial law.

According to preliminary estimates, approximately UAH 332 million (about EUR 8.5 million) is required to cover these payments to court staff. However, the State Judicial Administration currently has only about UAH 60 million (approximately EUR 1.5 million) available. Since the government's position is that the SJA should seek internal savings to finance these payments, numerous additional claims may arise in the near future.

Despite the challenges posed by the war, courts must continue to administer justice even under martial law. The Ukrainian judicial system has demonstrated resilience and has managed to withstand the challenges caused by armed aggression.

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## **INVESTIGATION OF MURDERS COMMITTED IN CONDITIONS OF A DOMESTIC CONFLICT**

**Abstract.** The paper deals with an investigation of homicides committed in the domestic conflict conditions. The necessity of such a research is highlighted. The purpose of the research is formulated. The tasks of the research are determined.

**Key words:** *intentional and negligent homicide, domestic conflict, domestic violence, investigative algorithm, pre-trial investigation body.*

Crimes against life traditionally belong to the most socially dangerous, and their investigation remains one of the most significant indicators of the effectiveness of the pre-trial investigation bodies. The statistical data of the recent years on intentional homicides in Ukraine show a tendency toward the predominance of crimes committed in the situations of the sudden escalation of the interpersonal hostility: during the quarrels, alcohol abuse, conflicts between the relatives, acquaintances, cohabitants, or neighbours. The domestic conflicts constitute the largest share of the conditions in which both intentional and negligent homicides occur. In many cases at the beginning of the investigation, there is no clear data on whether the death resulted from the intentional or negligent actions. Moreover, the investigative practice knows the cases when the perpetrators try to present intentional homicide as negligence to avoid liability.

Despite the prevalence of such situations, the Ukrainian criminalists still lack a comprehensive methodology for investigating homicides arising from the domestic conflicts. These crimes differ significantly: the impulsive actions, lack of preparation, use of the random household objects, high emotional tension, spontaneous post-crime behavior, and sometimes unsuccessful staging of the ‘accident’.

The existing studies do not fully cover the category of domestic homicides. For instance, K. Shapoval’s dissertation focuses only on killings related to the domestic violence. However, the domestic conflict as a criminalistics category is wider: it includes the interpersonal clashes among the acquaintances, friends, neighbours, cohabitants, relatives without the systematic violence, as well as the sudden one-time conflicts.

The foreign criminalists also do not offer a unified methodology. The studies in the USA, Canada, Germany, and the Baltic States analyze the domestic violence or ‘spontaneous’ killings but do not form a complete investigative algorithm.

The purpose of the research is to form a comprehensive methodology for investigating intentional and negligent homicides committed in conditions of the domestic conflicts.

To achieve this purpose, the following tasks are set:

- to form the theoretical foundations for defining the domestic conflict as a criminalistically significant category preceding homicide;
- to determine the elements of the criminalistics characteristics of intentional homicides related to the domestic conflicts;
- to study negligent homicides arising from the domestic conflicts and the criteria for distinguishing intent from negligence;
- to analyze the typical investigative situations at the initial and subsequent investigative stages;
- to propose the investigative algorithms considering the domestic environment specifics and conflict dynamics;
- to determine the features on the interaction between an investigator and the operative units;
- to elaborate the tactical recommendations on the crime scene inspection, interrogation, investigative experiment, and expert examination.

The object of the research is the activities of the pre-trial investigation bodies in establishing the homicide circumstances.

The subject of the research is an investigation of homicides committed in the domestic conflict conditions.

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## **ENTRY INTO A PERSON'S HOME OR OTHER PROPERTY UNDER MARTIAL LAW**

Martial law is a special legal regime introduced to ensure national security and the defense of the country amidst armed aggression. Under these conditions, state bodies and military command are granted significantly broader powers, including the authority to restrict certain civil rights. One of the most controversial and sensitive issues is the right to the inviolability of the home and the possibility of entering it without the owner's consent. This issue is particularly relevant as the state faces challenges requiring rapid response and emergency measures to repel aggression.

The imposition of martial law necessitates operational decisions to secure the nation, which may involve limiting constitutional rights. A primary concern is the entry into a dwelling without the owner's consent, challenging the right to the inviolability of housing enshrined in Article 30 of the Constitution of Ukraine. While the Constitution guarantees that entry is permitted only with the owner's consent or a court order, Article 64 of the Constitution allows for the restriction of this right during martial law [4]. However, balancing national security with human rights

requires clear legal regulation to define the boundaries of lawful interference. A lack of such regulation can lead to abuse of power by state bodies [1, p.45].

It is crucial to distinguish between two main categories of entry into housing during martial law, as they have different legal natures and procedural requirements. The first category is entry for military and defense necessities. According to the Law of Ukraine "On the Legal Regime of Martial Law," military administrations may establish a regime for the quartering of military personnel or the use of specific premises for defense purposes (e.g., establishing a firing position or observation point). In this case, the interference is administrative and military in nature. The legislation stipulates that such actions must be documented, and if property is forcibly alienated or used, the owner is entitled to compensation. The absence of a clear mechanism for immediate documentation during combat operations remains a significant legal gap that complicates future compensation claims.

The second category is entry within the framework of criminal proceedings or counter-sabotage measures. This involves searching for saboteurs, illegal weapons, or preventing terrorist acts. Under normal circumstances, the Criminal Procedure Code (CPC) of Ukraine requires an investigating judge's ruling. However, Article 615 of the CPC of Ukraine was amended to allow the head of the prosecutor's office to authorize searches if the courts cannot function due to hostilities. Furthermore, the concept of "urgent cases" (related to the preservation of life or property) allows entry without a prior warrant, provided that a prosecutor or court is notified post factum [3, p.28]. The danger here lies in the broad interpretation of "urgent cases" by law enforcement officers, which can lead to disproportionate interference.

A key aspect in evaluating these actions is the international standard of human rights. Ukraine is a signatory to the European Convention on Human Rights (ECHR). Article 8 guarantees the right to respect for private life and home. While Article 15 of the ECHR allows states to derogate from certain obligations "in time of war or other public emergency threatening the life of the nation," this derogation is not absolute. The measures taken must be "strictly required by the exigencies of the situation." This means that even under martial law, the principle of proportionality applies. A soldier or police officer cannot enter a home arbitrarily; there must be a tangible link between the entry and the defense objective. For instance, entering a home to search for a suspected spy is proportional; entering a home solely to rest without an official quartering order may be considered a violation.

The absence of precise legal mechanisms governing the *process* of entry itself can lead to abuses. In practice, authorities sometimes exceed their powers citing martial law, which causes conflict and erodes trust in state institutions. A significant issue is the lack of independent witnesses during such actions in combat zones. To mitigate this, modern legal scholars suggest mandatory video recording (using body cameras) of any non-consensual entry into housing. This digital evidence would protect both the homeowner (proving damage or theft) and the law enforcement officers (proving the legality of their actions and the absence of misconduct).

Judicial practice indicates a significant number of cases challenging state actions regarding access to housing during martial law. Courts often rule in favor of

citizens if the access is proven unjustified or procedurally flawed. For example, if a search was conducted without a court order in a region far from the frontline where courts were fully functional, such actions are often deemed illegal [5, p.62]. This highlights the need for legislative improvements and better training for officials to understand that "martial law" is not a synonym for "lawlessness."

Finally, the issue of compensation for damages caused during such entry is vital. If law enforcement officers break down a door to detain a saboteur, it is a lawful action. However, if the information was false and an innocent person's property was damaged, the state bears responsibility. Establishing a simplified, transparent administrative procedure for compensating citizens for minor damages caused by state representatives during emergency measures would significantly reduce social tension.

Conclusions. Entry into a person's home or other property during martial law is an exceptional measure aimed at protecting national security. While it allows state bodies to act effectively, it significantly increases the risk of violating constitutional rights. To prevent abuse, it is essential to:

1. Clearly distinguish between military necessity and investigative actions;
2. Enforce the principle of proportionality in line with international standards;
3. Implement mandatory video recording of entries where possible;
4. Develop clear compensation mechanisms for lawful damages. Improving legislation and increasing official accountability are key to preserving the rule of law even under emergency conditions.

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## **PROTECTION OF HUMAN RIGHTS AND FREEDOMS UNDER MARTIAL LAW**

The protection of human rights and freedoms is a fundamental principle of a democratic society and an integral part of the legal system of Ukraine. Under martial law this principle becomes particularly relevant as it is necessary to balance national security with guarantees of individual rights. Martial law involves temporary restriction of certain human rights and freedoms to respond effectively to threats to state security, however, the state maintains its obligation to ensure minimum standards for personal protection [1] [2].

Under the legal regime of martial law in Ukraine temporary restrictions on specific human rights and freedoms are permitted to ensure national security and protect state interests. However, such restrictions must be legal, proportional, temporary, and comply with national legislation and international standards [3, p. 209].

The implementation of the right to freedom of movement under martial law undergoes significant transformations as the duration and severity of restrictions directly depend on the security situation in specific regions of Ukraine. In frontline areas, particularly in certain communities of the Sumy and Kharkiv regions where there is a constant threat of shelling and sabotage group activity, the curfew can last up to 12-16 hours a day.

It is a justified measure to preserve lives and facilitate military operations. In contrast, in western regions geographically distant from the frontline, the regime is much milder, usually lasting only 5-6 hours, balancing security with economic functionality. Despite established rules, law enforcement agencies record about 15,000 curfew violations monthly nationwide, highlighting the urgency of developing clear legislative regulation of responsibility.

The lack of unambiguous sanctions in the current Code of Ukraine on Administrative Offenses creates risks of subjective interpretation and potential abuse by monitoring bodies. Therefore, implementing standardized fines is a necessary step to uphold the principles of legality and proportionality in a rule-of-law state.

The mechanisms for protecting human rights and freedoms under martial law in Ukraine involve not only preserving fundamental guarantees but also effective ways to implement and restore them despite restrictions introduced for national security. The Constitution of Ukraine and martial law legislation stipulate that even during a special legal regime, the state must guarantee access to judicial protection as the right to a fair trial and effective defense is inalienable.



The judicial system including courts of general jurisdiction and administrative courts continue to function ensuring the resolution of disputes and citizen appeals as well as the principle of accessible justice through remote proceedings [4, p. 97].

In addition to judicial protection, extrajudicial mechanisms are vital including the activities of the Verkhovna Rada Commissioner for Human Rights (Ombudsman). This institution monitors human rights compliance, reviews individual appeals, and prepares recommendations to eliminate violations. It serves as a crucial independent oversight body for government conduct and legal guarantees during martial law.

The activities of the Ombudsman in 2025 demonstrate the critical role of extrajudicial protection reflected in the high volume and specific nature of citizen appeals. Over 95,000 appeals were received by the Ombudsman's Office during the year indicating high public trust in this independent oversight body [5].

The largest share of requests (approximately 35%) concerns the rights of military personnel and their families including financial support, medical treatment, leave, and verification of the status of missing persons. Socio-economic rights also remain a focus, accounting for about a quarter of appeals regarding social payment delays and access to healthcare. Regional analysis shows the highest activity in major host hubs such as the Dnipropetrovsk, Lviv, and Kyiv regions which have the highest concentrations of internally displaced persons (IDPs) [6].

In these regions the Commissioner's work focuses on monitoring internally displaced persons' rights and the legality of local government actions. Through a systematic approach and over 1,500 monitoring visits to places of detention and temporary accommodation, the Ombudsman ensures constitutional guarantees even in difficult security conditions. The effectiveness of this mechanism is confirmed by the positive resolution of nearly half of the cases, allowing for the restoration of rights without lengthy court procedures and aligning national practice with international standards of human dignity [7].

Ensuring human rights during martial law faces numerous challenges resulting from the combination of emergency security conditions and the need for legal compliance. Practical difficulties in applying regulations arise from the need for rapid responses to threats which can sometimes complicate strict adherence to procedures and the proportionality of restrictions.

Key risks include the potential for abuse of power, exceeding authority by state bodies, and violations of constitutional guarantees which may limit freedom of speech, peaceful assembly, movement, or communication privacy. The balance between national security and fundamental rights is particularly acute when the state must prevent threats without violating fundamental freedoms.

The protection of human rights and freedoms under martial law is a complex, multi-level process requiring a combination of legislative, judicial, extrajudicial, and international mechanisms. Martial law allows for temporary restrictions to ensure national security but they must be legal, proportional, and monitored to prevent abuse.

Practical challenges include the risk of rights violations, the difficulty of balancing security and freedom, and the need to adapt national practices to international standards. Meanwhile, the involvement of independent bodies, judicial control, and access to international protection provide effective guarantees. Thus, ensuring rights during martial law requires a comprehensive approach that unites legal norms, practical control tools, and international standards, balancing state security with the rights of citizens.

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## **COMBATING GENDER INEQUALITY AND ENHANCING THE ROLE OF WOMEN WITHIN THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE**

*Introduction.* Stereotypes regarding the unsuitability of women for governance positions persist in Ukrainian society, and the division of professions into “male” and “female” categories remains a significant issue. However, global experience indicates that countries with high levels of female representation in political institutions demonstrate stronger protection of civil rights, higher economic development, and greater interpersonal trust.

*Women in the MIA System.* According to the Ministry of Internal Affairs (MIA) of Ukraine, more than 66,000 women are currently employed within the system. They serve as police officers, National Guard servicewomen, rescuers, and border guards. Notably, women participate in specialized mobile police units tasked with documenting and investigating sexual crimes committed by Russian occupying forces on the territory of Ukraine.

*Leadership and Peacebuilding.* The role of women is expanding in peacebuilding processes. Provided they possess the appropriate professional qualifications, women are fully capable of holding high-level leadership positions within the security and defense sector. Women represent a vital driving force in this field; therefore, equal conditions must be created to ensure their parity with men [1, pp. 16-17].

*Operational Advantages.* While facing challenges in the security sector, female officers demonstrate distinct operational advantages. Research suggests they often respond more effectively to the needs of the community, enjoy higher levels of public trust, and possess strong communication skills, which are crucial for de-escalating violent situations and minimizing the use of force. Furthermore, their presence contributes to an institutional environment that mitigates gender discrimination.

*Legal Framework.* The effective implementation of gender policy requires a robust legal framework. Equal rights for women and men are not only a fundamental democratic principle but also a mandatory requirement for Ukraine’s EU accession. This principle is embedded in the Constitution of Ukraine. specifically, Part Three of Article 24 emphasizes that equality is ensured by granting women equal opportunities in socio-political and cultural activities, education, employment, and remuneration [2; 3]. This approach aligns with international instruments ratified by Ukraine, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

*Challenges and Stereotypes.* Mere adoption of laws does not resolve all issues. Persistent societal stereotypes, often reinforced by media and advertising, portray women primarily as homemakers or objects, while men are depicted as decision-makers. Such representations hinder the promotion of women in political and law enforcement institutions.

Strategic Directions. To address these issues and align with European standards, Ukraine should implement a comprehensive approach focusing on:

1. Fulfilling international obligations regarding gender equality.
2. Strengthening institutional capacity and coordination among public authorities.
3. Improving electoral legislation to increase women's representation in senior positions.
4. Enhancing educational activities to dismantle discriminatory stereotypes.
5. Eliminating discrimination in employment and ensuring equal pay.
6. Implementing gender equality training for law enforcement agencies, judicial bodies, and local authorities.
7. Preventing the dissemination of gender-discriminatory content in the media [5, pp. 34-35].

*Conclusion.* Achieving progress in gender equality requires joint efforts from international organizations, civil society, policymakers, and men as allies. Gender balance in the security sector is not merely a feminist issue but a prerequisite for a representative, accountable, and legitimate state. Ensuring the meaningful participation of women in the MIA and other government bodies will strengthen Ukraine's international authority and trust.

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## **HUMAN RIGHTS AS THE LIMIT OF CRIMINAL-LEGAL REPRESSION OF THE STATE**

Human rights in the contemporary legal order function not merely as a declarative value but as a fundamental limit on the exercise of state power, particularly in the sphere of criminal repression. Criminal law is traditionally regarded as the harshest instrument of state influence over the individual, as it is associated with the possibility of restricting liberty, honor, property rights, and other basic goods. For this reason, the relationship between criminal coercion and human rights acquires particular importance in the development of a democratic rule-of-law state. A person, their life and dignity, are recognized as the highest social value, which means that criminal law cannot exist outside the framework of human rights and must function as a tool for their protection rather than for arbitrary suppression.

The starting point for understanding human rights as a limit on criminal repression is the constitutional principle of the rule of law. According to the Constitution of Ukraine, specifically Article 3, a person, their life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value, and the affirmation and protection of human and civil rights and freedoms is the primary duty of the state [1]. This provision forms the axiological foundation of criminal policy: the state has no right to use criminal prosecution as an instrument of intimidation or political pressure and must act exclusively within the law, observing the principles of necessity, proportionality, and humanism. Thus, human rights serve as a criterion for the permissibility of criminalizing acts and determining punishment.

Criminal law, on the one hand, is intended to protect human rights from criminal encroachments, and on the other hand, it itself creates a risk of their restriction. This dual nature requires the establishment of clear legal safeguards. According to the Criminal Code of Ukraine, specifically Article 1, the task of criminal legislation is to provide legal protection of human and civil rights and freedoms, property, public order, and security [2]. At the level of the goals of criminal law, the priority of human rights is already enshrined. Therefore, criminal repression is justified only when it serves to protect more significant rights and freedoms and is the last resort of state response. This approach corresponds to the principle of *ultima ratio*, according to which criminal law is applied only when other legal mechanisms are ineffective.

The principle of proportionality of punishment is of particular importance. Excessive criminalization and unjustifiably severe sanctions undermine trust in the

legal system and contradict the idea of a humanistic criminal law. Human rights require that state interference in the sphere of personal liberty be minimally necessary to achieve a legitimate aim. In this context, international standards play an important role. According to the Convention for the Protection of Human Rights and Fundamental Freedoms, specifically Article 3, no one shall be subjected to torture or to inhuman or degrading treatment or punishment [3]. This norm establishes an absolute limit on criminal repression: even the fight against crime cannot justify the humiliation of human dignity.

Human rights also limit the discretion of the state in criminal proceedings. The presumption of innocence, the right to defense, and the right to a fair trial are not merely procedural formalities but essential guarantees against abuse of power. Criminal repression carried out without proper procedural safeguards turns into an instrument of arbitrariness. For this reason, modern criminal justice is oriented toward a model centered on the individual as the bearer of inalienable rights. The state is not the absolute holder of punitive power; its authority is limited by the rights of the person, which retain priority even in situations of conflict.

In contemporary conditions, the issue of balancing public security and human rights acquires particular significance. The growth of terrorist threats, cybercrime, and armed conflicts encourages states to expand criminal-law control mechanisms. However, it is precisely in periods of crisis that the greatest risk of erosion of human rights arises. Historical experience demonstrates that excessive repression does not ensure stable security but instead generates distrust and social tension. Therefore, human rights must function as “red lines” that the state cannot cross, even under the pretext of public necessity.

The humanization of criminal policy, the development of alternatives to imprisonment, the introduction of probation programs, and restorative justice indicate a gradual shift from a punitive model to one oriented toward the resocialization of the individual. Such an approach aligns with the idea that an offender, despite the act committed, does not lose their human dignity or fundamental rights. The purpose of punishment is not revenge, but the restoration of social justice and the prevention of new crimes. Thus, human rights not only limit criminal repression but also define its humanistic content.

In this way, human rights act as a system-forming principle of modern criminal law. They determine the limits of criminalization, the nature of punishment, the procedures for bringing a person to responsibility, and the conditions for executing sentences. Criminal repression is legitimate only when it is subordinated to the protection of human dignity and carried out in compliance with international and constitutional standards. In a democratic state, the strength of criminal law is measured not by the severity of punishment, but by its ability to ensure a fair balance between the interests of society and the inalienable rights of every person.

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## **THE USE OF DISTANCE AND HYBRID FORMS OF EDUCATION IN FORENSIC SCIENCE DURING MARTIAL LAW**

With the introduction of martial law in Ukraine, the functioning of the traditional higher education system has been significantly affected, creating the need for an urgent transformation of the organization of the educational process. Threats to the safety of students, manifested in the temporary occupation of parts of the country, destruction of infrastructure, and forced displacement of students and teaching staff, have highlighted the need to implement distance and hybrid forms of education as the main mechanism to ensure continuous access to education.

Under martial law, distance and hybrid learning formats in higher education institutions with specific training conditions serve as an important tool for ensuring the continuity of the educational process. The use of digital educational platforms, virtual cases, and professional situation simulations allows students to partially compensate for the limitations of in-person practical training and contributes to the development of professional skills while maintaining safety requirements and service discipline. [1]

Distance learning is a form of organization of the educational process in which interaction between students and higher education institutions is carried out using information and communication technologies without the mandatory physical presence of participants at the educational institution. This learning format ensures flexibility of the educational process and accessibility of learning materials regardless of the student's location. [2]

In distance learning of forensic science, significant difficulties arise due to limited access of students to specialized equipment and real training situations. Practical classes involving activities such as crime scene inspection or working with forensic technical tools are difficult to fully implement without physical presence on site. This requires instructors to apply creative approaches to organizing practical training using distance technologies such as video demonstrations, interactive

learning modules, or virtual cases. Such an approach can partially compensate the lack of in-person practical experience but cannot fully replace direct practical experience for students. [3]

Hybrid (blended) learning combines elements of both in-person and distance education and provides for partial attendance of students in classrooms, particularly for practical classes, alongside the use of distance technologies for lectures, independent work, consultations, and knowledge assessment. This learning format aims to combine the advantages of traditional education with the capabilities of digital technologies. [4]

For legal disciplines, particularly forensic science, hybrid learning is especially appropriate as it combines theoretical training with practical skills such as crime scene examination, trace analysis, and the use of technical tools for evidence recording and analysis. It integrates the advantages of in-person learning, working with real or simulated objects and direct interaction with instructors, with the safety and flexibility of the distance format, ensuring accessibility of higher education for citizens.

For the distance component of hybrid learning, online platforms and LMS educational environments, video lectures, presentations, and interactive tasks are actively used, as well as digital cases and models of investigative situations that allow students to develop analytical and practical competencies in a virtual environment. The use of such digital resources ensures a unified interactive learning environment regardless of the format of student participation, which is especially important under martial law.

Hybrid learning makes it possible to effectively adapt the teaching of forensic science to changing security conditions by combining distance methods of theoretical training with in-person practical classes and promoting the development of professional skills of future specialists. It ensures a safe and continuous educational process, flexibility and accessibility of learning, and integrates the advantages of both in-person and distance formats, making it particularly relevant in crisis conditions. [5]

Thus, the implementation of distance and hybrid forms of education under martial law is a necessary and effective means of ensuring the continuity of the educational process in the field of forensic science. Distance learning enables the acquisition of theoretical knowledge without the need for constant presence at a higher education institution, while the hybrid model combines these opportunities with practical training in classroom settings in compliance with safety requirements. Therefore, distance and hybrid learning formats are important tools for maintaining the quality of education and forming professional competencies of future forensic specialists in crisis conditions.

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## **THE ROLE OF THE ENGLISH LANGUAGE IN INTERNATIONAL LEGAL COMMUNICATION**

English occupies a leading position in international legal relations, which is conditioned by its status as the global language of diplomacy, economic cooperation, and intergovernmental communication. A significant share of international treaties, conventions, agreements, and legally significant documents is drafted in English, ensuring their accessibility to a wide range of participants in the global legal process.

For a successful career, it is not enough for a lawyer merely to know the law – they must also be a master of communication. The ability to articulate a position clearly, argue persuasively in court, and explain complex legal norms to a client constitutes essential professional skills. Mastery of legal English gives additional status to a specialist: even for native speakers, legal terminology is a separate discipline that requires thorough study. Even with fluent language proficiency, business success depends on knowledge of highly specialized terms. Business communication requires exceptional precision in word usage, which demands additional training. A true professional must skillfully operate complex syntax, identify the slightest statutory inconsistencies, and continually improve personal competencies. In the context of international business communication, English holds a dominant position and is officially designated as the language of internal and external documentation in most global corporations.

Undoubtedly, English-language legal discourse has its own distinctive features, stylistic requirements, and rules for clarity of expression. It encompasses specialized terminology, established linguistic constructions, and professional phraseology that function specifically within the legal domain [3]. These include concepts such as

“plaintiff,” “defendant,” “arbitration proceedings,” “case,” “claim,” “suspected,” “accused,” “culprit,” and others.

The term “intercultural communication” was introduced in the 1950s by American anthropologist E. T. Hall, who emphasized the importance of considering specific factors of interaction between different ethnic groups. Rapid globalization, technological progress, and economic integration of regions have created an urgent practical need to study this phenomenon. As the intensity of contact between representatives of different cultures continues to increase, special attention is devoted to analyzing cultural differences. Understanding these differences allows communicative barriers to be mitigated. In the legal sphere, overcoming such barriers is critically important, as legal documentation and statutory acts require absolute precision and do not tolerate ambiguity of interpretation.

Today, fluency in English is not merely an advantage but an essential prerequisite for the professional advancement of a lawyer. Using the example of the international law firm Integrites, we see that work without a high level of linguistic competence is impossible, since the majority of their projects concern international law and the representation of foreign clients [1]. An important aspect is that English legal terminology is characterized by a high degree of standardization and stability in international practice, which contributes to the accuracy of legal content and minimizes the risk of ambiguous interpretation of norms. Proficiency in English enables legal professionals to navigate decisions of international courts and arbitration institutions, analytical reports, and legal commentaries, which is crucial for forming legal positions of states and individual actors.

Participation of lawyers in international negotiations and professional discussions also requires a high level of communicative competence in English. This ensures the ability to present legal arguments precisely, use terminology correctly, and adequately understand the positions of other parties. In the field of legal translation, English serves as a universal intermediary, since a significant portion of documents is translated either from English or into English, which increases the qualification requirements for specialists.

The development of English writing skills in the legal field deserves special attention. This process is complicated by the uniqueness of national legal systems and the specificity of their terminological frameworks. In particular, students often face difficulties due to significant discrepancies between the concepts of Anglo-American, British, and Ukrainian law. These differences arise not only from linguistic features but also from fundamental distinctions in the political structures of states [2]. For example, in England, the institution of “county of city (of town)” refers to a type of administrative unit, while in the United States, a similar concept corresponds to “a metropolitan town; county,” and “court of error” refers to an appellate court. The terms “solicitor” and “barrister” exist only in British law, whereas “counsellor” (attorney) is used in the United States and Ireland [4].

The development of written communication skills is an integral part of professional language training. Writing allows for the detailed structuring of extensive information for subsequent analytical processing. The main distinction

between written and oral legal discourse is uncompromising precision and logical consistency, as every such text constitutes an official document with legal force.

In conclusion, English has established itself as a key instrument of intercultural interaction in the modern world. The development of professional communication is a continuous process that must be integrated not only into linguistic courses but also into specialized legal disciplines to ensure constant practice. Today, no sphere of international significance can function without English. Having embarked on a path toward global leadership, it has strengthened its position through globalization and digitalization. Combining cultural elements of different nations while preserving its own uniqueness, English, due to ease of acquisition and historical factors, has surpassed German, French, and Spanish, becoming the indispensable means of global communication.

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## **PROCEDURE IN THE JURY COURT**

**Abstract.** The article deals with the problem of the institution of the jury trial. The importance of this institution is stated. The procedure for engaging the jurors in the court duties is analysed. The rules of the jury trial proceedings in the criminal cases are found out. The specific features of jury trial procedure are focused on. The significance of the jury system as an important institution that enables citizen

participation in the administration of justice and strengthens the democratic nature of the criminal justice process is proved.

**Key words:** *procedure, jury court, jury trial, criminal proceedings, administration of justice, participation, trial proceedings.*

### ***Legal Nature of the Jury Trial***

The institution of the jury trial has a long history dating back to medieval England. One of the earliest forms of a jury trial is considered to be the Magna Carta of 1215, which enshrined the right of a free person to be judged by their "equals" or "by the law of the land." Over time, the jury evolved into a mechanism of public participation in justice through the delivery of verdicts on the factual circumstances of a case. In the United States, the jury system was revitalized: the U.S. Constitution established the right to a jury trial in criminal and civil cases as one of the key democratic guarantees. The American model played a significant role in the global spread of this institution, particularly in the European countries [1, p. 109].

After Ukraine gained independence in 1991 and began reforming its judiciary and legislation, the need arose to restore and develop the jury system in accordance with the international human rights standards. The 1996 Constitution of Ukraine enshrined the people's right to participate in the administration of justice, which became the basis for defining the jury as one of the mechanisms for realizing this right. However, the jury system was practically introduced only after the adoption of the Law of Ukraine "On the Judiciary and the Status of Judges" in 2010 [3] and the Criminal Procedure Code of Ukraine in 2012 [4], which established the procedures for forming juries and their participation in criminal proceedings.

Currently, the jury system in Ukraine is still in a stage of development. The existing model differs significantly from the classic Anglo-American system: juror participation is limited to certain categories of the criminal cases, and their powers are significantly narrower than those of the jurors in the U.S. or the UK. Nevertheless, discussions on improving the legal regulation of the jury continue, which highlights the importance and relevance of this institution in the context of the judicial reform in Ukraine.

A jury trial is a special form of justice that involves direct citizen participation in the criminal proceedings. According to current Ukrainian law, particularly Article 124 of the Constitution of Ukraine [2] and the provisions of the Criminal Procedure Code [4], the jury trials are held in cases of the especially serious crimes upon the request of the accused. In such trials, the jurors are the full participants in the court process and are endowed with the specific procedural rights and responsibilities.

The legal consolidation of the jury in Ukraine is multilayered and complex. Constitutional recognition, legislative regulation in procedural law, and further detailing in subordinate legislation ensure the proper functioning of this institution and promote the implementation of the principle of popular sovereignty in the justice system [7, p. 250].

Thus, the legal nature of the jury trial in Ukraine lies in ensuring citizen participation in the administration of justice, which is a crucial element of democratic governance. The Jury trials aim to enhance objectivity and transparency in the

judicial proceedings, as the decisions are made not only by professional judges but also by ordinary citizens.

Under Ukrainian law, the jury trials are part of the criminal justice system and serve as a mechanism to guarantee fairness through collegial decision-making. However, for the jury system to function effectively, it is essential to improve the juror selection and training procedures and reduce external influences that may compromise jurors' impartiality.

### ***Procedure for Engaging Jurors in Court Duties***

The formation of the juror lists in Ukraine is an essential procedure that ensures the proper functioning of the jury trials and guarantees citizen participation in justice.

According to current legislation, the local self-government bodies play the primary role in forming these lists.

The criteria for selecting the juror candidates are clearly defined by law. The jurors may be the Ukrainian citizens who are at least 30 years old, permanently reside in the area under the jurisdiction of the relevant court, possess full civil legal capacity, and have a command of the state language. The persons with an unexpunged or unspent criminal record, those declared incapacitated or partially incapacitated, and the individuals registered with the psychiatric or narcological institutions are not eligible for jury duty.

Additionally, the members of Parliament, judges, prosecutors, lawyers, law enforcement officers, and certain other categories of individuals specified by law may not serve as the jurors [8].

The age requirement ensures that only the citizens over the age of 30 are eligible to serve, based on the assumption that they possess sufficient social maturity and life experience to assess the case circumstances impartially and reasonably.

The residency requirement stipulates that the jurors must reside within the court's jurisdiction, which helps ensure that the jurors are familiar with the social realities of the region and fosters greater public trust in court decisions.

The law also provides a detailed list of the individuals who are prohibited from serving as the jurors. These include the members of Parliament, judges, prosecutors, investigators, lawyers, law enforcement personnel, military servicemen, and public officials holding the positions related to the judicial or oversight functions. Furthermore, the persons with mental incapacity, criminal records, or those under psychiatric or addiction treatment cannot serve as the jurors.

These requirements aim to ensure juror impartiality, moral integrity, and their ability to fully perform their duties during the judicial proceedings.

Jurors enjoy guarantees of independence, including procedural equality with the professional judges in determining factual matters during the trials. The jurors act based on their inner conviction formed through the examination of the evidence in court and are required to make decisions independently and free from external influence. Any interference with the jurors during their duties is prohibited by law [10, p. 87].

The jurors are obligated to participate diligently in the case proceedings, observe the legal requirements regarding confidentiality of deliberations, refrain from disclosing information obtained during the trial, and avoid bias or personal interest. The violation of these obligations or abuse of rights may result in administrative or criminal liability.

### ***Rules of Jury Trial Proceedings in Criminal Cases***

The jury trials in Ukraine have a special jurisdiction limited to the certain categories of the criminal cases, consistent with their function as a form of popular justice. The jurisdiction of the jury trials is defined by the Criminal Procedure Code and other legal acts.

Under current legislation, the jury trials are held in the cases involving the charges of the serious or especially serious crimes, where the accused faces a potential sentence of life imprisonment. A jury trial can only be initiated upon the request of the accused.

Therefore, the jury system in Ukraine is discretionary - the right to a jury trial depends on the defendant's expression of will. Besides cases involving life imprisonment, some regulations allow for juror participation in other serious crimes if provided by law or deemed necessary by the court to ensure a fair trial. However, such cases remain relatively rare in Ukraine. The procedural framework for the jury trials is governed by the Criminal Procedure Code of Ukraine and other regulations defining citizen participation in the justice system. These cases have specific characteristics reflecting the need to uphold not only the rule of law but also the democratic principles, particularly the citizens' rights to participate in legal proceedings [11, p. 5].

The main trial is a multi-stage process. It begins with the opening of the session, during which the parties may make the procedural motions. This is followed by the

examination of the accused, witness testimonies, and presentation of evidence.

A key feature is juror participation alongside professional judges in evaluating the factual matters. The jurors must determine whether a crime occurred, forming the basis for the judges and jurors to assign legal qualification to the act.

The jurors listen to testimonies, evaluate the presented evidence, and deliberate in the closed meetings. They may question the witnesses, experts, and must be present during all the stages of evidence presentation. The trial ends with the jurors delivering a verdict on the defendant's guilt or innocence. The professional judges then decide on sentencing if a guilty verdict is returned.

The verdict is a crucial stage of the criminal trial, where the jurors, based on their assessment of all the evidence, determine the defendant's guilt or innocence. This process demands maximum objectivity and impartiality from each juror. [12, p. 240]

The verdict is the result of a secret vote after deliberation. The jurors analyze all presented materials, testimonies, and evidence. Each juror must independently decide whether the evidence is sufficient to determine guilt or innocence.

Before voting, the jurors may discuss the evidence and share their views. If they reach consensus, the verdict is adopted unanimously or by majority (if permitted by law). If consensus cannot be reached, further deliberation or retrial may be required [13, p. 266].

### ***Specific Features of Jury Trial Procedure***

The structure of a court session involving the jurors has the specific features due to the participation of the citizens in the administration of justice. It involves a clear distinction between the roles of the judge and the jurors, as well as a defined sequence of the actions aimed at ensuring fairness and efficiency in the proceedings. Depending on the stage of the trial, the roles of the judge and jurors may vary, but their complementary functions are essential for the proper administration of justice.

The judge is the main authority overseeing the judicial process and is responsible for ensuring compliance with the procedural norms and legal requirements at all stages of the hearing. The judge's task is to ensure the impartial conduct of the trial, legal compliance at every stage of the case, and the protection of the rights of all participants in the proceedings [14].

The jurors, in turn, act as the lay judges who evaluate the facts of the case and deliver a verdict on the guilt or innocence of the accused. They are the main actors who consider the evidence presented, listen to the witness testimony, and summarize all circumstances relevant to reaching a decision [5]. The jurors are independent in their assessment of facts and are not bound by the judge's instructions regarding how the evidence should be evaluated. Their role is to assess each piece of evidence, properly evaluate the testimony and case materials, which enables them to render a well-founded verdict.

The judge's role is to ensure compliance with the law and order in the courtroom, while the role of the jurors is to provide an impartial and objective assessment of the factual materials of the case, ensuring a fair verdict.

The interaction between the professional judge and the jurors is a crucial component of the judicial process, as it ensures the effective and fair resolution of the case. The judge, as the main organizer of the proceedings, is not only responsible for adhering to the procedural norms but also ensures that the jurors have a clear understanding of their responsibilities and rights, and are able to properly evaluate the evidence within the limits of the law. The professional judge acts as a mentor, providing the jurors with the necessary information and guidance during the decision-making process [1, p. 107].

Before the start of the court session, the judge must explain to the jurors their rights and obligations, which they are to follow during the trial. This explanation is important so that the jurors clearly understand their role in the judicial process.

One of the biggest challenges during the jury trials is the influence of jurors' subjectivity. As non-professional participants in the trial. The jurors may be prone to the personal biases, emotional reactions, or even external influences, which may affect the objectivity of their evaluation of the evidence. Their assessment of the facts may be distorted due to the personal beliefs, stereotypes, or a lack of understanding of legal norms.

There is also a risk that the jurors may not pay sufficient attention to analyzing the evidence, which can result in errors in decision-making.

The existing shortcomings in current legislation also impact the effectiveness of the jury trials. One of the main problems is the lack of the clear mechanisms to control juror behavior, particularly regarding ensuring their independence and impartiality during the decision-making process. The jurors are often exposed to the external influences - such as media coverage, public opinion, or pressure from other participants in the process- which calls into question the objectivity of their decisions. [9]

Another issue is the insufficient legal regulation of procedural aspects, such as providing appropriate instructions to jurors, especially in complex cases requiring deep legal analysis.

Although the jury trial is an important tool for the administration of justice, it faces the numerous issues that require improvement. The influence of juror subjectivity on the verdicts, along with deficiencies in current legislation - such as limited jurisdiction and the lack of adequate legal regulation - create the conditions for potentially unjust outcomes. All of these issues require proper attention from the legislative and judicial systems to ensure the effective operation of the jury trials [6, p. 128].

Thus the jury system is a significant component of justice in Ukraine, with deep historical roots in the legal systems of the various countries, particularly in England and the United States. The legal nature of the jury lies in allowing the citizens to participate in the administration of justice, thus enhancing the democratic aspect of the judicial process. The involvement of the jurors ensures objectivity and transparency in the resolution of the complex criminal cases, as the decisions are made collectively, rather than solely by the judge.

The procedure for involving the jurors in the court proceedings is an essential part of the trial process. It entails the clear identification of the candidates based on the criteria established by Ukrainian legislation, including age, moral standing, and citizenship requirements.

To ensure the juror objectivity and prevent external influence, the jurors are selected randomly. However, this selection system requires improvement, particularly in ensuring greater randomness and preparing the candidates for participation in the court proceedings.

The jury trials follow specific rules for handling the criminal cases, which differ from the general procedures. The jurors are not legally trained professionals, but their role in the trial is to assess the evidence and decide on the defendant's guilt or innocence. The procedure in the jury trials includes adherence to the principles of the adversarial proceedings, publicity, impartiality, and other fundamental principles of criminal justice. Nevertheless, the certain challenges remain in ensuring juror objectivity, particularly regarding the influence of the external factors.

The procedure in a jury trial has its own distinctive features. One of the main aspects is that the jurors are not professional judges, and their task is to evaluate the evidence and factual circumstances of the case. Their judgments may be influenced



by emotional and moral considerations, which can sometimes lead to subjectivity in decision-making.

Additionally, Ukraine faces the challenges in ensuring the independence of the jurors, as well as the need to improve legislation concerning the organization of court proceedings involving the juries. Looking ahead, reforming this institution may include improving the jury selection procedure, expanding the jurisdiction of the cases eligible for the jury trials, and introducing the new tools to enhance the qualification level and objectivity of the jurors.

Therefore, the jury system is an important institution that enables citizen participation in the administration of justice and strengthens the democratic nature of the criminal justice process. However, in order to increase the effectiveness and fairness of this institution, the further improvements to legislation are needed, as well as the enhancements to the jury selection process and juror preparation for fulfilling their duties. Only through the reforms and the integration of international experience can a more transparent and effective justice system involving the juries be established in Ukraine.

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## THE IMPACT OF THE WAR ON THE SOCIO-ECONOMIC SYSTEM

War is one of the most destructive phenomena in human history, leading not only to direct human losses and physical devastation, but also to profound and long-lasting socio-economic transformations. Armed conflicts fundamentally alter the structure of the economy, the demographic situation, social institutions and the psychological well-being of society. The consequences of the war will be felt for generations and necessitate the development of comprehensive post-war recovery strategies.

War inflicts a direct and devastating blow on the country's economy. One of the most visible consequences is the large-scale destruction of physical capital, including industrial enterprises, energy facilities, transport infrastructure, and housing. According to estimates by the World Bank, during the first year of the full-scale invasion of Ukraine alone, losses in industry and trade amounted billions of dollars [3]. This resulted in a sharp decline in gross domestic product (GDP). For instance, in 2022, Ukraine's economy contracted by nearly 30% [3].

Other important economic consequences are:

- **Inflation and financial destabilization.** Military spending forces governments to resort to issuing money, which, together with the destruction of production chains, provokes a rapid rise in prices.
- **Loss of human capital.** The death and injury of the able-bodied population, as well as mass migration, lead to labor shortages and "brain drain".
- **Fall in investment attractiveness.** Military risks scare away both external and internal investors, which slows down development for many years.
- **Growth of debt dependence.** To finance defense and social benefits, the state is forced to attract significant external loans, which increases the public debt.

Military conflicts cause a deep demographic crisis. Direct losses include the deaths of military and civilians. According to the UN, the number of civilian casualties in modern conflicts is extremely high [5]. Indirect losses are a consequence of deteriorating living conditions, falling birth rates and a reduction in average life expectancy. In Ukraine, due to the war, this figure for men fell to 57.3 years [2].

The key socio-demographic consequences are:

- **Mass migration and internal displacement.** Millions of people are forced to flee their homes, becoming refugees or internally displaced persons (IDPs). This puts a huge strain on the social systems of both host communities and the country as a whole.

- **Rising levels of poverty and social inequality.** The loss of jobs, property, and income pushes a significant part of the population beyond the poverty line. According to experts, in Ukraine, in the first year of the war, more than 7 million people were below the poverty line [3].

- **Deterioration of the health of the nation.** In addition to physical trauma, war causes massive psychological trauma such as post-traumatic stress disorder (PTSD), depression, and anxiety disorders. According to WHO estimates, up to 10% of survivors of armed conflict have serious mental health problems [4]. This poses long-term challenges for the health care system.

The socio-economic consequences of the war are complex, devastating, and long-lasting. They cover all spheres of society: from the direct destruction of economic potential and infrastructure to a deep demographic crisis, growing poverty and deterioration of the psychological health of the nation. The destruction of human capital, financial destabilization and social polarization create obstacles to development that can be felt for decades.

Overcoming these consequences requires not only significant financial resources for physical reconstruction, but also the development of a balanced state

policy aimed at social support of the population, reintegration of veterans and internally displaced persons, restoration of human capital and creation of a favorable investment climate. Successful post-war recovery is possible only if the efforts of the whole society and international support are consolidated.

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## **THE ROLE OF DISTRIBUTED INFORMATION SYSTEMS IN ENSURING UNINTERRUPTED COMMUNICATION AND RESILIENCE OF CIVIL SOCIETY DURING WARTIME**

The massive military aggression against Ukraine shifted the way we think about national security. Nowadays, it is most of all the digital domain that is a subject. When society attempts to function during the war, it needs networks that never stop functioning.

However, there is a major challenge regarding centralized information infrastructures. They have a single point of failure. As a result, they are extremely weak to kinetic strikes on energy grids and cyberattacks. This is why we need a move to distributed information systems (DIS). Communication must be sustained, digital human rights protected, and public administration work in extreme conditions – and we need to do this for as long as this work will continue. A distributed system makes society long-lasting. This concept spans technology, law, and social science. A

distributed information system is a network of autonomous computers used in computer science. The computers send messages to one another in order to communicate and coordinate, presenting a single system to the user. The main benefit of this is fault tolerance. If enemies destroy one node, or even two or more nodes, the whole network does not collapse. Many academics claim this technology capability acts as a social resilience feature. Decentralized architectures empower local communities to maintain horizontal communication, even when there are state-level channels [1, p. 45]. When blackouts take traditional internet providers, we turn to others. Decentralized mesh networks and decentralized cloud services are available to connect citizens to life-saving information and volunteer platforms. We also need to look at the socio-legal side. Continuous communication is basically part of the human right to access information, article 19 of the Universal Declaration of Human Rights provides this [5]. Ukraine fast-tracked the adoption of distributed technologies, thus we leverage satellite internet like Starlink and decentralized data routing. Being a highly horizontal civil society with quick reactivity, we need laws for this. The Law of Ukraine “On Electronic Communications” is quite a promising start for network resilience [4]. Nevertheless, war requires a more rapid law update. For instance, data localization regulations shifted. The Law "On Cloud Services" was quickly adopted by the parliament, it facilitated moving significant state registries to foreign dispersed clouds [3]. Nonetheless, there are still major issues. Legally and operationally, putting DIS in the public sector is quite tough. We need to interpret cross-border data flows. Cryptographic key management on distributed nodes is quite sophisticated. Moreover, the law must regulate distributed ledgers. This calls for new normative regulations. Inside distributed networks, it is difficult to secure personal data, it requires solid cryptographic consensus tools. There is a need to adhere to international cybersecurity norms, such as those outlined in ENISA's research on emerging threats and challenges for 2030 [2]. Finding a solution to these problems makes huge social difference. Sound regulations for distributed systems will safeguard digital identities. They secure property rights through decentralized registries, but they also prevent the enemy from imposing blockades on people's information networks.

To conclude, distributed information systems provide the digital backbone for a stable society at war. They are more than just code and servers. They are socio-legal tools that ensure communication during crises. To improve and reduce the risks of these systems, we need to revise the national cybersecurity strategy. And the law must require decentralized, distributed architectures for all critical information infrastructures. Future laws should make interoperability protocols standard and state should have different communication channels provided by law. Thus, citizens creating their own local mesh networks need legal protection. Only having combined advanced distributed tech with strong laws, civil society can survive modern technological threats.

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## **PROTECTION OF PROPERTY RIGHTS IN CASES OF COMPULSORY ALIENATION OF PROPERTY**

The right to property is one of the fundamental institutions of civil and constitutional law, ensuring the economic independence of individuals and the stability of property relations in the state. In Ukraine, it is guaranteed at the level of the Constitution of Ukraine, which proclaims the inviolability of private property rights and establishes that no one can be unlawfully deprived of their property. At the same time, the Constitution of Ukraine allows for the compulsory alienation of objects of private property rights on grounds of public necessity, subject to prior and full compensation for their value.

The relevance of the topic is due to the fact that in modern conditions, in particular during martial law, the state may apply the mechanism of compulsory alienation of property to ensure defence capability, public safety or the implementation of socially important projects. Such measures are provided for, in particular, in the Law of Ukraine 'On the Legal Regime of Martial Law.' At the same time, any interference with property rights must comply with the principles of legality, proportionality, and a fair balance between the interests of the state and the rights of the individual[1].

Additional guarantees for the protection of property rights are contained in civil legislation, primarily in the Civil Code of Ukraine, which defines the methods of protecting property rights and the procedure for their restoration in the event of a violation. In addition, international standards enshrined in Article 1 of the First Protocol to the Convention for the Protection of Human Rights and Fundamental

Freedoms, as well as the practice of the European Court of Human Rights, play an important role in shaping approaches to assessing the legitimacy of state interference with the right to peaceful enjoyment of property.

Thus, the constitutional mechanism for protecting property rights provides for:

- the existence of a public necessity.
- legislative certainty of the procedure.
- prior and full compensation for the value of the property.
- the possibility of judicial appeal against decisions of public authorities[1].

### **1. Civil law guarantees for the protection of property rights.**

General methods of protecting property rights are enshrined in the Civil Code of Ukraine (Articles 16, 386-391). The owner has the right to demand:

- recognition of property rights;
- recovery of property from unlawful possession by another person (vindication);
- removal of obstacles to the exercise of rights (negatory action);
- compensation for material and moral damage.

In the context of compulsory alienation, the key provision is Article 353 of the Civil Code of Ukraine, which regulates the purchase of land plots and other immovable property on grounds of public necessity with mandatory prior compensation for the cost[2].

### **2. Special legislation on compulsory alienation**

**2.1** The procedure for compulsory alienation of property is regulated in detail by the Law of Ukraine ‘On Alienation of Land Plots, Other Real Estate Objects...’ The law defines:

- grounds for redemption (public needs, public necessity);
- the procedure for decision-making by state authorities or local self-government bodies;
- the procedure for property valuation;
- guarantees of full compensation for the value[3].

**2.2** Certain features of compulsory alienation under martial law are provided for by the Law of Ukraine ‘On the Legal Regime of Martial Law’ (Article 8), which allows for the compulsory alienation of property with subsequent full compensation for its value.

In this case, compensation may be paid after the martial law is lifted, which creates additional risks for owners and requires proper procedural control[4].

### **3. Judicial protection and practice**

**3.1** The right to effective judicial protection is guaranteed by Article 55 of the Constitution of Ukraine and the provisions of the Civil Procedure Code of Ukraine. The owner has the right to appeal:

- a decision on compulsory alienation;
- the amount of compensation determined;
- violations of the property valuation procedure.

**3.2** In addition, the protection of property rights is ensured at the international level in accordance with Article 1 of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms[6].

**3.3** The practice of the European Court of Human Rights is based on the principle of a ‘fair balance’ between the public interests of the individual (cases of ‘Sporrong and Lönroth v. Sweden’, ‘James and Others v. The United Kingdom’). Violation of this balance is grounds for recognising interference with property rights as unlawful[7].

### **Conclusion**

Thus, property rights in Ukraine are constitutionally guaranteed and are under special protection by the state in accordance with the Constitution of Ukraine. Compulsory alienation of property is permitted only as an exception to the general principle of inviolability of private property rights and is possible only in cases of public necessity, on the basis of law and with mandatory full compensation for its value.

The provisions of the Civil Code of Ukraine and special legislation detail the procedure for such alienation and determine the persons responsible for protecting the violated rights of the owner. The issue becomes particularly relevant in conditions of martial law, when, in accordance with the Law of Ukraine ‘On the Legal Regime of Martial Law’, the state may carry out compulsory alienation of property for defence purposes, but even under such conditions, the obligation to subsequently compensate for its value remains.

An important guarantee of respect for the rights of the owner is judicial control and the possibility of recourse to international protection mechanisms provided for by the Convention on Human Rights, which emphasises the need to respect the principle of a fair balance between the interests of society and the rights of the individual.

Thus, effective protection of property rights in the context of compulsory expropriation is only possible if the principles of legality, proportionality and full compensation for damages are strictly observed. Improving mechanisms for property valuation, ensuring timely compensation and strengthening procedural guarantees are necessary conditions for strengthening the rule of law and public confidence in public authorities

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## **LEGAL REGULATION OF THE DIGITAL TRANSFORMATION OF CIVIL PROCEDURE IN UKRAINE**

**Abstract.** The paper deals with the digital transformation in the field of civil procedure as a socio-legal phenomenon. The necessity to research the issues of the digital civil procedure is grounded. The tasks of the research are formulated. The methods which can be used in the research are highlighted.

**Key words:** *digital transformation, civil procedural legislation, digital justice, digital civil procedure, European standards of digital justice.*

The digital transformation of civil procedure is a strategic direction of modernization of the legal system of Ukraine and the formation of a digital state. The implementation of the electronic document flow, online case consideration, and the integration of the systems such as “Diya” and the Unified Judicial Information and Telecommunication System creates the new opportunities for increasing the efficiency, accessibility, and transparency of judicial proceedings.

At the same time, the current civil procedural legislation of Ukraine contains a number of the fragmented or outdated provisions that do not fully meet the needs of digital justice. Particularly critical is the lack of the clear rules regarding the human oversight of the automated processes, algorithmic transparency of the decisions, and the responsibility for the errors in the information systems. This creates the potential risks of violating the principle of a fair trial and the right to a due process, enshrined both in the Constitution of Ukraine and in the international standards, in particular Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The relevance of the topic is also determined by the European integration processes and the need to implement the European standards of digital justice,

including the AI Act, the Council of Europe recommendations on digital justice, and the international principles for the ethical use of artificial intelligence. The timely legal regulation of the digital processes in civil procedure will allow not only minimizing the risks associated with the human and technical factors but also forming a legal model of justice that combines technological efficiency, procedural guarantees, and the rule of law.

Thus, the study of the issues of the digital civil procedure, including the risks associated with the process automation and its oversight, is contemporary, strategically important, and socially significant. It aims to develop scientifically grounded solutions for improving national civil procedural legislation and harmonizing it with the international standards of justice.

The objective is to formulate and theoretically substantiate the legal principles of the digital transformation of the civil procedure in Ukraine and to determine the directions for improving its legal regulation, taking into account the development of the technological innovations and the European standards of digital justice.

To achieve this objective, it is necessary to solve the following tasks:

- define the content and principles of the digital transformation of the civil procedure;
- analyze the impact of the COVID-19 pandemic on the formation of online justice in Ukraine;
- study the foreign experience of digital justice (European Union, Estonia, Canada, Singapore, and other countries);
- outline the legal limits of the use of the intelligent systems in civil proceedings;
- determine the ethical risks and principles of algorithmic fairness;
- propose the directions for adapting Ukrainian legislation to the EU standards and the requirements of the AI Act.

The object of the study is the digital transformation in the field of civil procedure as a socio-legal phenomenon.

The subject of the study is the legal principles, mechanisms, and technological innovations that ensure the implementation and development of the civil procedure in Ukraine under conditions of digitalization.

The methodological framework of the research is designed to ensure a comprehensive and consistent study of the digital transformation specifically in civil procedure. The work proceeds from the premise that the digitalization affects many branches of law, but has a specific impact on civil procedure, its principles, structure, and doctrine. Therefore, the methods are chosen to maintain focus on civil procedure without artificially expanding the scope of the study to other branches, although the comparisons with the commercial and administrative procedure are carried out when necessary to identify the patterns and differences.

A systemic-structural approach allows consideration of digital justice as an interconnected system, where the electronic evidence, digital identification, functioning of the Unified Judicial Information and Telecommunication System, and

the online procedures are not isolated but determine the logic and dynamics of the entire civil judicial process.

The historical-legal method is used to trace the evolution of electronic justice, from the first elements of the electronic document flow to the modern models, which have developed intensively in connection with the COVID-19 pandemic and the European integration processes. The logical-semantic analysis allows the clarification of the concepts of “electronic justice,” “digital identity,” “electronic evidence,” and “artificial intelligence” in the context of civil procedure.

The formal-legal and hermeneutic methods provide an in-depth interpretation of the provisions of the Constitution of Ukraine, the Civil Procedure Code of Ukraine, legislation on the electronic trust services, and the acts regulating the functioning of the Unified Judicial Information and Telecommunication System. Their application allows the identification of the gaps and inconsistencies in the legal regulation of digital justice and assessment of the compliance of legislation with the international standards of digital justice.

The comparative-legal methods are used to analyze the experience of the European Union, Estonia, Canada, Singapore, and other countries, particularly regarding the integration of the digital identification, electronic evidence, online hearings, and the use of intelligent systems in justice. Special attention is given to the AI Act as the world’s first comprehensive act establishing the requirements for the safe use of artificial intelligence, including in the context of justice.

The statistical and empirical methods are applied when analyzing judicial practice, the data on the use of the electronic services, and features of online proceedings. The modeling methods allow the formation and substantiation of the possible scenarios for the further development of the digital civil procedure in Ukraine.

In the research field, the results of the research can contribute to the further development of the doctrine of the digital civil procedure, expansion of scientific understanding of the principles of digital justice, algorithmic transparency, judicial control over the automated processes, and the legal nature of the electronic evidence. The work provides a conceptual basis for future studies on the legal regulation of the digital transformation of the judiciary, the interaction of the technologies and procedural guarantees, and the adaptation of the Ukrainian legal space to the EU standards.

In law-making, the proposals of the research can be used to improve current civil procedural legislation, develop the acts on the functioning of the Unified Judicial Information and Telecommunication System, the use of the electronic evidence, digital identification, and the implementation of the intelligent systems in the judicial activity. The recommendations, developed in accordance with the AI Act, may contribute to the harmonization of Ukrainian legislation with the European standards of digital justice and the formation of the modern standards for the safe and responsible use of the technologies.

In law enforcement practice, the results of the research can be applied by courts, lawyers, notaries, and other participants of civil procedure to optimize work in

the digital environment, ensure the proper documentation of the electronic evidence, implement the parties' rights during the online hearings, and minimize the risks related to the technical failures or violations of algorithmic logic of the systems.

In the educational activities, findings of the research may form the basis for modernizing the content of the civil law disciplines, preparing the contemporary methodological materials, textbooks, and practical guides aimed at developing the competencies in future lawyers necessary for working under conditions of the digital transformation of the judicial proceedings.

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## **THE IMPACT OF UKRAINE'S EUROPEAN INTEGRATION ON THE DEVELOPMENT OF PRIVATE INTERNATIONAL LAW IN THE FIELD OF CONTRACTUAL RELATIONS**

Ukraine's European integration is a strategic priority of state policy that significantly affects the transformation of the national legal system, particularly in the field of private international law. The signing of the Association Agreement between Ukraine and the European Union in 2014 served as an impetus for large-scale harmonization of legislation in the field of contractual relations [1].

Private international law regulates private-law relations involving a foreign element, including contractual obligations between subjects of different states. The Law of Ukraine on Private International Law of June 23, 2005 (hereinafter referred to as the PIL Law) establishes conflict-of-law rules for determining the law applicable to contractual relations [2]. As noted by Ye.M. Bilousov and I.V. Yakoviuk, the adoption of this Law was an important step in modernizing Ukrainian legislation in accordance with international standards [3, p. 156].

The adaptation of Ukrainian legislation to *acquis communautaire* of the European Union entails the implementation of European standards for regulating contractual relations. Of particular importance is the approximation to the principles of the Rome I Regulation "On the law applicable to contractual obligations" of 2008, which establishes unified conflict-of-law rules for EU Member States [4]. In the context of Ukraine's European integration course, enshrined in the Association Agreement with the EU, the primary task is the implementation of key provisions of this Regulation into national legislation - primarily into the Law of Ukraine "On Private International Law" of 2005.

In particular, of fundamental importance is the entrenchment of the principle of party autonomy as the primary conflict-of-law connecting factor in contractual

relations (Article 3 of the Regulation), which allows parties to independently choose the law applicable to their contract, including to individual parts thereof. Current Ukrainian legislation, although it provides for this principle, does not contain sufficiently detailed mechanisms for its implementation - in particular, there is a lack of rules regarding the possibility of changing the chosen law after the conclusion of the contract and the limits of such a change.

Equally important is the implementation of the subsidiary conflict-of-law connecting factors provided for in Article 4 of the Rome I Regulation, in particular the principle of "characteristic performance", which determines the applicable law by the location of the party that performs the characteristic obligation of the contract. This makes it possible to unify approaches to resolving conflicts of law in typical contractual structures - sale of goods, provision of services, franchising, distribution - and significantly increases legal certainty in cross-border relations.

Special attention is required for the introduction of specific protective rules for the so-called "weaker parties" to a contract - consumers (Article 6), employees (Article 8) and policyholders (Article 7), for whom the Regulation guarantees the preservation of the protection afforded by the law of the country of their habitual residence or place of work, regardless of the law chosen by the parties. Ukrainian legislation requires clearer regulation of these situations, as the current protection of such categories of persons in the private international law context is insufficient.

An important element is also the entrenchment of the mechanism for applying overriding mandatory provisions in accordance with Article 9 of the Regulation - provisions that the state considers so fundamental to the protection of its public interests that they apply regardless of the law chosen by the parties. The introduction of a clear list of criteria for recognizing a particular rule as an overriding mandatory provision would eliminate the existing legal uncertainty in Ukraine on this issue.

At the same time, the Rome I Regulation is only one of the acts of *acquis communautaire* regulating contractual relations. Full European integration adaptation of Ukrainian legislation also requires the implementation of a number of EU Directives aimed at protecting various participants in contractual relations and unifying the relevant substantive legal standards. Council Directive 93/13/EEC on unfair terms in consumer contracts establishes criteria for recognizing certain contractual terms as unfair and provides a mechanism for their invalidity without annulling the contract as a whole [5]. The indicative list of unfair terms provided for in this act is an important benchmark for national law enforcement, which is currently lacking in Ukrainian legislation. Directive 2011/83/EU on consumer rights unifies pre-contractual information requirements, establishes the right to withdraw from the contract within fourteen calendar days (the so-called cooling-off period) and regulates the specifics of distance contracts and contracts concluded outside business premises [6]. Current Ukrainian consumer protection legislation does not contain full equivalents of these rules, particularly regarding the legal consequences of breaching the duty to inform and the procedure for exercising the right of withdrawal. Directive 2019/771/EU on contracts for the sale of goods introduces unified standards of conformity of goods with the contract, a minimum guarantee period of two years, and

a clear hierarchy of buyer's remedies - repair, replacement, price reduction and termination of the contract [7]. The implementation of this act requires a substantial update of the relevant provisions of the Civil Code of Ukraine and special legislation. Directive 2019/770/EU on contracts for the supply of digital content and digital services regulates a fundamentally new area of contractual relations - the supply of software, cloud storage, streaming services and other digital products [8]. Ukraine effectively lacks specific legislation in this area, which, in the context of the rapid digitalization of the economy, makes the implementation of this Directive particularly urgent. Directive 2011/7/EU on combating late payment in commercial transactions obliges states to guarantee the creditor the right to statutory interest for late payment, compensation for debt recovery costs, and also establishes maximum payment terms in relations between businesses and between business and government [9]. Bringing Ukrainian legislation into line with these standards will strengthen payment discipline and protect the interests of creditors in cross-border commercial relations.

The practice of the European Court of Human Rights (ECHR) also plays a significant role in shaping contractual law standards. In the case of "Burmych and Others v. Ukraine" (application no. 46852/13), the ECHR examined the issue of the state's performance of contractual obligations and emphasized the need to ensure effective legal remedies [10]. This judgment had a significant impact on the development of national judicial practice in the field of contractual relations.

Further development of Ukrainian private international law in the field of contractual relations should be aimed at deepening harmonization with European standards, improving mechanisms for resolving cross-border contractual disputes, and adapting legal regulation to the challenges of the digital economy.

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## **DIGITALIZATION OF LAW ENFORCEMENT ACTIVITIES AND ITS IMPACT ON HUMAN RIGHTS GUARANTEES: INTERNATIONAL EXPERIENCE AND CHALLENGES FOR UKRAINE**

The digitalization of law enforcement activities has become one of the key directions of modernization of security systems in modern states. The use of information technologies, electronic databases, video surveillance systems, analytical platforms, and automated data processing algorithms significantly changes the nature of law enforcement work. Digital technologies make it possible to detect offenses more quickly, analyze large volumes of information, and establish connections between events and individuals. At the same time, digitalization creates new risks for human rights and freedoms, since many of these technologies involve the collection, storage, and processing of personal data. Therefore, the relationship between the effectiveness of law enforcement activities and the guarantees of human rights protection is gaining particular importance.

The regulatory framework for the use of digital technologies in the activities of Ukrainian law enforcement agencies is formed by a number of legislative acts. The Law of Ukraine “On the National Police” dated July 2, 2015 provides for information and analytical activities, the creation and use of databases, and the use of technical means of photo and video recording [1]. The provisions of this law allow the use of software complexes for information analysis, automatic systems for recognizing vehicle license plates, and other digital tools used to ensure public safety. The Law of Ukraine “On Personal Data Protection” dated June 1, 2010 also plays an important role, as it establishes the rules for processing personal information and determines

guarantees for its protection. The use of digital technologies by law enforcement agencies must comply with the requirements of this law, since a significant part of the information processed by such systems contains personal data of citizens [2].

At the international level, the use of digital technologies by law enforcement agencies is considered through the prism of human rights protection. The European Convention on Human Rights guarantees the right of every person to respect for private and family life. The case law of the European Court of Human Rights repeatedly notes that the use of technical surveillance measures may constitute interference with a person's private life. However, such interference is permissible if it is prescribed by law, pursues a legitimate aim, and is proportionate to that aim. These criteria are used to assess the legality of the application of digital technologies in law enforcement activities.

International experience demonstrates different approaches to the use of digital technologies in law enforcement. In European Union countries, significant attention is paid to public video surveillance systems used to ensure public safety and prevent crime. In many cities, automatic license plate recognition systems operate, allowing authorities to track the movement of vehicles and establish their connection with criminal events [3]. Some states use analytical algorithms to analyze crime statistics and identify areas with higher crime levels. This approach allows law enforcement agencies to distribute their resources more effectively and concentrate efforts on the most problematic areas.

At the same time, in many countries the use of digital technologies is accompanied by enhanced oversight from public authorities and civil society. In the European Union, the General Data Protection Regulation establishes strict rules for the processing of personal data. Law enforcement agencies must comply with defined principles of data processing, including legality, proportionality, and purpose limitation [4, p.42-46]. Violations of these principles may lead to legal liability for the relevant authorities. This approach aims to maintain a balance between security needs and the protection of human rights.

For Ukraine, the issue of digitalization of law enforcement activities is particularly important because, under modern security challenges, the use of information technologies significantly increases the effectiveness of law enforcement work. Video surveillance systems, electronic registers, information databases, and analytical platforms make it possible to identify persons involved in criminal offenses more quickly, analyze links between different events, and create a more comprehensive picture of the criminal situation. At the same time, the development of digital technologies poses new tasks for the state related to the protection of human rights and ensuring proper control over the use of information systems.

One of the key issues in this area is the need to ensure transparency in the use of digital technologies. Citizens should clearly understand what data are collected by law enforcement agencies, for what purpose they are used, and how long they are stored. The absence of clear rules governing access to information or its use may lead to violations of the right to privacy. Therefore, the development of digital



technologies in law enforcement should be accompanied by improvements in legal regulation and the creation of effective oversight mechanisms.

The prospects for further digitalization of law enforcement activities in Ukraine are associated with the development of advanced information and analytical systems and the integration of databases of different state authorities [4, p.42-46]. An important direction is the use of modern data processing technologies that allow the analysis of large volumes of information and the identification of patterns of criminal activity. At the same time, further development of digital systems should be combined with strengthening human rights guarantees, improving legislation on personal data protection, and expanding mechanisms of public oversight.

Thus, the digitalization of law enforcement activities is an important factor in increasing the effectiveness of public security and crime prevention. At the same time, the development of digital systems should be carried out in accordance with international human rights standards and with maintaining a balance between security interests and the rights of citizens.

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## **THE ROLE OF ENGLISH IN CONTEMPORARY LAW ENFORCEMENT ACTIVITY**

English is the main language used for international and professional communication in security and law enforcement. English has evolved into a functional instrument of professional interaction within law enforcement structures worldwide. Its role extends beyond everyday communication, serving as a medium

for operational coordination, access to international legal frameworks, intelligence exchange, and participation in multinational investigations. Estimates indicate that approximately 1.5 billion people worldwide study English as a foreign language, surpassing any other language [1, p. 361]. With Ukraine increasingly participating in international cooperation and European integration, English proficiency has shifted from being a desirable skill to a professional necessity. Because English is a working language in institutions such as the UN, EU, and NATO, the ability of law enforcement officers to communicate effectively in English directly influences their performance and the country's security capabilities [1, p. 360-366].

Importance of English in law enforcement activity is also recognized legally in Ukraine. Thus, Decision No. 1-r/2021 of the Constitutional Court of Ukraine highlighted English as a vital means of communication not only between countries but also within professional and academic communities

[ <https://zakon.rada.gov.ua/laws/show/3760-20#Text>].

A significant development was the adoption of the Law of Ukraine "On the Use of the English Language in Ukraine" on June 4, 2024, No. 3760-IX. The law establishes English proficiency as a requirement for certain public sector positions. Specifically, Article 3, paragraph 5, part 1, sets this requirement for mid- and senior-level police officers, as well as for commanding staff in other law enforcement bodies and civil protection services [ <https://zakon.rada.gov.ua/laws/show/3760-20#Text>].

Cabinet of Ministers Resolution No. 1488 (December 24, 2024) lists the positions affected. However, the resolution does not specify the level of proficiency required (for example, using the CEFR scale), creating challenges for standardizing assessments. Resolution No. 1522 for military personnel, by contrast, clearly differentiates proficiency levels [ <https://zakon.rada.gov.ua/laws/show/3760-20#Text>]. These requirements will take effect four years after the termination or cancellation of martial law. The transition period offers an opportunity to build training infrastructure and prepare personnel, avoiding potential skill gaps in the future.

In daily practice, English serves as a tool for communication, rights protection, and evidence handling. During major international events such as Euro 2012 and Eurovision, police officers were often the first point of contact for foreign visitors [2, p. 15]. The ability to explain the reason for a stop, inform a detained person of their rights, or provide assistance to a foreign crime victim directly impacts adherence to the rule of law.

When investigating crimes involving foreigners, timely communication is critical. Officers with English proficiency can gather statements, document events, and preserve evidence without waiting for a translator [2, p. 16].

At the international level, English knowledge is essential for cooperation with organizations such as Europol, Interpol, and the OSCE [1, p. 361]. Sharing operational information and participating in joint actions is impossible without understanding relevant terminology.

Learning English improves cognitive skills such as memory, attention, and information processing [3, p. 32]. For law enforcement officers, this supports

multitasking and effective decision-making under stress. Language training also fosters respect for other cultures and promotes tolerance which is crucial for unbiased professional conduct. Participation in international conferences, research exchanges, and collaborative projects further enhances career opportunities and maintains motivation for public service. Training should be aligned with professional needs. The ESP (English for Specific Purposes) model focuses on language skills tailored to law enforcement tasks [1, p. 364].

Effective methods include: content and Language Integrated Learning (CLIL) integrate professional content with language learning; content-Based Instruction (CBI) use real professional materials as learning content; task-Based Learning perform practical exercises simulating real service situations [2, p.16].

Blended learning and distance courses allow officers to train without leaving their duties. A unified digital platform for training and certification could standardize evaluation and ensure transparency nationwide.

Law No. 3760-IX provides funding through state and local budgets, as well as international assistance

[ <https://zakon.rada.gov.ua/laws/show/3760-20#Text>].

Cabinet of Ministers Resolution No. 257 (March 7, 2025) establishes bonuses for personnel who demonstrate English proficiency [ <https://zakon.rada.gov.ua/laws/show/3760-20#Text>].

These incentives encourage officers to improve their language skills and contribute to the overall professional development of law enforcement personnel.

Thus, English is a vital component of law enforcement work in Ukraine. It facilitates communication with foreign citizens, accelerates investigations, and enables international collaboration. Clear legal requirements, effective training systems, and financial incentives create the conditions necessary for steadily improving English proficiency across the law enforcement sector.

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## **THE ROLE OF COMMUNICATION IN CIVIL PROTECTION AND EMERGENCY MANAGEMENT: THE CONTRIBUTION OF LVIV STATE UNIVERSITY OF LIFE SAFETY**

In today's world, marked by escalating natural, technological, and human-induced risks, effective communication has become an indispensable element of civil protection and emergency management systems. In Ukraine, where the country continues to face the consequences of full-scale war, hybrid threats, missile attacks, blackouts, and environmental hazards, communication directly influences the ability to save lives, minimize damage, maintain public order, and ensure rapid recovery. Timely, accurate, and psychologically calibrated information allows people to take protective actions in advance, enables coordinated work of rescue services, reduces mass panic, counters disinformation campaigns, and supports mental resilience among the population.

The legal framework regulating communication in Ukraine's civil protection domain is comprehensive and continuously evolving. The Code of Civil Protection of Ukraine (№ 5403-VI of October 2, 2012) defines the basic principles of informing citizens about threats, evacuation routes, rules of safe behavior, and protective measures. The Law of Ukraine "On the Fundamentals of Civil Protection" establishes the obligation of authorities at all levels and the State Emergency Service of Ukraine (SESU) to provide prompt, reliable, accessible, and understandable information. Additional regulations under martial law (Law "On the Legal Regime of Martial Law", Cabinet resolutions on wartime alerting systems) emphasize the protective function of communication: it must not only inform but also actively counter enemy propaganda, prevent artificial panic, and preserve information sovereignty. These legal norms require balancing operational secrecy with the public's right to know, ensuring that communication remains transparent where possible and secure where necessary.

Communication in civil protection functions on several interconnected levels, each playing a critical role. Internal communication within SESU structures — between operational headquarters, rescue units, situational centers, dispatch services, and partner agencies (police, military, medical services) — guarantees the fastest possible exchange of verified data, coordinated decision-making, and real-time control of rescue, evacuation, and liquidation operations. External communication directed at the population utilizes a multi-channel system: nationwide and regional SMS emergency alerts, regular and emergency TV/radio broadcasts, specialized mobile applications, verified websites, Telegram channels, Facebook/Instagram/YouTube pages of SESU and local authorities, as well as

stationary and mobile public address systems in cities and villages. Tactical (field) communication takes place directly at the scene of an emergency, enabling real-time interaction between rescuers, affected individuals, volunteers, humanitarian organizations, and international partners.

Scientific studies, post-incident analyses, and practical experience accumulated over decades clearly show that any disruption or deficiency in communication dramatically worsens outcomes. Delayed, incomplete, contradictory, or emotionally insensitive messages lead to higher casualty figures, widespread chaos, collapse of public trust in authorities and rescue services, and significantly reduced effectiveness of all response and recovery measures. At the same time, professionally organized communication — timely, clear, consistent, empathetic, tailored to different audience groups and delivered through trusted channels — multiplies positive effects: it dramatically increases compliance with safety recommendations, substantially lowers levels of acute fear, anxiety, and mass panic, helps prevent secondary injuries and complications, accelerates stabilization of the situation, and shortens the timeframe for communities to return to normal life.

Lviv State University of Life Safety holds a unique and strategically important place in the national system of training specialists who can professionally master and apply the full spectrum of modern communication tools and technologies in the interests of protecting human life and strengthening societal resilience. Subordinated to the State Emergency Service of Ukraine and founded on post-World War II firefighting and rescue training traditions, the university has grown into a leading higher education institution specializing in reducing technogenic pressure on the environment, preventing emergencies of various origins, and preparing highly qualified personnel in fire safety, civil protection, occupational safety, and emergency management. Since 2008, LDUBZhD has been a member of the European Fire Service Colleges Association (EFSCA), actively participating in international cooperation and adopting best European practices.

Within the Educational and Scientific Institute of Civil Protection, Department of Civil Protection, Department of Psychology and Pedagogy, and related structural units, students pursuing bachelor's, master's, and PhD programs in specialties such as "Civil Safety" (Civil Protection), "Fire Safety", "Occupational Safety and Health", and "Management of Emergency Situations" study a wide range of disciplines directly related to communication under extreme conditions. These include: psychology of extreme and crisis situations, professional communication, crisis and risk communication, information technologies and digital tools in civil protection, methods of public alerting and informing, legal aspects of communication in emergencies, and crisis management psychology.

Practical training constitutes the heart of the educational process. Students systematically participate in large-scale command-staff, tactical-special, and comprehensive exercises organized by SESU, where realistic scenarios of natural, technological, environmental, and wartime emergencies are modeled in detail — from catastrophic fires and spring floods to chemical and radiation accidents, large-scale search-and-rescue operations, and response to missile strikes or blackouts.

During these drills, future specialists acquire hands-on experience in: conducting negotiations under extreme stress and time pressure, providing psychological first aid to victims and witnesses, confidently operating modern communication equipment (VHF/UHF radio stations, satellite phones and internet terminals, drones for aerial reconnaissance and live video streaming, automated public alert systems, digital situational awareness platforms), developing and testing model emergency messages, safety instructions, evacuation announcements, and psychological support materials adapted for different demographic and social groups.

The university's teaching staff includes a significant number of practitioners who possess real, battle-tested experience from eliminating the consequences of major fires, devastating floods, man-made disasters, and wartime emergencies (including during the full-scale invasion). These experienced lecturers transmit not only up-to-date theoretical knowledge but also practical algorithms, psychological readiness techniques, and communication patterns that have already proven effective in genuine extreme conditions. International cooperation further enriches this preparation: joint exercises and trainings with colleagues from EU countries, participation in Euro-Med-React programs, membership in EFSCA, regular study visits, and exchange of best practices allow LDUBZhD students to deeply master advanced European and global approaches to risk communication, community engagement strategies, public informing during crises, and psychological support in large-scale emergencies.

In conclusion, high-quality, professionally organized, and timely communication constitutes an integral, irreplaceable, and critically important component of Ukraine's civil protection system, especially under current wartime conditions. The effectiveness of communication directly determines the state's and society's capacity to timely detect and neutralize emerging threats, save the maximum number of human lives, minimize physical injuries and psychological trauma, and rapidly restore normal living conditions in affected territories. The systematic, high-level training of specialists who combine deep technical knowledge, understanding of crisis psychology, advanced communication competence, and readiness to operate under uncertainty, time constraints, and emotional overload represents one of the central missions successfully implemented by Lviv State University of Life Safety. It is precisely this comprehensive preparation of new generations of rescuers, civil protection managers, and emergency communication experts that creates a strong, reliable foundation for building a resilient, safe, cohesive, and future-ready Ukrainian society capable of effectively confronting all challenges of the 21st century.

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## **FOREIGN EXPERIENCE IN FIGHTING CRIME**

The fight against crime is one of the key tasks of the legal system of any country. Studying international experience in this area is of great importance for improving methods of combating crime in one's own country [1, p. 257-259].

Studying foreign experience and carrying out a constructive analysis of the approaches of different states to the issue of combating crimes committed by organized groups and criminal organizations, it is worth noting that in the world over the past decades, the approaches that determined the nature and essence of this phenomenon, as well as the concept of law enforcement agencies to combat organized crime, have changed [2].

Therefore, within the framework of a comprehensive counteraction to Internet fraud, it is necessary to ensure the harmonization of criminal legislation on these crimes at the international level. This includes the development and integration of international standards into national legislation that contribute to the effective investigation of criminal offenses in global information networks, as well as the receipt, examination and presentation of electronic evidence [3, p.132].

In May 2019, the UN Commission on Crime Prevention and Criminal Justice proposed to the General Assembly a resolution calling on member states to promote sustainable capacity building in the fight against cybercrime at the global level. While individual countries are actively investing in strengthening their criminal justice systems, strengthening global capabilities in the fight against cybercrime often requires cooperation in a “donor-recipient” format, where a country with the necessary knowledge, technology and experience provides support to other states in developing their capabilities [4, p.75-87].

The Council of Europe also follows this approach, recognizing capacity building as an important tool in the fight against cybercrime and categorizing different types of capacity-building programs implemented around the world. It is worth noting that to combat cybercrime, which includes fraud via the Internet, a number of foreign countries have created specialized bodies aimed at developing and

implementing cybersecurity policies. The formation of national cybersecurity policies is carried out by both general competence bodies and specially created structures. Among the general competence bodies are the Finnish Security Committee, the UK National Infrastructure Protection Centre, the Czech National Security Office, the National Security and Counterterrorism Directorate and the Polish Ministry of Administration and Implementation of Digital Technologies. France has the National Information Technology Security Service, the UK has the Cybersecurity and Information Support Directorate, and Austria has the Cybersecurity Steering Group [5, p. 55-59; 6, p. 266; 7, p. 226].

It should be noted that in addition to the above-mentioned international organizations, the United Nations (UN) and the North Atlantic Treaty Organization (NATO) are also actively exploring the field of countering cyber threats. The UN issues a number of documents, reports, studies and various initiatives, including General Assembly Resolutions, reports of the Open-ended Expert Group, recommendations for governments in the field of cybersecurity (an example is the “Guiding Principles for Building National Cyber Resilience”), as well as organizing conferences and forums to develop effective cyber strategies by countries around the world. As for the North Atlantic Treaty Organization, it also actively participates in the process of maintaining cyber resilience and countering cyber threats and defines it as part of the national security of any member state. This is manifested in the conduct of exercises and cyber simulations that involve cooperation and partners from all over the world, not only member states, but also in the development of the NATO Cyber Strategy [8, p. 78-85].

Thus, the international experience of combating cybercrime, in particular Internet fraud and organized crime, is analyzed, showing a clear trend of transition from purely national approaches to global coordination and harmonization of efforts. Modern challenges associated with the transnational nature of cyber threats require not only the improvement of national legislation and the creation of specialized bodies, but also active international cooperation in the field of exchange of experience, technologies and capacity building.

The experience of leading organizations of the world (Great Britain, France, Finland, Poland, the Czech Republic, Austria and others), as well as the activities of international ones (UN, Council of Europe, NATO) demonstrate that effective counteraction to cybercrime is possible only under the conditions of:

- harmonization of criminal and criminal procedural legislation with international standards;
- implementation of unified approaches to the collection, study and use of electronic evidence;
- systematic capacity building of the state, in particular through technical and expert assistance programs;
- creation and development of specialized national and international structures on cybersecurity and combating cybercrime.

Therefore, it is extremely useful for Ukraine to actively study, adapt and implement the best global practices, participate in international initiatives and



capacity-building programs, as well as further develop its own regulatory framework taking into account the recommendations of the UN, the Council of Europe and other authoritative organizations. Only a comprehensive approach that compensates national efforts with broad international cooperation is expected to ensure an adequate level of protection of society from modern forms of transnational crime in cyberspace.

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## **THE ROLE OF LINGUISTICS IN HUMAN LIFE**

Linguistics as the science of language occupies a unique place in human life, because language is one of the fundamental features of human society, a condition of its existence, and a means of forming and transmitting knowledge, experience, and cultural traditions. The ability to speak is what distinguishes humans from other biological species, making social interaction, thinking, and cognition possible. Therefore, the role of linguistics goes far beyond the purely philological sphere: it is of fundamental importance to psychology, pedagogy, jurisprudence, history, philosophy, sociology, politics, artificial intelligence, and many other fields. Studying language allows us to understand how a person thinks, how they perceive reality, how social activity is organized, and even how national identity is constructed.

Language is the basic instrument of communication; therefore, linguistics examines the laws of effective interaction: the structure of utterances, the influence of words on human consciousness, and the mechanisms of meaning formation. Without knowledge of these processes, it is impossible to understand how beliefs are shaped, how dialogue between people is built, how mutual understanding is achieved or, conversely, how conflicts arise. In everyday life, people constantly use intuitive linguistic skills: they select words according to context, adapt their speech to the interlocutor, and navigate intonational and non-verbal nuances that are also part of the linguistic system. The study of these processes within linguistics allows professionals to communicate more effectively, avoid misunderstandings, and achieve precision of expression, which is especially important in law, politics, medicine, and other fields that require clarity and accuracy.

An important aspect of the role of linguistics is its ability to reflect and shape culture. Language is not only a set of signs but also a carrier of values, norms, traditions, and worldview models. Cultural archetypes, ideas of good and evil, social roles, and patterns of behaviour are all encoded in language. Linguistic research helps us understand how the culture of a particular people functions and how it changes under the influence of globalization, migration, and technological innovation. In this context, linguistics becomes an instrument for preserving cultural heritage, since language is an integral part of intangible culture. Through linguistic work, it becomes possible to document ancient dialects, describe grammatical and lexical features that are disappearing, and therefore ensure their preservation for future generations.

Linguistics plays a crucial role in shaping national consciousness. Language policy, questions of official language, linguistic standards, and language education directly affect social stability, the development of democratic institutions, and citizens' identification with the state. In many countries, language issues often

become a factor of social conflict or, conversely, an instrument of national unity. For this reason, linguistics extends beyond a purely academic discipline and acquires socio-political significance. It also helps develop strategies of language normalization and standardization, which are necessary for the functioning of education, public administration, mass media, and the legal system.

Linguistics is closely connected with human thinking. Numerous linguistic theories emphasize that language does not merely reflect thought but also shapes it. People think in the categories of their native language, and lexical and grammatical structures influence how an individual perceives events, phenomena, and objects. Such research helps to understand how linguistic models affect cognitive processes, how stereotypes are formed, and how logical structures of thinking emerge. This is important in psychology, pedagogy, and neuroscience, where scholars study how children acquire language, how language is linked to intellectual development, and how speech disorders affect behavior. Linguistic knowledge allows for the creation of effective teaching methods tailored to the age and individual characteristics of learners.

In the modern world, applied linguistics deserves special attention. Its importance is growing in the fields of information technology, particularly in the development of artificial intelligence systems, machine translation, voice assistants, and technologies for speech recognition and synthesis. All these systems rely on linguistic models that describe sentence structure, lexical semantics, and contextual meaning. Without fundamental knowledge of grammar, morphology, phonetics, and semantics, it is impossible to create algorithms capable of adequately analyzing and generating human language. Thus, linguistics becomes an essential component of technological progress while simultaneously gaining new research tools and methodologies.

Linguistics also has significant relevance in the legal field. Legal language is characterized by a high level of precision, specialized terminology, and the need to avoid ambiguity. The analysis of legal texts, interpretation of laws, and preparation of legal documents all require a deep understanding of linguistic structures. Forensic linguistics, as a separate subfield, studies issues of authorship, the analysis of threats, and the contextual examination of utterances in criminal proceedings. Therefore, linguistics becomes a tool for ensuring the rule of law and fair justice.

In intercultural communication, the importance of linguistics is especially pronounced. In an increasingly globalized world, people frequently interact with representatives of different cultures. Language serves as a key bridge that helps overcome differences in worldview, values, and traditions. Linguistics studies not only the structure of language but also pragmatics, discourse, linguistic norms, and social rules of communication. This knowledge helps to avoid cultural misunderstandings, adapt communication to different traditions, and facilitate tolerance and effective international cooperation.

Linguistics is also essential in the field of media and informational security. The media space is filled with texts of various formats – from news reports to advertising messages. Linguistic knowledge allows for the analysis of how

manipulative content is constructed, how language influences emotion and behaviour, and how propaganda operates. This is particularly relevant in the digital age, when information streams can be used as tools of psychological influence and information warfare. Linguistic analysis helps identify distortions of meaning, manipulative techniques, covert persuasion, and other instruments that affect public consciousness.

Moreover, linguistics is closely linked to personal development. The development of speech fosters critical thinking, argumentation skills, and public speaking abilities. The ability to express oneself clearly and accurately enhances self-confidence, promotes successful socialization, improves communication skills, and broadens one's worldview. Language proficiency affects professional success in every field – from education and diplomacy to business and medicine. Linguistics helps not only to understand the mechanisms of speech but also to apply them in everyday life, forming a high level of language culture and communicative competence.

Thus, linguistics is an integral part of human life because language permeates every sphere of social activity – from personal communication to global political processes. The study of language allows for a deeper understanding of human thinking, social relations, cultural development, and mechanisms of informational influence. Linguistics is a fundamental science that not only describes language but also actively shapes the development of modern civilization, integrates knowledge, strengthens the intellectual potential of society, and ensures conditions for effective communication in a rapidly changing world. Its role in human life is multidimensional, profound, and strategically important, for without language humanity cannot exist, and without linguistics it is impossible to understand how language creates the human world.

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## **ARTIFICIAL INTELLIGENCE AS A FACTOR IN CONTEMPORARY INFORMATION INFLUENCES**

Artificial intelligence is one of the key technological factors in the development of contemporary society, as it significantly transforms the ways in which information is processed, communicated, and decisions are made. The active introduction of AI technologies into various spheres of life – information systems, media, economics, education, public administration, and security – creates new opportunities and, at the same time, raises complex social, ethical, and security challenges. Scientists are particularly interested in the impact of artificial intelligence on the information space, where it acts as a powerful tool for automation, analysis of large data sets, and generation of digital content, which directly influences the formation of public opinion and social perceptions [1; 2].

In scientific research, artificial intelligence is defined as a set of algorithms, machine learning models, and computing systems capable of performing intellectual functions traditionally associated with human activity. These functions include image recognition, natural language processing, information analysis, forecasting, and decision-making. The rapid development of generative models has significantly expanded the capabilities of AI in creating text, visual, and audio content, which contributes to the efficiency of information processes, but at the same time complicates the distinction between reliable and artificially created information [1; 5].

An important aspect of artificial intelligence is its ability to work with large amounts of data in real time. AI systems are actively used to analyze user behavior, identify information trends, predict public sentiment, and personalize information messages. Such technologies play a significant role in the work of social networks, search engines, and digital platforms, forming an individualized information environment for each user. Along with the positive aspects of personalization, there is a risk of forming information “bubbles” that limit access to alternative views and reduce the level of critical thinking [2].

The main areas of application of artificial intelligence in the modern information environment are:

- automated creation and processing of text, graphic, and video content;
- analysis of big data and user behavior patterns;
- personalization of information messages and recommendations;
- algorithmic management of information flows;
- creation of synthetic media, in particular deepfakes [3; 5].

Significant attention has been paid in scientific works to the manipulative potential of artificial intelligence. As noted by A. Paziuk, D. Lande, and co-authors, AI technologies can be used to purposefully shape narratives that influence people's emotions, values, and behavioral attitudes. Such mechanisms are particularly effective in conditions of information instability, social crises, or political confrontations. Examples of the use of AI in information campaigns during military conflicts, in particular the Russian-Ukrainian war, demonstrate how technology can scale propaganda messages and amplify psychological influence [2].

A particular challenge today is the spread of deepfakes – synthetic video and photo materials created using deep neural networks. Deepfake technologies allow the appearance, facial expressions, and voices of real people to be imitated, making such materials difficult to recognize. Studies show that deepfakes can be used not only in military or political contexts, but also in fraud, reputation attacks, media manipulation, and cybercrime, undermining trust in digital information sources in general [5; 6].

The spread of AI-generated content significantly affects the level of epistemic trust in society. The realization that any visual or textual material can be artificially created leads to increased skepticism and distrust of the media. This complicates the process of forming a well-founded public position and creates conditions for informational chaos, in which truth loses its persuasiveness [6].

At the same time, artificial intelligence is seen as an effective tool for countering information threats. Modern scientific approaches, in particular zero-shot methods for detecting deepfakes, allow the identification of fake visual content without prior training of models on specific samples. Research by A. Sar, S. Roy, T. Choudhury, and A. Abraham, as well as H. Zhao and co-authors, demonstrates the potential of such methods to improve information security and protect the digital space [3; 4; 7].

An equally important aspect of the development of artificial intelligence is the ethical and legal issues surrounding its use. The lack of clear mechanisms for regulating AI technologies can lead to abuse, human rights violations, and the uncontrolled spread of manipulative content. In this context, it is important to develop international and national approaches to the ethical use of artificial intelligence, ensuring the transparency of algorithms and accountability for the consequences of their use.

In addition, the development of information and digital literacy among the population plays an important role. Understanding the principles of artificial intelligence, the ability to critically evaluate digital content and verify sources of information are necessary conditions for the formation of a stable information environment in the context of rapid digitalization.

### Conclusions

Artificial intelligence is one of the defining technological factors of the modern information society, profoundly influencing the processes of communication, data processing, and the formation of public opinion. Its application opens up significant opportunities for the development of information systems and digital technologies,

while at the same time creating risks of disinformation, manipulation, and a decline in public trust. In today's environment, the effective use of artificial intelligence requires a comprehensive approach that combines technological innovation, ethical and legal regulation, and increased information literacy among the population. It is this approach that will minimize the negative consequences of AI development and ensure its use for the benefit of society.

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## **THE RIGHT TO EDUCATION DURING MARTIAL LAW IN UKRAINE**

Education is universally recognized as a fundamental human right and a cornerstone of personal and societal development. In Ukraine, the right to education is guaranteed under Article 53 of the Constitution, which obliges the State to provide accessible, free, and quality education to all citizens. This constitutional provision is

implemented through the Law of Ukraine “On Education,” which establishes key principles, including inclusivity, continuity, and adaptability of educational services. In peacetime, these regulations ensure that learners at all levels-pre-school, secondary, vocational, and higher education-receive a standardized quality of instruction [1].

The imposition of martial law has dramatically altered the educational landscape. Many schools and universities face interruptions due to security threats, infrastructure damage, and the displacement of students and staff. The sudden transition from stable classroom environments to emergency conditions has challenged educators and administrators to maintain continuity of learning. Students are forced to adapt to temporary relocation or remote learning, while educators must develop new pedagogical strategies to reach learners in unstable conditions [2].

From a legal perspective, international obligations reinforce Ukraine’s responsibilities. The Universal Declaration of Human Rights (Article 26) and the International Covenant on Economic, Social and Cultural Rights (Article 13) guarantee education without discrimination, even in emergencies. Similarly, the Convention on the Rights of the Child requires states to ensure access to schooling during conflict. Ukraine, as a signatory to these treaties, must implement protective measures to guarantee education for all, including internally displaced persons, children in conflict zones, and vulnerable populations. The integration of international law into domestic legal frameworks underscores the State’s commitment to upholding human rights under extraordinary circumstances [3].

Innovative educational methods play a crucial role in ensuring the continuity of education during wartime. In the conditions of armed conflict, traditional forms of learning often become impossible due to security risks, damage to infrastructure, and displacement of students and teachers. Therefore, distance learning has become one of the main ways to maintain access to education. Online platforms, digital learning resources, and virtual classrooms allow students to continue their studies regardless of their location and provide the opportunity to receive educational materials, complete assignments, and communicate with teachers. Distance education also helps to create flexible learning conditions, which is especially important for students who have been forced to relocate or temporarily live in safer regions or abroad. At the same time, the use of modern technologies in education contributes to the development of digital skills among both students and teachers, which strengthens the resilience of the educational system in times of crisis.

It is worth noting that the issue of students psychological and social well-being is a key aspect of the continuity of education. Exposure to conflict, displacement, and trauma can severely affect learning outcomes and emotional development. NGOs such as **Save the Children Ukraine** provide counseling services, group support, and educational resources tailored to the needs of children experiencing trauma. Teachers receive training in managing classrooms under stress, ensuring that the educational process fosters both cognitive and emotional resilience. Psychological support programs are particularly important for students with special needs and those from



socio-economically disadvantaged backgrounds, guaranteeing equitable access to education.

International organizations play an important role in ensuring the continuity of education during wartime. Organizations such as UNICEF and UNESCO support the educational system by providing digital learning platforms, educational materials, and emergency education programs. They also contribute to teacher training, helping educators adapt to difficult conditions and new learning formats. In addition, international organizations introduce educational courses and programs aimed at improving professional knowledge and skills, such as the HELP Programme of the Council of Europe, which provides online courses on human rights, rule of law, and legal education. Such initiatives promote access to high-quality education and strengthen the resilience of the educational system, helping to safeguard the fundamental right to education even in times of crisis [3;4].

Despite ongoing initiatives, several significant challenges continue to affect the educational process in Ukraine. In some regions, limited access to reliable internet and digital infrastructure restricts the effectiveness of online learning. Additionally, security risks and damage to school facilities further complicate the delivery of consistent education in affected areas.

In conclusion, the right to education during martial law is a legally protected, constitutionally guaranteed, and internationally recognized human right. Effective implementation requires a comprehensive strategy that combines state intervention, institutional adaptation, civil society participation, and international support. Technological innovation, psychosocial support, and targeted interventions for vulnerable populations are key components of this strategy. Upholding education under martial law ensures the development of human capital, continuity of learning, and social resilience. By safeguarding this fundamental right, Ukraine not only fulfills its domestic and international obligations but also lays the foundation for sustainable post-conflict development and national stability.

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**ENSURING HUMAN RIGHTS IN THE ACTIVITIES OF LAW  
ENFORCEMENT AGENCIES DURING MARTIAL LAW:  
INTERNATIONAL STANDARDS AND UKRAINIAN PRACTICE**

Ensuring human rights in the activities of law enforcement agencies during martial law constitutes one of the most complex and at the same time fundamental issues of the contemporary legal system. The full-scale armed aggression of the Russian Federation against Ukraine led to the introduction of the legal regime of martial law in accordance with the Law of Ukraine «On the Legal Regime of Martial Law» of 12 May 2015 [2]. Such a regime provides for the possibility of temporary restrictions on certain constitutional rights and freedoms in order to protect national security, territorial integrity, and the defense capability of the state. At the same time, even during martial law the activities of law enforcement agencies remain strictly within the legal framework and are subject to clearly defined international human rights standards. This is due to the fact that Ukraine is a party to the key international human rights treaties, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and the International Covenant on Civil and Political Rights of 1966, which continue to operate even in periods of emergency or wartime circumstances.

An important principle of international human rights law is that even in times of war the state is not released from its obligations to protect fundamental human rights [5, p. 230–233]. The International Covenant on Civil and Political Rights provides for the possibility of a temporary derogation from certain obligations in situations of public emergency threatening the life of the nation; however, such measures must be proportional, justified, and limited in time. At the same time, there exists a number of rights from which no derogation is permitted under any circumstances. These include the right to life, the prohibition of torture and inhuman or degrading treatment, the prohibition of slavery, and the principle of legality in criminal law. These provisions are directly relevant to the activities of law enforcement agencies, as they exercise powers related to the maintenance of public order, investigation of criminal offenses, and the application of state coercive measures.

The European system of human rights protection also establishes clear standards for the activities of state authorities in crisis situations. The European Court of Human Rights has repeatedly emphasized in its case law that even in situations of armed conflict the state must maintain a balance between the interests of national security and the necessity of protecting human rights [4, p. 345–350]. The Court stresses that any restriction of rights must comply with the criteria of legality,

necessity, and proportionality. For law enforcement agencies this means that the use of force, the conduct of arrests, searches, and other procedural measures must be carried out strictly within the limits established by law and under effective judicial control. The absence of such control or the arbitrary exercise of powers may result in violations of human rights and entail international responsibility of the state.

Within the Ukrainian legal system, guarantees of human rights in the activities of law enforcement agencies are primarily enshrined in the Constitution of Ukraine, which recognizes the individual, his or her life and dignity as the highest social value [1]. Article 64 of the Constitution of Ukraine stipulates that during martial law or a state of emergency certain restrictions of rights and freedoms may be introduced with the indication of the period of their validity. At the same time, the Constitution clearly determines a number of rights that cannot be restricted even during martial law, including the right to life, the right to respect for human dignity, the right to judicial protection, and the presumption of innocence. These provisions are of key importance for the practical activities of law enforcement agencies, as they establish clear limits for the exercise of state coercive powers.

The Law of Ukraine «On the National Police» of 02 July 2015 also establishes the principles governing police activities, among which the principle of respect for and protection of human rights occupies a central place. According to the provisions of this law, the police are obliged to respect and protect human rights and freedoms regardless of circumstances. Even when performing duties during martial law, police officers must act on the basis of legality, proportionality, and necessity. This means that any interference with human rights must have a legal basis, pursue a legitimate aim, and not exceed the limits necessary to achieve that aim.

Particular importance arises in relation to the issue of the use of force by law enforcement agencies. International standards established in the Code of Conduct for Law Enforcement Officials adopted by the United Nations General Assembly, as well as in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, stipulate that the use of force is permissible only as a measure of last resort. Officials must strive to minimize harm and ensure the protection of human life and health. These principles are especially relevant for Ukrainian law enforcement agencies during martial law, when they may perform tasks related to identity checks, enforcement of curfews, protection of strategic facilities, or response to sabotage threats [3].

An important component of ensuring human rights also concerns the procedural activities of law enforcement agencies in the field of criminal proceedings. The Criminal Procedure Code of Ukraine establishes a system of guarantees for the rights of participants in criminal proceedings, including the right to defense, the right not to testify against oneself, and the right to a fair trial. Even during martial law these guarantees remain in force, although the legislation allows certain procedural particularities related to the objective circumstances of war. For example, the legislator has provided for the possibility of conducting certain procedural actions under conditions of restricted access to courts or in situations where the security environment makes the ordinary administration of justice

impossible. However, such changes are temporary in nature and should not lead to systemic restrictions of the rights of participants in criminal proceedings.

Ukrainian practice in recent years demonstrates the complexity of ensuring human rights under martial law. On the one hand, law enforcement agencies perform a significant number of additional tasks related to countering sabotage groups, ensuring public security, investigating war crimes, and documenting the consequences of armed aggression. On the other hand, such activities must be carried out with due regard to international human rights standards and the principle of the rule of law. For this reason, particular attention in Ukraine is paid to improving the professional training of law enforcement officers, strengthening internal oversight procedures, and developing cooperation with international organizations [6, p. 98–101].

One of the important elements of such cooperation is interaction with international human rights institutions, including the Council of Europe, the Office of the United Nations High Commissioner for Human Rights, and other organizations. These institutions monitor the human rights situation in Ukraine and provide recommendations aimed at improving legislation and law enforcement practices. The jurisprudence of the European Court of Human Rights also plays a significant role, as it establishes standards for assessing the actions of state authorities in situations involving the use of force, detention of individuals, or restrictions on freedom of movement.

The analysis of Ukrainian practice indicates that ensuring human rights during martial law largely depends on the effectiveness of institutional oversight. Such oversight is exercised both by judicial authorities and by parliamentary institutions, in particular the Ukrainian Parliament Commissioner for Human Rights. Judicial control over the activities of law enforcement agencies ensures the possibility of challenging unlawful actions or omissions of officials, which constitutes an important safeguard for the protection of human rights even during martial law [7, p. 120–126].

In the future, the development of the system for ensuring human rights in the activities of law enforcement agencies under martial law is associated with further improvement of legislation, enhancement of professional training of law enforcement personnel, and the introduction of modern mechanisms of internal control. Particular importance should be attached to the formation of a legal culture among law enforcement officers based on respect for human dignity and the principles of the rule of law. Such an approach allows for an effective balance between the interests of state security and the protection of human rights.

Therefore, ensuring human rights in the activities of law enforcement agencies during martial law represents a complex multidimensional process that combines international standards, national legislation, and the practical functioning of state institutions. The Ukrainian experience demonstrates that even under extremely difficult wartime conditions the state seeks to maintain its commitment to the principles of the rule of law and international human rights standards. Compliance with these principles remains an essential prerequisite for maintaining public trust in law enforcement agencies and for strengthening democratic values within the state.

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## **PROTECTION OF HUMAN RIGHTS UNDER MARTIAL LAW: MODERN CHALLENGES**

Human rights and freedoms are one of the fundamental values of a democratic society and an important element of the functioning of the rule-of-law state. Their protection and guarantee are ensured by national legislation and international legal acts, in particular the Constitution of Ukraine and the European Convention on Human Rights. However, during martial law the exercise of certain human rights may be subject to restrictions due to the need to ensure national security and the defense of the state.

In Ukraine, the issue of restricting rights and freedoms in such circumstances is regulated by the Law of Ukraine “On the Legal Regime of Martial Law”. According to the legislation, during martial law certain rights may be temporarily limited, including freedom of movement, the right to peaceful assembly, freedom of expression, and the inviolability of the home. At the same time, there are rights that cannot be restricted even under emergency conditions, such as the right to life, the

prohibition of torture, the right to respect for human dignity, and the right to judicial protection.

Modern challenges in protecting human rights under martial law are primarily related to the need to balance the interests of national security with the observance of fundamental rights and freedoms of citizens. Particularly important issues include the protection of the rights of internally displaced persons, ensuring access to justice, respecting the rights of prisoners of war, and documenting war crimes.

International institutions also play an important role in ensuring the protection of human rights, particularly the Council of Europe and the United Nations. These organizations monitor the human rights situation, provide recommendations to states, and contribute to holding those responsible for violations accountable. Thus, under martial law it is especially important to ensure an effective mechanism for the protection of human rights that combines the need to defend the state with compliance with international human rights standards. This is an important condition for preserving democratic principles and the rule of law even in the difficult circumstances of wartime.

After the armed aggression of Russia and its full-scale invasion of the territory of Ukraine, the issue of ensuring international security has become one of the key challenges of today. As an independent, legal and social state, Ukraine shows a special interest in the protection of human rights and freedoms. Today, there are many international organizations that monitor the observance of these rights and freedoms and promote their protection, in particular courts and tribunals. They are divided into universal ones, operating under the auspices of the UN, and regional ones (European, American, African, Asian, etc.) [1].

International legal instruments designed to ensure and protect fundamental human rights include:

- international legal acts containing rules of conduct, defining the rights and obligations of relevant subjects (conventions, pacts, agreements, treaties, etc.), as well as international documents that usually do not contain norms and rules of conduct and do not directly formulate rights and obligations (for example, declarations, statements, memoranda);
- international bodies that supervise and monitor compliance with fundamental human rights (commissions, committees), as well as those involved in their protection (courts, tribunals) [2, p. 14-15].

The following categories are distinguished among international bodies whose activities are aimed at protecting human rights:

- International bodies operating within the framework of human rights agreements: these bodies consist of independent experts or representatives of governments and issue general recommendations.
- International non-judicial bodies that monitor compliance with human rights treaties: they are composed of experts and adopt specific recommendations, the binding nature of which is based on the moral authority of these bodies.
- International jurisdictional bodies, both judicial and non-judicial, that protect human rights, issue binding decisions and can ensure their implementation [3, p. 2].

The legislation of Ukraine provides for the possibility of introducing martial law in the event of a threat to national security or territorial integrity of the country. During martial law, some rights and freedoms of citizens may be restricted to ensure the defense and security of the state. However, these restrictions do not apply to all rights of citizens. According to Article 6 of the Law of Ukraine “On the Legal Regime of Martial Law”, the Presidential Decree on the introduction of martial law contains a list of constitutional rights and freedoms of a person that are temporarily restricted, as well as the duration of these restrictions.

The mechanism for the protection of human rights as a legal phenomenon is a system, as it includes a number of components, such as the right to protection, forms and methods of protecting rights, as well as the process and procedure for contacting the relevant bodies, institutions and organizations. This system is characterized by dialectical interdependence between its parts, where each element has its place and performs a specific function. The mechanism for the protection of rights should be a holistic and logically coherent process. Its essence lies in the consistent actions of a person aimed at restoring the state that existed before the violation of his rights.

The basis of the mechanism for protecting human and civil rights and freedoms are legal principles, norms (legal guarantees), as well as conditions and requirements for the activities of government bodies, local self-government bodies, their officials and citizens. All these elements together ensure compliance, implementation and protection of the rights and freedoms of citizens. It is believed that this is a system of interrelated constitutional norms that enshrine the fundamental rights and freedoms of citizens and establish guarantees for their implementation, as well as a system of state authorities, local self-government bodies and other state institutions that ensure, protect and defend these rights and freedoms [4, p. 4].

In Ukraine, the mechanism for protecting rights is implemented through the activities of the Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and Interethnic Relations, as well as other committees of the Verkhovna Rada that are engaged in the provision and protection of human rights. Key institutions also include the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, the Prosecutor General's Office of Ukraine, the Institute of Advocacy (the legal aid system), the Ministry of Internal Affairs of Ukraine (in terms of developing internal control over the observance of human rights), the Ministry of Justice of Ukraine and other central executive bodies.

In conditions of martial law, the protection of human rights becomes especially difficult. The Constitution of Ukraine and other regulatory legal acts allow for the possibility of restricting certain rights of citizens.

However, such restrictions must be justified, temporary and limited in scope, applied in accordance with the principles of democracy and the rule of law in order to protect public interests, maintain public order and security, as well as the rights and freedoms of other citizens. It is important that these restrictions comply with international standards and human rights.

Thanks to the principle of the rule of law, as well as the current Convention and decisions of the European Court of Human Rights, there is now an established

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## **MULTI-COMPONENT COMPOUND TERMS STRUCTURE IN THE ENGLISH-MILITARY-DICTIONARY.ORG.UA**

The modern development of the military sphere and the intensive integration of Ukraine into the European security space are characterized by the emergence of new concepts, which necessitates high requirements for the accuracy of military terminology translation. English-language military discourse, recorded in NATO standards and STANAGs, demonstrates a tendency toward the active use of multi-component compound terms that provide a concise yet meaningful expression of complex concepts. This allows for the inclusion of a significant volume of technical information within a single lexical unit. The analysis of such linguistic units based on specialized sources, particularly the resource «English-Ukrainian Military Dictionary» ([english-military-dictionary.org.ua](http://english-military-dictionary.org.ua)), is relevant for the training of military translators and philologists, as well as for the interoperability of units, which is extremely important at the present time.

The **goal of the study** is to identify the structural types of multi-component compound terms and describe the algorithm for their transformation when translating into Ukrainian. Using continuous sampling, a corpus of terms was processed and classified according to their structural-grammatical component and degree of cognitive complexity. Analysis of the sample of terms from the specified dictionary allowed for the division of multi-component compound terms by the number of components and types of connection.



It was determined that the most productive models are three-component combinations of the *N+N+N* and *Adj+N+N* types. For example:

*Area Denial Weapon* – зброя заборони доступу; [1]

*Battle Damage Assessment* – оцінка бойових ушкоджень; [1]

*Ammunition Supply Point* - пункт постачання боєприпасів. [1]

*Tactical Operations Center* – центр тактичних операцій; [1]

*Strategic Airlift Capability* – потенціал стратегічних авіан перевезень; [1]

*Close Air Support* - безпосередня авіаційна підтримка. [1]

In such structures, it is observed that the key word is placed last, while the preceding words narrow its meaning; that is, each subsequent component adds a new feature to the overall image. In this case, the translator must perform an analysis of the phrase in reverse order: first identify the base, and then sequentially attach the pre-modifiers to it. [2]

A separate group consists of poly-component terms (4 or more elements). They usually describe complex weapon and control systems. For example:

*High Mobility Artillery Rocket System (HIMARS)* – високомобільна артилерійська ракетна система; [1]

*Surface-to-Air Missile System* - зенітно-ракетний комплекс; [1]

*Joint Tactical Information Distribution System* - об'єднана тактична система розподілу інформації; [1]

*Automatic Target Recognition and Tracking System* - система автоматичного розпізнавання та супроводження цілей; [1]

*Anti-Tank Guided Missile (ATGM)* - протитанкова керована ракета; [1]

*Integrated Air and Missile Defense System* - інтегрована система протиповітряної та протиракетної оборони. [1]

When rendering these units into Ukrainian, the following transformations are applied in the dictionary:

Inversion (change of word order): moving the main word from the end of the English phrase to the beginning of the Ukrainian one (*Rapid Reaction Force* – *Сили швидкого реагування* [1]). [2]

Replacement of parts of speech: using prepositional-noun constructions instead of English asyndetic ones (*Flight Control System* – *система керування польотом* [1]). [2]

Descriptive translation: in cases where there is no direct equivalent in the Ukrainian language, an expansion of the concise English term is carried out to accurately convey its technical essence. [2]

Multi-component terms in the military dictionary english-military-dictionary.org.ua are complex cognitive-linguistic constructions. Successful reproduction of such units in Ukrainian requires not only knowledge of terminology but also an understanding of the logical connections between all components of the phrase. The use of an electronic dictionary significantly simplifies this process by offering standardized translation options that correspond to the modern realities of the UAF and NATO.

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## **WAR CRIMES AGAINST UKRAINE AS A MORAL CHALLENGE FOR THE INTERNATIONAL COMMUNITY**

War crimes are among the most serious violations of international humanitarian law and pose a significant threat to international peace, security, and human dignity. In the modern legal world, the issue of war crimes has become especially relevant in the context of armed conflicts, where civilian populations often suffer the most severe consequences. Since 2014, and particularly after the full-scale invasion of Ukraine in 2022, the problem of war crimes committed on the territory of Ukraine has gained special attention from the international community.

War crimes are defined as serious violations of the laws and customs of war, which are established by international treaties and customary international law. These crimes include attacks on civilians, destruction of civilian infrastructure, torture, inhumane treatment, unlawful detention, deportation of civilians, and other acts prohibited by international humanitarian law. The legal basis for defining war crimes can be found in the Geneva Conventions of 1949, their Additional Protocols, as well as the Rome Statute of the International Criminal Court.

The armed conflict in Ukraine has been accompanied by numerous reports of war crimes committed against the civilian population. International organizations, human rights institutions, and independent investigative bodies have documented cases of deliberate attacks on residential areas, hospitals, schools, and other civilian objects. Such actions constitute a direct violation of the fundamental principles of international humanitarian law, including the principles of distinction, proportionality, and military necessity.

One of the key aspects of addressing war crimes against Ukraine is the issue of international criminal responsibility. The International Criminal Court (ICC) plays a crucial role in investigating and prosecuting individuals responsible for war crimes, crimes against humanity, and genocide. Although Ukraine is not a full member of the ICC, it has recognized the Court's jurisdiction over crimes committed on its territory. This has allowed the ICC to initiate investigations into war crimes committed during the armed conflict.

In addition to the ICC, other international mechanisms contribute to documenting and prosecuting war crimes against Ukraine. The United Nations, the Council of Europe, and various international human rights organizations have established investigative missions and monitoring mechanisms to collect evidence and ensure accountability. These efforts aim to prevent impunity and uphold the principle that those responsible for serious international crimes must be held accountable.

The issue of war crimes against Ukraine is not only a legal problem but also a humanitarian and moral challenge for the international community. The large-scale violations of human rights during the armed conflict have led to massive displacement of civilians, loss of life, and destruction of social and economic infrastructure. Ensuring justice for victims and restoring respect for international law are essential for achieving long-term peace and stability.

In conclusion, war crimes against Ukraine represent a serious violation of international law and fundamental human rights. The effective investigation and prosecution of such crimes are necessary to protect victims, restore justice, and strengthen the international legal order. The international community must continue to support legal mechanisms aimed at accountability and ensure that international humanitarian law remains an essential element of the modern legal world.

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## **FORMATION AND FUNCTIONING OF CIVIL DEFENCE TERMINOLOGY IN THE CONTEXT OF MARTIAL LAW**

In a state of martial law, civil protection language ceases to be merely a tool for recording professional knowledge – it becomes a means of rapid response, coordination of actions and preservation of life. Every term in this field has not only nominal but also practical value: the speed of decision-making and the effectiveness of interaction between services depend on the accuracy of the wording. That is why research into the formation and functioning of this terminology is particularly relevant.

The regulatory framework for the sector is provided by the Civil Protection Code of Ukraine, which systematically defines the basic concepts of ‘emergency situation’, ‘protective structures’, “evacuation” and ‘public warning’ [1]. These definitions form the framework of the terminology system, ensuring its structure and logical order. At the same time, the introduction of martial law in accordance with Presidential Decree No. 64/2022 has been a catalyst for qualitative changes in the conceptual apparatus [2]. New challenges have necessitated the clarification, expansion and partial rethinking of existing terms.

Martial law is a powerful extralinguistic factor that activates the processes of term formation. Units of military origin are integrated into professional speech, and individual concepts acquire new semantic nuances. Thus, the terms ‘shelter’ and ‘evacuation,’ enshrined in normative acts [1], acquire an expanded functional meaning in the reality of constant threat of missile strikes, going beyond the purely formal definition. This reveals the interaction between legal text and real communicative practice.

From a theoretical point of view, terminology is considered to be a systematically organised set of specialised terms that reflects the structure of the relevant field of knowledge [4]. Researchers of Ukrainian terminology emphasise that the development of the terminology system is determined both by internal linguistic mechanisms (word formation, semantic derivation) and by socio-historical circumstances [5]. The situation of martial law clearly demonstrates this dependence: the language system responds quickly to changes in society, creating or adapting nominations for new realities.

An important feature of the current stage is the active mediatisation of civil protection terms. Through official announcements and explanations by the State Emergency Service of Ukraine [3], specialised vocabulary is entering the sphere of mass usage. As a result, partial deterministisation is taking place: professional units are becoming understandable to the general public and are becoming established in

everyday speech. This process expands the functional boundaries of terminology, but at the same time raises the issue of preserving its accuracy.

Structurally, civil protection terminology tends to use compound names and clear, definitive constructions that ensure semantic unambiguity. Abbreviations and standardised abbreviations serve to economise language, especially in operational communication. At the same time, there is a trend towards the integration of international terms, which requires their normative adaptation in accordance with the requirements of the Ukrainian language [6].

Thus, civil protection terminology in a state of martial law appears to be a dynamic system that is sensitive to social change. It combines normative stability, enshrined in legislative acts [1; 2], with flexibility, determined by response practices and public communication [3]. Its development proves that language not only reflects reality but also actively shapes mechanisms of public safety. Further research into this terminology system will contribute to the improvement of professional communication and the effectiveness of civil protection in modern conditions.

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## **LES IMPACTS DU RÉCHAUFFEMENT CLIMATIQUE**

C’est un constat sans appel : depuis de nombreuses années nous parlons de «changement climatique». Nous savons que le dérèglement du climat est principalement dû à l’activité humaine et qu’il représente une menace réelle pour la planète. Ce dérèglement engendre déjà de multiples perturbations dont les impacts sont dévastateurs, en particulier pour les populations les plus vulnérables. Si rien n’est fait dès maintenant, les conséquences seront dramatiques et irréversibles, non

seulement pour notre environnement mais aussi et surtout parce que les changements à l'œuvre réduiront à néant les progrès réalisés ces dernières décennies pour lutter contre la pauvreté.

Le changement climatique correspond à une modification durable du climat au niveau planétaire ou de ses divers climats régionaux. S'il peut être dû à des phénomènes naturels, tels que des variations de l'activité solaire par exemple, il résulte depuis le milieu du XIX<sup>e</sup> siècle d'une augmentation des concentrations de gaz à effet de serre dans l'atmosphère, engendrée par les activités humaines.

Les gaz à effet de serre, comme le gaz carbonique et le méthane, sont naturellement présents dans l'atmosphère et jouent un rôle essentiel dans la régulation du climat. Ils forment une barrière autour de la Terre, qui permet de retenir la chaleur provenant du soleil et de maintenir la température de la planète à une moyenne d'environ 15°C.

Depuis la révolution industrielle, les activités humaines, telles que l'utilisation de combustibles fossiles (charbon, pétrole, gaz), l'exploitation des forêts ou encore l'élevage intensif, ont entraîné une augmentation de ces gaz qui se sont accumulés dans l'atmosphère, provoquant un réchauffement de la planète, appelé aussi réchauffement climatique.

Depuis la fin du XIX<sup>e</sup> siècle, la température à la surface de la terre a augmenté d'environ 1°C, entraînant un bouleversement des écosystèmes et une fréquence accrue des catastrophes naturelles, qu'on qualifie désormais d'événements climatiques extrêmes. Certaines régions du monde sont encore plus impactées, à l'image de l'Arctique qui se réchauffe deux fois plus vite que le reste de la planète.

En modifiant les équilibres naturels (températures, cycle de l'eau, courants marins et aériens), le dérèglement climatique est responsable de perturbations importantes.

Parmi les conséquences les plus immédiates : l'augmentation de la fréquence, de la durée et de l'intensité des événements météorologiques extrêmes (inondations, tempêtes, cyclones, sécheresses et feux de forêts, épisodes caniculaires...)

D'autres phénomènes à évolution plus lente sont aussi perceptibles : la fonte des glaces et l'élévation du niveau des mers, l'érosion progressive des côtes, la désertification, la raréfaction des ressources, le bouleversement des écosystèmes et la disparition de certaines espèces.

Ces impacts peuvent être très différents d'une région à l'autre, mais ces phénomènes climatiques concernent toute la planète et s'intensifieront au cours des prochaines décennies.

Si les changements climatiques sont une réalité pour l'ensemble de la planète, tous les pays n'en subissent pas les mêmes conséquences et ne disposent pas des mêmes moyens pour s'en prémunir.

Détérioration des moyens de subsistance, augmentation de la faim, déplacements forcés : alors qu'elles sont les moins responsables du dérèglement climatique, ce sont les populations les plus pauvres et les plus vulnérables qui en sont les premières victimes.

Les changements climatiques contribuent à creuser les inégalités. La raréfaction des ressources naturelles, comme l'eau, encore l'augmentation des phénomènes météorologiques extrêmes (cyclones, incendies, sécheresses) exacerbent l'instabilité dans de nombreuses régions et aggravent les risques de conflits.

Les catastrophes dues aux changements climatiques sont le principal facteur de déplacement interne dans le monde, avant les séismes ou les conflits. Les populations vivant dans des pays pauvres ont cinq fois plus de risques d'être déplacées du fait de catastrophes climatiques que celles des pays riches.

Au rythme actuel, le réchauffement climatique pourrait conduire à une chute des rendements agricoles dans de nombreuses parties du globe. Les changements climatiques impactent déjà très fortement les moyens de subsistance d'un grand nombre de producteurs et productrices agricoles des pays pauvres, les exposant ainsi davantage à la faim et à la pauvreté.

D'autre part, quand les sécheresses ou les inondations se multiplient, la perte des récoltes entraîne une hausse des prix des denrées alimentaires qui rend d'autant plus difficile l'accès à la nourriture pour des milliers de personnes. Entre 2010 et 2020, le prix des denrées de base (riz, maïs, blé) a été multiplié par 2. La moitié de cette hausse serait imputable aux changements climatiques.

Les changements climatiques sont un problème mondial qu'il convient d'affronter sur tous les fronts : à l'échelle collective, que ce soit au niveau local, national ou international, mais aussi à l'échelle individuelle. Face à ces dérèglements climatiques, des solutions existent, à commencer par la nécessité cruciale de maîtriser les émissions de gaz à effet de serre. La responsabilité des États dans ce domaine – ainsi que celles des entreprises, dont il faut réguler l'activité – est immense.

Pour lutter contre les changements climatiques, la participation de toutes et de tous est nécessaire et les moyens d'agir sont bien plus nombreux qu'on ne le croit : au travail, chez soi, dans la rue ou auprès d'ONG qui œuvrent au quotidien pour une meilleure prise en compte du dérèglement climatique. Face au péril climatique, les pays riches, historiquement à l'origine de ce dérèglement climatique global, ont une double responsabilité : agir pour réduire leurs émissions de gaz à effet de serre et aider les populations les plus vulnérables à s'adapter aux impacts déjà dévastateurs des changements climatiques, en leur apportant une aide financière plus conséquente, mais aussi en leur permettant de se développer tout en limitant leurs propres émissions de gaz à effet de serre.

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1. Office des Nations Unies à Genève <https://www.ungeneva.org/fr/news-media/news/2023/02/77830/les-discours-de-haine-comment-inverser-la-tendance/> (дата звернення 10.02.26)

2. Réchauffement climatiques <https://www.oxfamfrance.org/climat-et-energie/comprendre-les-changements-climatiques/> (дата звернення 13.02.26)

3. CLIMAT ET ÉNERGIE <https://www.oxfamfrance.org/> (дата звернення 14.02.26)

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## **LES FEMMES DANS LA GUERRE EN UKRAINE : ENGAGEMENT, PROFESSIONS MILITAIRES ET RÔLE AU SEIN DES UNITÉS**

Depuis le début de l'invasion à grande échelle par la Forces armées de la Fédération de Russie en février 2022, les femmes ukrainiennes jouent un rôle déterminant dans la défense de leur pays. Au sein des Forces armées de l'Ukraine, leur présence s'est considérablement accrue, tant dans les fonctions de soutien que dans les postes de combat. Leur engagement illustre une transformation profonde de la société ukrainienne et de son armée. Bien avant 2022, des femmes servaient déjà dans l'armée ukrainienne, notamment depuis 2014. Plus de 70 000 femmes servent dans les forces armées ukrainiennes, dont près de 20 000 à des postes de combat. Euronews a rencontré trois d'entre elles.

Toutefois, la guerre à grande échelle a accéléré leur intégration dans toutes les branches : forces terrestres, défense aérienne, marine, logistique et cyberdéfense. Aujourd'hui, les femmes occupent une large gamme de fonctions, allant bien au-delà des rôles traditionnellement associés au soutien :

Les femmes ukrainiennes exercent désormais presque toutes les professions militaires :

- Médecins militaires et infirmières de combat : elles interviennent directement sur la ligne de front pour sauver des vies sous le feu ennemi, elles stabilisent les blessés sous le feu, organisent les évacuations sanitaires et coordonnent les postes médicaux avancés.

- Opératrices de drones (UAV) : elles assurent la reconnaissance aérienne, l'ajustement des tirs d'artillerie et, dans certains cas, la conduite de drones d'attaque. Leur rôle est devenu stratégique dans une guerre technologiquement intensive.

- Spécialistes en guerre électronique : certaines travaillent à brouiller les communications ennemies ou à protéger les systèmes ukrainiens contre les interférences.

- Analystes du renseignement : elles exploitent les images satellites, les interceptions et les données numériques pour appuyer la prise de décision tactique.

- Tireuses d'élite et fantassines : formées au combat rapproché, elles participent aux missions d'assaut, de défense de positions et de patrouille.

- Artilleuses : elles opèrent des systèmes d'artillerie, calculent les trajectoires et coordonnent les frappes indirectes.

- Sapeuses du génie militaire : impliquées dans le déminage, la construction de fortifications et la réparation d'infrastructures essentielles.



- Officiers et commandantes : certaines dirigent des unités, planifient des opérations et assurent la gestion du personnel.

S- spécialistes en logistique militaire : elles organisent l'acheminement des munitions, du carburant, de l'équipement et de l'aide humanitaire vers les zones de combat.

- Communicantes stratégiques et responsables des relations civiles-militaires : elles participent à la diffusion d'informations, au maintien du moral et à la coopération avec les autorités locales.

Cette diversification témoigne d'une professionnalisation accrue et d'une reconnaissance progressive de leurs compétences.

Au sein des unités, les femmes partagent les mêmes conditions de service que les hommes : entraînement intensif, rotations sur le front, discipline stricte et exposition constante au danger. Leur intégration a parfois nécessité des adaptations – notamment en matière d'équipement, d'infrastructures et de reconnaissance statutaire – mais l'armée ukrainienne a progressivement évolué vers une plus grande égalité.

Dans les bataillons, elles participent pleinement à la cohésion du groupe. Beaucoup témoignent d'un fort esprit de solidarité et d'un profond sens du devoir. Pour nombre d'entre elles, l'engagement militaire est à la fois un acte patriotique et une affirmation de leur place dans la société.

Malgré les avancées, les femmes militaires font face à des défis spécifiques : stéréotypes persistants, charge familiale accrue, traumatismes liés au combat. Cependant, leur résilience et leur professionnalisme sont largement reconnus en Ukraine. Leur participation active à la défense nationale modifie durablement la perception du rôle des femmes dans la sphère publique et militaire. Elles ne sont plus seulement perçues comme un soutien à l'arrière, mais comme des actrices centrales de la résistance.

Les femmes dans la guerre en Ukraine incarnent courage, compétence et détermination. En occupant des postes de combat, de commandement et de haute technicité, elles contribuent directement à la défense de leur pays. Leur engagement marque une étape historique dans l'évolution des forces armées ukrainiennes et dans la reconnaissance du rôle des femmes en temps de guerre.

Les femmes militaires suivent les mêmes formations que les hommes : entraînement physique intensif, maniement des armes, tactiques de combat, formation technique spécialisée. Certaines ont également bénéficié de formations à l'étranger dans le cadre de programmes de coopération internationale.

La professionnalisation croissante de l'armée ukrainienne a permis une meilleure reconnaissance des compétences féminines, notamment dans les domaines technologiques, médicaux et analytiques. Leur présence dans les unités renforce la cohésion et reflète l'évolution de la société ukrainienne vers une plus grande égalité. Si des défis subsistent – adaptation des équipements, conciliation avec la vie familiale, pression psychologique – leur contribution est aujourd'hui largement reconnue.

Les femmes militaires ukrainiennes ne sont plus perçues comme une exception : elles incarnent désormais une composante essentielle de la capacité

opérationnelle du pays. Par leur expertise, leur courage et leur engagement, elles participent pleinement à la défense de la souveraineté nationale et redéfinissent le rôle des femmes en temps de guerre.

1. Office des Nations Unies à Genève <https://www.ungeneva.org/fr/news-media/news/2023/02/77830/les-discours-de-haine-comment-inverser-la-tendance/> (дата звернення 10.02.26)

2. Réchauffement climatiques <https://www.oxfamfrance.org/climat-et-energie/comprendre-les-changements-climatiques/> (дата звернення 13.02.26)

3. CLIMAT ET ÉNERGIE <https://www.oxfamfrance.org/> (дата звернення 14.02.26) <https://www.onufemmes.fr/nos-actualites/ukraine-trois-ans-guerre>

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## LA NATURE EST NOTRE ALLIÉE

La protection de la nature est une responsabilité collective essentielle pour préserver la biodiversité, les ressources vitales (eau, air, terre) et assurer l'avenir des générations futures. Face à la pollution et à la déforestation, des actions concrètes comme le tri des déchets, la réduction de l'énergie et la reforestation sont indispensables.

Protéger l'environnement, c'est prendre soin de tout ce qui vit : les animaux, les plantes, et leurs habitats naturels. C'est une tâche d'hygiène planétaire urgente pour éviter que la faune et la flore ne disparaissent par la faute de l'homme. La nature, considérée comme une alliée contre le changement climatique, notamment grâce aux forêts et aux océans qui stockent le carbone, nécessite une action immédiate.

La sauvegarde de l'environnement est une cause primordiale qui passe par la sensibilisation et l'engagement, afin de ne pas compromettre la qualité de vie des générations futures.

La biodiversité est une propriété de la nature bien connue des biologistes : c'est la diversité du vivant, du gène à l'écosystème. Elle recouvre également les moyens à mettre en œuvre pour sa sauvegarde. Or, ce terme est désormais omniprésent dans les discours et les écrits : la nature s'appauvrit, les espèces disparaissent, il faut réagir ; et le fait que l'homme doive agir pour sauver la biodiversité la rend d'autant plus attractive dans notre société du contrôle et de la maîtrise. Le terme est ainsi devenu polysémique : il rassemble une large gamme de tendances, du jardinage le plus extrême à la non-intervention. Mais la notion de biodiversité empêche d'avoir une

approche holistique de la nature. Celle-ci englobe pourtant bien d'autres propriétés que la seule diversité biologique : la naturalité, la fonctionnalité, la complexité, la spontanéité et la beauté.

On parle beaucoup en ce moment de l'environnement et de notre devoir de protéger la nature. Les motifs qui vont dans ce sens sont multiples.

D'abord, en défendant la nature, l'homme défend l'homme : il satisfait l'instinct de conservation de l'espèce. Nul doute que les innombrables agressions dont il se rend coupable envers le milieu naturel ne sont pas sans avoir des conséquences funestes pour sa santé et pour l'intégrité de son patrimoine héréditaire. En effet, la pollution radioactive occasionnée par les explosions des bombes nucléaires, a causé des ravages chez tous les habitants de la planète, surtout les plus jeunes, qui portent dans leur squelette des atomes de métal radioactif.

Apprécions ensemble la beauté de la nature qui nous entoure. Chaque jour, elle nous offre des couleurs éclatantes et des moments de sérénité. Profiter de ces instants en plein air est essentiel pour notre bien-être. La chaleur du soleil, le doux bruit du vent parmi les feuilles, tout cela nous rappelle combien il est important de prendre le temps de ralentir et de nous reconnecter à ce qui nous entoure. Partageons des souvenirs en explorant ces paysages enchanteurs. Ensemble, nous pouvons créer des liens plus profonds, capturer la magie de ces moments. N'oublions jamais d'apprécier chaque petite chose et de célébrer la beauté de notre monde.

De plus, par l'emploi abusif des insecticides, le lait de toutes les mères contient une certaine dose du nocif DDT. Protéger la nature, c'est donc en premier lieu accomplir une tâche d'hygiène planétaire.

En outre, les biologistes, soucieux de la nature pour elle-même, n'admettent pas que tant d'espèces vivantes s'effacent de la faune et de la flore terrestres, et qu'en conséquence s'appauvrisse peu à peu, par la faute de l'homme, le somptueux et fascinant musée que la planète offrait à nos curiosités.

La protection et la restauration de la nature passent par la gestion durable des écosystèmes, la lutte contre le changement climatique et la réduction de la pollution. Les mesures clés incluent la création d'aires protégées, la reforestation, la réduction des déchets, l'utilisation de modes de transport durables, le jardinage écologique et la préservation de la biodiversité.

On peut citer des mesures de protection et de renouvellement de la nature :

Gestion durable et restauration : Il est crucial de restaurer 20 % des terres et des mers d'ici 2030, de lutter contre les incendies et d'adapter les forêts au changement climatique.

Protection de la biodiversité : Cela implique de créer des parcs nationaux, des réserves naturelles et des arrêtés de protection d'habitats pour préserver la faune et la flore.

Actions individuelles et quotidiennes :

- Réduction des déchets : Privilégier le vrac, réutiliser, réparer et composter pour réduire les déchets organiques.
- Consommation responsable : Acheter bio, local et de saison, et réduire la consommation de viande.

- Mobilité durable : Utiliser le vélo, les transports en commun ou le covoiturage pour réduire la pollution de l'air.

- Jardinage vert : Pratiquer la permaculture, planter des espèces indigènes, éviter les produits phytosanitaires et installer des refuges pour la faune.

Renouvellement des écosystèmes : Planter des arbres pour restaurer les habitats, améliorer la qualité du sol et de l'air, et capter le CO<sub>2</sub>.

Engagement réglementaire : Les politiques d'économie circulaire et le renforcement de la gestion des déchets sont essentiels.

En France, en 2022, 3,5 milliards d'euros ont été investis dans la protection de la biodiversité, avec une augmentation des financements pour la restauration des milieux aquatiques.

Enfin, les amoureux de la nature, entendent la conserver car ils y voient un décor vivant et vivifiant, un lien maintenu avec la plénitude originelle, un refuge de paix et de vérité. Puisque nous vivons dans un monde envahi par la pierraille et la ferraille, ils prennent le parti de l'arbre contre le béton, et ne se résignent pas à voir le printemps devenir silencieux.

Finalement, la sauvegarde de l'environnement reste une cause primordiale. C'est pourquoi il faudrait encourager les associations qui œuvrent dans ce domaine et sensibiliser les jeunes à aimer et à protéger la nature.

1. Office des Nations Unies à Genève <https://www.ungeneva.org/fr/news-media/news/2023/02/77830/les-discours-de-haine-comment-inverser-la-tendance/> (дата звернення 15.02.26)

2. Réchauffement climatiques <https://www.oxfamfrance.org/climat-et-energie/comprendre-les-changements-climatiques/> (дата звернення 15.02.26)

3. CLIMAT ET ÉNERGIE <https://www.oxfamfrance.org/> (дата звернення 17.02.26)

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## **ENTRE TRAITEMENT ET PUNITION : L'ARMÉE DANS LES HOPITAUX PSYCHIATRIQUES**

La guerre à grande échelle en Ukraine a apporté à la société non seulement des pertes physiques, mais aussi des traumatismes psychologiques à grande échelle. Des milliers de militaires ont survécu aux hostilités, à la mort de leurs frères, aux blessures, à la captivité, aux dilemmes moraux. [4; p1] Certains d'entre eux

reviennent avec un trouble de stress post-traumatique, une dépression, de l'anxiété ou des troubles du comportement. [5; p1] Dans les cas les plus complexes, les troubles mentaux peuvent être accompagnés d'agression, de désorientation, de suicide ou d'actions socialement dangereuses. [6; p1]

Et c'est là que se pose la question clé : l'État devrait-il punir de telles personnes, ou d'abord les traiter ? La frontière entre les soins médicaux et les éléments de coercition, de punition ou d'isolement est souvent floue.

### **1. La guerre comme facteur de vulnérabilité mentale.**

Les hostilités causent des traumatismes complexes qui affectent non seulement la psyché, mais aussi l'identité, les rôles sociaux et les orientations de valeur. [4; p2]

Selon l'OMS, de 22 % à 30 % des participants à la guerre peuvent développer des troubles mentaux cliniquement significatifs, en particulier : SSPT - réexpérience des traumatismes, flashbacks, évitement, hyperexcitation.

Dépression - perte de sens, vide émotionnel, pensées suicidaires. Troubles anxieux, attaques de panique. Troubles de l'adaptation. Dépendance à l'alcool et aux drogues. Troubles cognitifs après contusions et TBI. [4; p3]

Des facteurs sociaux et culturels sont ajoutés à la charge psychologique : Le culte de la "force" et l'interdiction de montrer de la faiblesse: Peur de perdre l'unité, la confiance et les armes. Manque d'endroit sûr pour exprimer ses émotions. Manque de services psychologiques dans certaines parties des forces armées ukrainiennes. Par conséquent, l'armée demande souvent de l'aide trop tard, alors que la condition est déjà critique. [6; p2]

### **2. Motifs juridiques pour l'hospitalisation militaire.**

La base juridique de l'hospitalisation du personnel militaire devrait garantir que les soins psychiatriques sont une solution médicale, et non un moyen de punition ou de discipline.[1; p1] La loi ukrainienne "sur les soins psychiatriques" exige que l'orientation vers l'hôpital soit basée sur un diagnostic professionnel et un besoin clinique, et non sur la volonté du commandement. [1; p2]

L'hospitalisation volontaire est possible à la demande du militaire lui-même, tandis que le traitement forcé n'est autorisé qu'en cas de danger réel pour

soi-même ou pour les autres et est délivré par contrôle judiciaire. [1; p3] Dans les procédures pénales, c'est un examen psychiatrique médico-légal qui détermine si une personne était saine d'esprit et si elle a besoin d'un traitement au lieu d'une punition. [2; p1] En théorie, ces mécanismes devraient protéger les droits de l'armée, mais en pratique, il existe des risques de pression, d'examen formel ou d'accès insuffisant à des avocats et à des psychiatres indépendants. [7; p1] Par conséquent, l'efficacité du système dépend non seulement des lois, mais aussi du professionnalisme, de la transparence et du traitement humain de ceux qui ont survécu à la guerre. [7; p2]

### **3. Expertise psychiatrique médico-légale : l'intersection de la médecine et de la justice.**

L'examen psychiatrique médico-légal est utilisé lorsque le comportement d'un militaire peut être lié à un trouble mental et est soumis à une évaluation judiciaire. [3; p1] Il combine l'évaluation médicale et la responsabilité juridique, déterminant si une

personne était au courant de ses actions et si elle pouvait les contrôler. [3; p2] Dans un environnement militaire, c'est difficile en raison du stress post-traumatique, des dilemmes moraux et de la culpabilité qui peuvent se manifester par une agression, une désorientation ou une dépression. [6; p1]

La procédure comprend la collecte de données et de preuves médicales, l'examen psychiatrique et l'observation du comportement, ainsi que l'utilisation de tests pour évaluer les fonctions cognitives et émotionnelles. [3; p3] Sur la base des résultats, le tribunal décide si l'armée est saine d'esprit, dans ce cas, il est pénalement responsable ou fou - puis un traitement est prescrit dans un établissement psychiatrique au lieu d'une prison. [2; p1]

L'expertise a des défis éthiques, car il est nécessaire de déterminer l'authenticité des symptômes et l'équilibre entre la sécurité de la société et les droits du patient. [7; p3] Par exemple, un militaire qui a causé des dommages à un civil après une mission de combat a été déclaré injugé en raison d'un SSPT et a reçu un traitement et une réintégration psychologique au lieu d'une punition. Ainsi, l'expertise psychiatrique médico-légale aide à combiner les soins médicaux et la justice, offrant un traitement et une protection de la société en même temps. [6; p2]

#### **4. Un hôpital psychiatrique comme espace de traitement ou d'isolement?**

Les institutions spécialisées qui acceptent les personnes par décision de justice ont un régime limité : supervision constante, contrôle du mouvement, contacts limités avec la famille, règles de conduite strictes. [7; p1]

La fonction de l'institution dans ce cas coïncide partiellement avec le pénitencier

- l'isolement de la société. [7; p2] Pour certains militaires, cela est perçu comme une forme de punition, même si légalement c'est un traitement. [7; p3]

Le problème est exacerbé lorsque les conditions de séjour ressemblent à la prison et que la thérapie devient une formalité. [7; p4]

#### **5. Protection des droits des patients militaires.**

La loi "sur les soins psychiatriques" garantit à chaque personne, y compris celles qui sont hospitalisées de force : le droit à un traitement humain, accès à des informations sur votre état, possibilité de faire appel de la décision sur l'hospitalisation, assistance juridique, respect de la dignité et de la vie privée. [1; p3]

Cependant, les organisations de défense des droits de l'homme enregistrent des cas de violations - communication limitée, nombre insuffisant de spécialistes, normes de traitement qui ne correspondent pas à la médecine fondée sur des preuves. Cela crée le risque de transformer le traitement en une forme cachée de punition. [7; p4]

#### **6. Défis éthiques pour les médecins et l'État.**

La psychiatrie militaire existe dans le domaine de l'équilibre constant entre les intérêts de l'armée, qui a besoin de personnes capables de combat, et les droits du patient, qui doit recevoir un traitement et une protection complets. [6; p3] Les psychiatres doivent travailler avec des informations qui sont également un secret médical et qui peuvent être importantes pour la discipline militaire ou la sécurité de l'unité, ce qui crée un risque de pression de la part du commandement. [6; p4] Le

problème le plus aigu est la restriction de la liberté : l'hospitalisation forcée peut être nécessaire pour prévenir les actions dangereuses, mais elle se transforme facilement en un outil d'isolement ou de punition. [7; p2] Les médecins devraient également distinguer les vrais troubles mentaux des simulations, qui sont parfois utilisées pour éviter le service ou la responsabilité, et en même temps empêcher la stigmatisation de ceux qui ont vraiment besoin d'aide. [6; p5] Par conséquent, le travail d'un psychiatre militaire est toujours associé à des risques juridiques, à la responsabilité morale et à la nécessité d'une autonomie professionnelle et de normes éthiques élevées.

## **7. Approches européennes et internationales.**

Dans les pays de l'UE et de l'OTAN, la psychiatrie militaire est basée sur un modèle de réadaptation plutôt que sur un modèle punitif. [8; p1] Le soutien psychologique commence au stade de la préparation au service, et non après un traumatisme, ce qui permet de détecter les premiers signes de SSPT, de dépression ou de troubles anxieux à temps. [8; p2] La psychothérapie est considérée comme une méthode clé d'assistance, et les médicaments sont utilisés comme un composant supplémentaire, et non comme une seule stratégie. Une attention considérable est accordée à la famille des militaires, car elle devient souvent le premier soutien après son retour du front. La réintégration se fait par le biais de centres d'anciens combattants, de programmes éducatifs, de groupes d'entraide et de services sociaux, ce qui évite l'isolement et la retraumatisation. De tels systèmes forment une culture dans laquelle la recherche d'aide psychologique n'est pas considérée comme une faiblesse. En Ukraine, ce modèle ne fait qu'être développé, mais il devient progressivement un point de référence pour les réformes.

## **8. Ce dont l'Ukraine a besoin.**

Pour développer un système de soins psychiatriques humain et efficace, l'armée doit combiner la médecine fondée sur des preuves, l'expérience internationale et les réalités de la société d'après-guerre. [3; p3] Il est important de créer une psychiatrie militaire et médico-légale moderne, où les décisions sont basées sur des protocoles plutôt que sur l'intuition ou les besoins administratifs. Les hôpitaux psychiatriques devraient garantir aux patients la sécurité, la dignité, des conditions de séjour transparentes et un traitement réel, et pas seulement le contrôle et les restrictions. [7; p4] Une surveillance indépendante du respect des droits est nécessaire pour prévenir les abus et les formes cachées de punition. [7; p2] Les commandants et les médecins militaires devraient avoir des connaissances systémiques en matière de santé mentale afin de réduire la stigmatisation, d'identifier les risques dans les premiers stades et d'envoyer des combattants pour les aider. [6; p4] L'accès à la psychothérapie, aux programmes de réadaptation, au soutien familial et au développement d'institutions qui accompagneront les anciens combattants des années après la guerre est une condition indispensable. Ce n'est qu'alors que les institutions psychiatriques deviendront un espace de rétablissement, plutôt qu'un "moyen pratique" de retirer une personne du service ou de la société.

## **Conclusion**

Dans le contexte de la guerre, les soldats ayant des traumatismes mentaux ne sont pas un danger pour la société, mais sa responsabilité. L'État doit veiller à ce que

les soins psychiatriques ne deviennent pas un instrument de discipline ou de répression cachée. La frontière entre le traitement et la punition n'existe que lorsque les droits de l'homme sont violés, que la réadaptation et l'humanité sont absentes. Ceux qui défendent le pays ne méritent pas l'isolement, mais une aide compétente, le respect et la possibilité de reprendre une vie bien remplie.

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## **LE RÔLE DES PSYCHOLOGUES DANS LE RÉTABLISSEMENT D'APRÈS-GUERRE**

La guerre en Ukraine est devenue une épreuve terrible pour des millions de personnes, bouleversant leurs vies et laissant des séquelles profondes dans la psyché de la population. La destruction des villes, les déplacements forcés, la perte d'êtres chers et la peur constante pour sa propre vie et celle de ses proches engendrent un traumatisme puissant qui touche les personnes de tous âges, de toutes conditions professionnelles et sociales. Dans un tel contexte, le soutien psychologique devient non seulement souhaitable, mais indispensable. Il aide les individus à puiser dans leurs ressources internes, à stabiliser leur état émotionnel et à reprendre le contrôle de leur vie. Le rôle des psychologues est particulièrement important pour celles et ceux qui travaillent quotidiennement dans des conditions à haut risque : militaires, employés du ministère de l'Intérieur, secouristes et autres personnels. Leurs activités sont associées au danger, à un stress intense et à une probabilité constante d'événements traumatiques. Les psychologues contribuent à maintenir l'équilibre



émotionnel, à s'adapter aux situations stressantes et à préserver la santé mentale. Une caractéristique du travail des spécialistes en temps de guerre est qu'ils influencent non seulement les individus, mais aussi la reconstruction de la société dans son ensemble, en collaborant avec différents groupes de population : civils, militaires, familles des victimes, enfants et adolescents, et personnes déplacées [1].

Les militaires sont confrontés quotidiennement au danger, à la perte de camarades et à un stress extrême, ce qui peut entraîner un épuisement émotionnel et des troubles psychologiques. Les psychologues les aident à préserver leurs ressources internes, à maîtriser leurs émotions, à se concentrer et à prendre des décisions efficaces dans des situations difficiles. La préparation aux missions de combat est un élément important : les psychologues travaillent sur la concentration, la mobilisation des ressources internes, la gestion de la peur et le maintien de la stabilité en conditions extrêmes. Après le retour d'opérations ou de rotations, des débriefings sont organisés : des entretiens permettant aux militaires d'exprimer leurs expériences, de réduire les tensions et de prévenir l'accumulation de traumatismes. De plus, les psychologues œuvrent à la prévention du syndrome de stress post-traumatique, en identifiant les symptômes précoces et en orientant les personnes vers du repos ou une thérapie plus approfondie. Une attention particulière est portée au soutien des familles des militaires. La séparation et l'inquiétude constante pour un proche engendrent des facteurs de stress supplémentaires qui affectent l'état psychologique de la famille. Les psychologues aident à rétablir la communication, à s'adapter aux changements de rôles familiaux et à maintenir des relations saines après le retour du front. Ils jouent un rôle de médiateurs entre le « monde du front » et le « monde du foyer », contribuant à trouver un terrain d'entente et à restaurer la compréhension mutuelle [2].

Les agents de la police, de la Garde nationale, des services de secours et autres structures sont confrontés quotidiennement au danger, à l'agression et à des situations critiques. En temps de guerre, l'intensité de ces défis s'accroît, augmentant ainsi les risques d'épuisement professionnel, de troubles émotionnels et de stress prolongé. Les psychologues interviennent non seulement sur les problèmes existants, mais réalisent également des évaluations du personnel, préparent aux missions à haut risque, offrent un soutien psychologique en situation de crise et apportent un soutien après des événements traumatiques. L'objectif principal est de développer la résilience des agents, c'est-à-dire leur capacité à résister au stress sans perte d'efficacité. Les psychologues dispensent des formations sur la gestion des émotions, le développement du travail d'équipe et la maîtrise des comportements en situations critiques. Après des catastrophes, ils interviennent en situation de crise pour stabiliser l'état des personnes, réduire le choc et prévenir les traumatismes. La prévention est essentielle : les psychodiagnostics, l'évaluation des comportements à risque et l'enseignement des techniques d'autorégulation contribuent à prévenir l'épuisement émotionnel et à réduire le risque d'erreurs professionnelles [5].

La guerre affecte tout le monde : enfants, adultes, personnes âgées, familles endeuillées et personnes déplacées. Le rôle principal des psychologues est de stabiliser l'état émotionnel, de réduire l'anxiété, de redonner un sentiment de contrôle

et de faciliter le retour à une vie normale. Des méthodes spécifiques sont utilisées pour les enfants : thérapie par le jeu, thérapie par le sable, thérapie par les contes, art-thérapie et pratiques corporelles. Les psychologues accompagnent également les parents, en leur apprenant à soutenir l'enfant et à créer un environnement psychologique sécurisant. Des interventions psychologiques brèves sont mises en œuvre en situation de crise : stabilisation sur les lieux de l'incident, reprise du calme, ancrage et rétablissement d'un sentiment de sécurité. Le travail de groupe permet de réduire l'isolement, de créer du soutien et de renouer avec les interactions sociales. Les programmes éducatifs enseignent des techniques d'autonomie, d'autorégulation et de réduction de l'anxiété, permettant ainsi de retrouver un sentiment de contrôle même en situation de stress [6].

Les programmes d'assistance psychologique, pendant et après la guerre, s'adressent aux militaires, aux employés du ministère de l'Intérieur, aux civils, aux enfants, aux familles des victimes et aux personnes ayant été témoins d'événements traumatiques. Ils combinent des méthodes à court et à long terme : interventions de crise, programmes de gestion du stress et méthodes de réadaptation Pour les personnes traumatisées. Des formations sont mises en place pour les militaires, les policiers et les secouristes afin de développer leur résilience psychologique, leur concentration, leur autorégulation et de prévenir l'épuisement professionnel. Pour les civils, on utilise la thérapie cognitivo-comportementale, l'EMDR, les techniques artistiques et narratives, ainsi que des méthodes corporelles. Pour les enfants, il est important d'adapter les activités par le jeu, le dessin, la thérapie par les contes et l'apprentissage de l'intelligence émotionnelle. Les réunions de groupe et les communautés de soutien jouent un rôle essentiel. Elles permettent aux personnes de se sentir moins seules, offrent un espace d'échange et favorisent un sentiment d'appartenance. Les psychologues conçoivent également des programmes éducatifs et des formations pour développer l'autonomie et l'autorégulation. Le soutien social comprend l'accompagnement des familles, des bénévoles, des personnes en situation de handicap et de celles qui travaillent constamment en situation de crise [4].

La guerre laisse derrière elle non seulement des destructions matérielles, mais aussi des traumatismes psychologiques profonds qui touchent toutes les couches de la population. La guérison exige du temps, de la patience et un soutien professionnel. Les psychologues aident les personnes à surmonter leurs traumatismes, à reprendre le contrôle de leur vie et à retrouver progressivement leur équilibre intérieur. Leur travail comprend des interventions de crise, la réadaptation à long terme, l'enseignement de techniques d'autorégulation, le travail de groupe et le soutien aux personnes à haut risque. Renforcer la résilience de la société dans son ensemble est également essentiel : les psychologues contribuent à sensibiliser le public, à lutter contre la stigmatisation et à aider les individus à retrouver leur pleine capacité à vivre. Ainsi, le travail des psychologues pendant et après la guerre ne se limite pas à l'aide individuelle, mais vise aussi à reconstruire la société. Par un soutien systémique, des programmes de réadaptation et un travail quotidien, ils aident le pays à retrouver sa force intérieure, sa résilience et son espoir en l'avenir. La reconstruction de l'Ukraine ne concerne pas seulement les bâtiments et les

infrastructures, mais aussi les personnes, et les psychologues jouent un rôle clé dans ce processus [2; p3].

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## LES PROBLÈMES DES DROITS DES FEMMES

En général, les femmes travaillant dans le monde des médias sont les plus influentes et les plus actives dans le domaine des droits des femmes.

C'est une femme elle-même qui sera la meilleure pour défendre les droits de la femme. Ainsi, au fil du temps, de nombreuses femmes ont lutté pour défendre leurs causes.

En matière d'ambassadrice du féminisme, **Émilie Gourd** est incontournable. De nationalité suisse, elle est née le 19 décembre 1879 à Genève. Elle est d'abord connue comme une des représentantes de l'association genevoise pour le suffrage féminin, puis devient la présidente. Par la suite, elle crée le journal « le mouvement féministe » et occupe la place de rédactrice en chef jusqu'à sa mort en 1946.

Dans le monde des médias, **Oprah Winfrey** est aussi considérée comme la papesse du féminisme. Elle n'hésite pas à utiliser « sa couleur », sa notoriété et son intelligence pour mener à bien son combat.

En 2009, **Malala Yousafzai** devient célèbre dans le monde entier grâce à son blog et son ouvrage montrant son point de vue sur l'éducation. À travers son

parcours, sous la domination des talibans, elle motive bon nombre de femmes à militer afin d'obtenir le droit à l'éducation.

La gent féminine lutte constamment pour l'égalité des traitements entre les deux sexes opposés.

Jusqu'à ce jour, les droits attribués aux femmes sont les suivants :

- Le droit naturel : il s'agit du droit accordé à l'animal rationnel qu'est l'Homme afin de garantir sa survie.

- Le droit de vote : ce concept signifie que la femme se place au même rang que les hommes et a le droit de choisir un dirigeant pour son pays. À cet effet, elle peut aussi participer à la vie politique et à l'élaboration des lois. Actuellement, ce droit est accordé à toutes les femmes du monde entier, et ce, même en Arabie saoudite.

- Le droit de propriété : il s'agit du principe selon lequel les femmes peuvent dire non à la doctrine de coverture. Cette dernière consiste à accorder la pleine propriété des biens des deux époux au conjoint. Ainsi, en **droit de la famille**, le patrimoine d'une femme ne peut, en aucun cas, tomber entre les mains de son mari. Ernestine Rose fait partie de ces femmes qui ont refusé l'application de la coverture.

- Le droit au travail en **droit social** : il consiste surtout à donner un accès à l'emploi de manière non discriminatoire aux femmes. Ainsi, elles doivent percevoir des revenus égaux à ceux des hommes.

- Le droit à l'éducation : il s'agit d'un droit fondamental qui a fait couler beaucoup d'encre. En effet, même actuellement, certains pays ne l'accordent pas aux femmes. Parmi les plus connus figure le Soudan du Sud.

- Le droit à la sécurité : consacré par la déclaration des Nations unies sur l'élimination de la violence contre les femmes, le droit à la sécurité vise surtout à lutter contre la violence conjugale, une infraction punie par la loi en **droit pénal**.

Il existe toutefois une exception au combat pour l'égalité des genres. Le droit à la reproduction est certes accordé aux hommes, mais le droit à l'avortement ne les concerne pas directement. Du côté des femmes, le droit à l'avortement reste encore un sujet à débat dans la majeure partie des États du monde. La question du droit à la vie de l'embryon en contrepartie de celui de la mère en est la raison.

Les civilisations les plus anciennes avaient déjà accepté le travail des femmes. À titre d'exemple, avant la fin du XVe siècle, il existait des femmes médecins, forgeronnes... Bien que la femme soit qualifiée de « sexe faible », elle n'en joue pas moins un rôle prépondérant dans la société. Pourtant, il faudra attendre le XXe siècle pour que les choses commencent à évoluer concrètement. À cette époque, les femmes avaient en effet besoin de la permission de leur époux pour toucher leur salaire. Durant la Première Guerre mondiale, des changements réels ont lieu. Comme les hommes devaient partir en guerre, les femmes ont été obligées de faire tourner le monde à elles seules. Toutes les questions d'autorisation ont été oubliées.

La cerise sur le gâteau concerne la loi imposant un salaire égal et un travail égal des hommes et des femmes en 1972. Cette loi n'est cependant qu'un simple texte. Dans le cadre du **droit du travail**, une statistique mondiale montre que les femmes touchent toujours un salaire 25 % inférieur à celui des hommes.

La lutte des femmes en France pour leurs droits a connu quelques volets.

Premier volet en France était: Le droit à l'instruction. Tout le monde s'accorde aujourd'hui sur le fait que l'instruction est une des formes premières de la liberté. En France, ce n'est qu'à la toute fin du XIXe siècle que les jeunes filles auront le droit de goûter aux fruits de cette émancipation. 1880 : Le député Camille Sée ouvre l'enseignement secondaire laïque aux jeunes filles. Cette loi ne conduit pas au baccalauréat mais à un diplôme de fin d'étude. 1881-1882 : Jules Ferry, Président du Conseil et ministre de l'Instruction publique, promulgue les lois rendant l'enseignement primaire gratuit, laïque et obligatoire pour les garçons et les filles de 6 à 13 ans.

Deuxième volet : Des droits civiques et de l'égalité femmes-hommes. Le 21 avril 1944, les femmes obtiennent le droit de vote et d'éligibilité par ordonnance du général De Gaulle stipulant que «Les femmes sont électrices et éligibles dans les mêmes conditions que les hommes».

Le 29 avril 1945 : les Françaises votent pour la première fois à l'occasion des élections municipales : 12 millions d'électrices se rendent aux urnes, soit 52 % du corps électoral. En 1945 : élection d'Odette ROUX, l'une des premières femmes maires de France et la première à administrer une sous-préfecture.

Troisième volet : droits de la Famille et émancipation de la femme. En 1804, le Code civil napoléonien soumet la femme à l'autorité du père et du mari. « ... le mari doit protection à la femme, la femme doit obéissance à son mari. » Il faudra attendre près d'un siècle pour que les femmes sortent du carcan imposé par les hommes. 1970 : La notion de « Chef de famille » est supprimée du Code Civil. La puissance paternelle disparaît au profit de l'autorité parentale conjointe.

Quatrième volet : Lutte contre les violences faites aux femmes. Le décret du 15 janvier 2025 précise les modalités de saisine en vue de l'obtention d'ordonnances provisoires, notamment l'attribution d'un Téléphone Grave Danger. Ces dispositions s'appliquent également aux personnes menacées de mariage forcé.

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## **AUTOKRATIE UND DEMOKRATIE**

Was leistet die Demokratie im Vergleich zur Autokratie? Ist sie wirklich die beste Staatsverfassung? Die in der Politik wesentliche Unterscheidung der Staaten ist aber die nach ihrer Regierungsform. Es gibt zwei grundlegende Typen von Regierungsformen. Die eine Regierungsform nennen wir Autokratie und die andere, im Gegensatz hierzu, Demokratie. Was bedeutet das eine und was das andere?

Von einer demokratischen Regierungsform sprechen wir dann, wenn in einem Staat die Mehrheit regiert, wenn also das Volk selbst (in einer Gesamtheit) die Gewalt ausübt. Demokratie bedeutet wörtlich „Herrschaft des Volkes“. Um den gemeinsamen Willen des Volkes zu erfassen, zählen freie Wahlen zu einem extrem wichtigen Kriterium einer funktionierenden Demokratie. Dabei muss es sich um „faire“ Wahlen handeln, in denen alle Wettbewerber die gleichen Chancen erhalten, sich zu präsentieren, und allen Bürger\_innen muss die Teilnahme an der Wahl möglich sein. Damit sich die Staatsgewalt nicht bei einem einzelnen Herrscher, einer Gruppe oder Instanz konzentriert, bedarf es ihrer Teilung in Legislative (gesetzgebende Gewalt), Exekutive (vollziehende Gewalt) und Judikative (rechtsprechende Gewalt). In modernen Demokratien sind Exekutive und Legislative oftmals nicht mehr vollständig voneinander isoliert, sondern miteinander verschränkt. Die wichtige Teilung von Exekutive und Judikative bleibt jedoch bestehen: Die Gerichte handeln unabhängig von der Regierung und richten sich allein nach der Rechtsordnung.

Wir haben auch Beispiele demokratischer Monarchien. Denken wir an Dänemark. Der dänische König hat weniger Vollmachten als der österreichische Bundespräsident; er ist einzig und allein Repräsentant des Staates ohne wirksame Vollmachten; er ist weitgehend dem Willen des Parlaments unterworfen und dem Volk für sein Tun und Lassen verantwortlich. Dieser Monarch repräsentiert lediglich den Staat nach außen und nach innen; der Wille des Staates aber wird ausschließlich im Parlament gebildet[1].

Es gibt auch elektorale Demokratien. In diesen Staaten werden die Regierungen zwar ebenfalls gewählt, jedoch erfüllen sie andere Kriterien nur teilweise. So kann es beispielsweise an einer effektiven Gewaltenteilung, kontrollierenden Instanzen oder Freiheitsrechten der Bürger\_innen mangeln. Beispiele für diese Regierungsform sind Polen, Mexiko oder der Senegal.

Unter einer Autokratie verstehen wir die Herrschaft eines einzelnen oder einer kleinen Personengruppe über die Masse der Bevölkerung; also die Herrschaft einer offenkundigen Minderheit über Mehrheit. Wie nun diese Minderheit aussieht ob es sich dabei um die Herrschaft von Aristokraten über die Nichtaristokraten handelt oder

im Falle eines totalitären Staates um die Diktatur einer Minderheitspartei (eines Diktators) über alle anderen Bevölkerungsgruppen, gilt dabei gleich: wir sprechen in allen diesen Fällen von einer autokratischen Regierungsform.

Zwar bezeichnen sich viele Staaten weltweit als demokratisch, doch nicht immer geht die Macht dabei tatsächlich vom Volk aus. In Staaten mit elektoralen Autokratien werden Wahlen abgehalten, jedoch werden diese durch die amtierende Regierung manipuliert und behindert. So werden beispielsweise Opposition und Presse unterdrückt, zudem sind die Wahlen undurchsichtig und von minderer Qualität. Das sind beispielsweise Ägypten, Singapur und seit 2019 auch Ungarn als einziges Mitglied der EU. In Staaten mit geschlossenen Autokratie (z.B. Nordkorea) finden keine nennenswerten Parlaments- und Präsidentschaftswahlen statt. Sofern diese durchgeführt werden, stehen den Bürger\_innen des Landes oftmals keine echten Optionen zur Verfügung und die Regierung der bisherigen Machthaber bleibt fortbestehen.

Zu Beginn des 20. Jahrhunderts wurden die meisten Länder noch autokratisch beherrscht, aber im Laufe der Zeit entstanden immer mehr demokratische Systeme. Im Jahr 2020 wurden 87 Länder als autokratisch (25 geschlossene Autokratien, 62 elektorale Autokratien) und 92 Länder als demokratisch klassifiziert (30 liberale Demokratien), wobei 62 Staaten lediglich den elektoralen Demokratien zugerechnet wurden. 2020 beispielsweise lebten 68 Prozent der Weltbevölkerung unter autokratischer Herrschaft. Genauer gesagt lebten 25 Prozent der Weltbevölkerung in geschlossenen Autokratien, 43 Prozent in elektoralen Autokratien, 19 Prozent in elektoralen Demokratien und nur 14 Prozent in liberalen Demokratien. Die Mehrheit der Länder war also demokratisch – auch wenn die elektorale Autokratie der häufigste der hier unterschiedenen Regierungstypen war [2]. Steckt die Demokratie also vielleicht gar nicht in der Krise? Sehen wir etwas genauer hin. Die autokratische Tendenz nehmen weltweit zu. 2022 standen 89 demokratischen Staaten zuletzt 90 autokratische Staaten gegenüber. Bemerkenswert ist dabei vor allem, dass sich die Entwicklungen in Richtung Autokratie weder anhand geografischer noch anhand volkswirtschaftlicher Aspekte festmachen lassen.

Mit Ungarn ist bereits ein EU-Mitgliedsstaat in das Feld der Autokratien abgerutscht, Länder wie Griechenland, Kroatien und Polen zählen zwar nach wie vor zu den Demokratien. Insgesamt weisen mittlerweile 6 von 27 EU-Staaten autokratisierende Tendenzen auf, Ungarn und Polen sowie die Beitrittskandidaten Türkei und Serbien zählen zu den Staaten mit den größten demokratischen Rückschritten weltweit. Auch große Volkswirtschaften, darunter etwa Indien, Brasilien und die USA verzeichnen Rückschritte bei den bürgerlichen Freiheiten und politischen Rechten [3].

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## **DIE DICHOTOMIE VON LEGITIMITÄT UND ZWECKMÄSSIGKEIT BEI DER STRAFVERFOLGUNG IM KRIEG: HERAUSFORDERUNGEN FÜR ZIVILGESELLSCHAFT UND STRAFVERFOLGUNGSBEHÖRDEN**

Ein umfassender Krieg hat sich für die Ukraine nicht nur zu einer sicherheitspolitischen Bewährungsprobe entwickelt, sondern auch zu einer ernsthaften Prüfung der Stabilität ihres Rechtssystems. Das Kriegsrecht hat eines der drängendsten theoretischen und praktischen Probleme der modernen Strafverfolgung in den Vordergrund gerückt: die Wahl zwischen Legitimität und Zweckmäßigkeit. Es geht um das komplexe Zusammenspiel zweier Aspekte staatlichen Handelns: einerseits die Notwendigkeit, sich strikt an Rechtsnormen zu halten, andererseits die Notwendigkeit, umgehend auf Bedrohungen zu reagieren, die die Existenz des Staates selbst infrage stellen [1].

Legitimität im rechtlichen Kontext bedeutet die Übereinstimmung des Handelns staatlicher Organe mit Verfassungsbestimmungen, nationaler Gesetzgebung und internationalen Standards. Sie ist die Grundlage des Vertrauens in den Staat und eine wichtige Säule des Rechtssystems. Krieg schafft jedoch eine Situation, in der der Staat gezwungen ist, unter Zeitdruck, Ressourcenknappheit und angesichts unvorhersehbarer Ereignisse Entscheidungen zu treffen. Unter solchen Umständen gewinnt Zweckmäßigkeit an Bedeutung, und bestimmte Rechte und Freiheiten können vorübergehend eingeschränkt werden, um Sicherheit, Stabilität und das Überleben zu gewährleisten. Hier entsteht ein zentrales Dilemma: Entspricht das, was aus Sicht der nationalen Sicherheit sinnvoll erscheint, stets den Grundsätzen der Rechtsstaatlichkeit? Umgekehrt: Lässt sich die rechtliche Korrektheit aller Verfahren unter Bedingungen gewährleisten, in denen Verzögerungen Menschenleben kosten können? Die Antwort auf diese Fragen bestimmt nicht nur die Qualität der Strafverfolgung, sondern auch die Art der Interaktion zwischen Staat und Zivilgesellschaft. Das Kriegsrecht sieht die Möglichkeit vor, bestimmte verfassungsmäßige Rechte einzuschränken. Solche Einschränkungen müssen jedoch streng begründet sein, den Grundsätzen der Notwendigkeit und Verhältnismäßigkeit entsprechen und zeitlich befristet sein. Andernfalls besteht die Gefahr, dass Zweckmäßigkeit in Willkür umschlägt und außerordentliche Befugnisse zu einem Instrument unkontrollierter Ermessensausweitung werden. Daher ist eine der



Hauptaufgaben der Strafverfolgung im Krieg, das optimale Gleichgewicht zwischen Sicherheitserfordernissen und dem Schutz der grundlegenden Menschenrechte zu finden [2].

Diese Frage ist insbesondere im Bereich der Strafverfolgung relevant. Im Kontext bewaffneter Aggression erfüllen sie nicht nur ihre traditionellen Aufgaben der Aufrechterhaltung von Recht und Ordnung, sondern beteiligen sich aktiv an der Verhinderung von Sabotageakten, der Dokumentation von Kriegsverbrechen und der Überwachung der Einhaltung des Kriegsrechts. Die Erweiterung ihrer Befugnisse, die Vereinfachung von Verfahren und die Steigerung der Effizienz ihrer Maßnahmen sind objektive Erfordernisse der Zeit. Jedes neue Zwangsmittel muss jedoch mit der Einführung wirksamer Kontroll- und Rechenschaftsmechanismen einhergehen. Die Zivilgesellschaft wird in diesem Kontext nicht zum Gegner des Staates, sondern übernimmt die Rolle eines Korrektors. Freiwilligenbewegungen, Menschenrechtsorganisationen und analytische Initiativen tragen dazu bei, die Rechtsanwendung zu überwachen, offene Diskussionen zu fördern und möglichen Missbrauch zu verhindern. Gleichzeitig befindet sich die Zivilgesellschaft im Wandel: Sie wird schrittweise in den Sicherheitssektor integriert, unterstützt die Streitkräfte, organisiert humanitäre Hilfe und bekämpft Bedrohungen durch Informationen. Krieg verschärft somit nicht nur die Spannung zwischen Legitimität und Zweckmäßigkeit, sondern verändert auch die Art der Zusammenarbeit zwischen Staat und Gesellschaft [3].

Der internationale Aspekt dieses Problems ist ebenfalls von großer Bedeutung. Als Teil des europäischen Rechtsraums ist die Ukraine verpflichtet, die Einhaltung internationaler Standards im Bereich der Menschenrechte und des humanitären Völkerrechts bei der Rechtsanwendung sicherzustellen. Dies führt zu einer zusätzlichen regulatorischen Kontrolle, die ein übermäßiges Überwiegen der Zweckmäßigkeit gegenüber der Legitimität verhindert. Gleichzeitig erkennt die internationale Gemeinschaft das Recht des Staates auf Selbstverteidigung und die Einführung besonderer Rechtsregime in Krisenzeiten an, was zulässigen Beschränkungen eine gewisse Legitimität verleiht [4].

Die Dichotomie zwischen Legitimität und Zweckmäßigkeit stellt kein Gegensätzliches dar, sondern spiegelt das komplexe Zusammenspiel der Rechtsordnung in Krisenzeiten wider. Die Aufgabe des Staates besteht nicht darin, sich zwischen diesen Polen zu entscheiden, sondern Mechanismen zu ihrer Koordinierung zu schaffen. Dazu gehören die Gewährleistung institutioneller Transparenz, parlamentarische und öffentliche Kontrolle, gerichtliche Aufsicht und die ständige Aktualisierung des Rechtsrahmens im Hinblick auf die Herausforderungen der Kriegszeit. Langfristig wird die Art und Weise, wie dieses Zusammenspiel gestaltet wird, entscheidend für die Entwicklung der Ukraine nach dem Krieg sein. Wenn Zweckmäßigkeit im Rahmen des Rechts verankert ist und außerordentliche Befugnisse die Ausnahme und nicht die Regel bleiben, kann Krieg ein Anreiz zur Stärkung der Grundlagen der Rechtsstaatlichkeit sein. Eine Störung dieses Gleichgewichts kann jedoch zu institutioneller Deformation und einem Vertrauensverlust in die Staatsgewalt führen [5].

Die Strafverfolgung in Kriegszeiten ist daher ein Bereich erhöhter Verantwortung, in dem jede Entscheidung sowohl eine operative als auch eine wertebezogene Dimension besitzt. Das Nebeneinander von Legitimität und Zweckmäßigkeit zeugt nicht von der Schwäche des Rechtssystems, sondern vielmehr von seiner Reife. Denn gerade in Krisenzeiten zeigt sich die Fähigkeit des Staates, im Rahmen des Rechts zu handeln und gleichzeitig seine Unabhängigkeit zu wahren.

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## **DER SCHUTZ DER STAATSSPRACHE ALS ELEMENT DER NATIONALEN SICHERHEIT DER UKRAINE**

Die Sprachfrage in der Ukraine blieb während des gesamten Zeitraums ihrer Staatsbildung komplex und politisch sensibel. Doch erst nach Beginn der umfassenden militärischen Aggression der Russischen Föderation gegen die Ukraine am 24. Februar 2022 gewann sie eine grundsätzlich neue sicherheits- und zivilisatorische Dimension. In Kriegszeiten wird Sprache nicht mehr ausschließlich als Mittel der Kommunikation oder als kulturelles Merkmal verstanden, sondern verwandelt sich in ein Instrument der Identifikation, Mobilisierung und des Widerstands sowie in einen wirksamen Mechanismus hybrider Einflussnahme.

Trotz der in propagandistischen Narrativen verbreiteten These eines «Sprachkonflikts» in der Ukraine kämpfen Sprachen als solche nicht gegeneinander; ihre Sprecher tun es. Die Sprachfrage wird vielmehr als künstlicher Vorwand zur Rechtfertigung geopolitischer Expansion genutzt. Gerade der sprachliche Faktor

wurde von der Russischen Föderation systematisch lange vor Beginn der offenen militärischen Aggression instrumentalisiert, indem der Mythos des «Schutzes der russischsprachigen Bevölkerung» als pseudo-legitime Grundlage für Eingriffe in die inneren Angelegenheiten eines souveränen Staates konstruiert wurde. Der Krieg gegen die Ukraine entwickelte sich somit nicht nur im militärischen Bereich, sondern auch im Raum sprachlicher, informationeller und ideologischer Expansion.

Im Kontext hybrider Kriegsführung erfüllt Sprache mehrere zentrale Funktionen: Sie dient der Diskreditierung des Feindes, der Verbreitung propagandistischer Konstrukte, der Aufzwingung von Identitäten und der Bildung von Kategorien «Eigen» und «Fremd». Die Dominanz einer Sprache über eine andere kann unter Kriegsbedingungen durch erzwungene Assimilation, Diskriminierung oder gezielte Verdrängung der Sprache der «unterlegenen» Seite realisiert werden, was eine besondere Gefahr für die staatliche Stabilität und gesellschaftliche Einheit darstellt.

Das Sprachumfeld eines jeden Staates wird durch das Territorium, die soziale Gruppe der Sprachträger, deren Kompetenzniveau sowie das System rechtlicher und politischer Normen bestimmt, die den Status von Sprachen im öffentlichen und privaten Bereich regeln. Unter solchen Bedingungen trägt sprachliche Klarheit und Vorhersehbarkeit zur Stabilität und nationalen Konsolidierung bei, während künstlich aufrechterhaltene sprachliche Unbestimmtheit ein Instrument äußerer Einflussnahme und Destabilisierung werden kann. Daher stellt sich in Zeiten des umfassenden Krieges die Frage des Schutzes der ukrainischen Sprache nicht nur als kulturelles oder humanitäres Anliegen, sondern als Bestandteil der nationalen Sicherheit und staatlichen Resilienz.

Die theoretische Reflexion über die Rolle der Sprache im Prozess der Nationenbildung hat ein tiefes philosophisches Fundament. Insbesondere betrachtete der deutsche Denker Johann Gottfried Herder Sprache als grundlegendes Element des nationalen Daseins, in dem sich die historische Erfahrung des Volkes, seine kulturellen Traditionen und weltanschaulichen Orientierungspunkte akkumulieren.

Diese Idee aufgreifend, betonte der kanadische Historiker ukrainischer Herkunft Orest Subtelny, dass die Bedeutung der Sprache für die Entwicklung des nationalen Bewusstseins breiter ist, als häufig angenommen wird. Sprache reflektiert nicht nur nationale Identität, sondern formt sie aktiv und fungiert als natürlicher Marker der Grenze zwischen «Eigen» und «Fremd» innerhalb einer politischen und kulturellen Gemeinschaft. Durch Sprache entsteht ein tiefes gegenseitiges Verständnis zwischen ihren Trägern, das nicht nur auf rationaler, sondern auch auf unterbewusster Ebene gemeinsamer historischer Erfahrung und kulturellen Gedächtnisses beruht [1, S. 289].

Während der umfassenden Kriegshandlungen hat die ukrainische Sprache einen klaren Status als Identifikator der ukrainischen Nation und Marker der Staatsbürgerschaft erlangt. Besonders aufschlussreich sind die Veränderungen im sprachlichen Verhalten in den östlichen, nördlichen und zentralen Regionen der Ukraine, in denen bis 2022 traditionell Russisch im Alltag dominierte.

Nach den Ergebnissen der soziologischen Forschung des Unternehmens Gradus Research zeigt sich während des Krieges eine stabile Tendenz zur zunehmenden Nutzung der ukrainischen Sprache im Alltag. Während im April 2022 der Anteil der Bürger, die im Alltag Ukrainisch sprachen, bei 53 % lag, stieg dieser Wert 2023 auf 61 % und erreichte Ende 2023 65 % [2]. Diese Ergebnisse bestätigen, dass der Übergang zur ukrainischen Sprache zunehmend nicht nur mit kulturellen oder bildungsbezogenen Faktoren, sondern auch mit dem Wachstum des nationalen Bewusstseins und der gesellschaftlichen Solidarität unter Kriegsbedingungen verbunden ist.

Die verfassungsrechtlichen Grundlagen der Sprachpolitik in der Ukraine sind klar in Art. 10 der Verfassung der Ukraine verankert, wonach die Staatssprache die ukrainische Sprache ist und der Staat verpflichtet ist, ihre umfassende Entwicklung und Funktionsfähigkeit in allen Bereichen des gesellschaftlichen Lebens auf dem gesamten Territorium der Ukraine sicherzustellen. Gleichzeitig garantiert das Grundgesetz die freie Entwicklung, Nutzung und den Schutz der Sprachen nationaler Minderheiten, insbesondere des Russischen, und fördert das Erlernen internationaler Verkehrssprachen. Somit basiert das ukrainische Modell der Sprachregelung auf der Kombination des Prinzips der Staatlichkeit der ukrainischen Sprache mit den Prinzipien des sprachlichen Pluralismus und der Nichtdiskriminierung [3].

Die Praxis, die von der Russischen Föderation auf den zeitweise besetzten Gebieten der Ukraine umgesetzt wird, zeigt jedoch eine entgegengesetzte Logik. Die russischen Besatzungsverwaltungen verfolgen gezielt eine Politik der erzwungenen Russifizierung, wobei sie Sprache als zentrales Instrument der Loyalitätsbildung und zur Zerstörung nationaler Identität begreifen.

Besonders exemplarisch ist die Situation in der zeitweise besetzten Region Cherson, wo die Besatzungsbehörden öffentlich erklärten, den offiziellen Schriftverkehr ausschließlich auf Russisch zu führen und die ukrainische Sprache faktisch aus dem öffentlichen Raum zu verdrängen [4]. Solche Maßnahmen zeigen, dass der sprachliche Faktor als Bestandteil hybrider Kriegsführung genutzt wird, die auf die gewaltsame Veränderung des kulturellen und rechtlichen Raums der besetzten Gebiete abzielt.

Obwohl die Sprachfrage in der Ukraine lange Zeit Gegenstand innenpolitischer Diskussionen war, verstärkte der Staat als Reaktion auf die Herausforderungen des umfassenden Krieges schrittweise die Mechanismen zum Schutz der ukrainischen Sprache, auch im wirtschaftlichen und konsumbezogenen Bereich.

Ein wichtiger Schritt in diesem Bereich war die Verabschiedung des Gesetzes der Ukraine «Zum Schutz der Verbraucherrechte» vom 10.06.2023 Nr. 3153-IX (Gesetzentwurf Nr. 6134), das ein Jahr nach seiner Veröffentlichung, jedoch nicht früher als nach Beendigung oder Aufhebung des Kriegszustands in der Ukraine in Kraft tritt [5].

Das Gesetz stärkt die Anforderungen an Produktinformationen und Kennzeichnungen und legt fest, dass Wirtschaftssubjekte Informationen gemäß den Anforderungen des Gesetzes der Ukraine «Zur Gewährleistung der Funktion der ukrainischen Sprache als Staatssprache» bereitstellen müssen [6].

Von grundlegender Bedeutung ist, dass der Name eines Produkts sowie zentrale Informationen, die auf der größten sichtbaren Fläche eines Produkts oder seiner Verpackung (Etikett) angebracht sind, nicht in der Staatssprache des Aggressors- oder Besatzungsstaates bereitgestellt werden dürfen und nicht durch andere textliche oder grafische Informationen verdeckt oder verfälscht werden dürfen [5].

Damit zieht der Gesetzgeber eine klare Grenze zwischen der Sicherstellung sprachlicher Rechte und der Verhinderung der Nutzung von Sprache als Instrument des Einflusses eines Staates, der eine militärische Aggression gegen die Ukraine durchführt.

Die Analyse zeigt, dass Sprache unter den Bedingungen des modernen Krieges nicht mehr ausschließlich ein kulturelles Phänomen ist, sondern strategische Bedeutung als Faktor staatlicher Resilienz erlangt. Die ukrainische Erfahrung zeigt, dass der Sprachbereich eines der Hauptziele des Aggressors ist, da über ihn Einfluss auf kollektives Gedächtnis, Selbstbewusstsein und gesellschaftliche Solidarität ausgeübt wird. Deshalb transformiert sich die Sprachpolitik im Zeitraum militärischer Auseinandersetzungen von einem Instrument humanitärer Entwicklung zu einem Bestandteil der nationalen Sicherheit.

Zusammenfassend lässt sich feststellen, dass die Sprachfrage in der Ukraine über die interne politische Diskussion hinausgewachsen ist und Teil eines breiteren zivilisatorischen Widerstands geworden ist. Der Schutz der ukrainischen Sprache unter den gegenwärtigen Bedingungen ist kein Ausdruck von Isolationismus, sondern eine notwendige Voraussetzung für die Wahrung der Souveränität, der demokratischen Entwicklung und der Nachkriegswiederherstellung des Staates. Die weitere wissenschaftliche Reflexion über Sprachpolitik sollte daher im Kontext von Sicherheit, Menschenrechten und der langfristigen Strategie der nationalen Entwicklung erfolgen.

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## **MENSCHENRECHTE IN KRISENZEITEN: RECHTLICHE HERAUSFORDERUNGEN**

Die Frage der Menschenrechte gewinnt in Krisenzeiten eine besondere rechtliche, politische und moralische Dringlichkeit. Bewaffnete Konflikte, globale Pandemien, massive Fluchtbewegungen, technologische Transformationen sowie hybride Bedrohungen stellen bestehende menschenrechtliche Schutzmechanismen vor bislang unbekannte Herausforderungen. Während Menschenrechte in Friedenszeiten als relativ stabile normative Ordnungsprinzipien erscheinen, offenbart sich in Ausnahmesituationen ihre strukturelle Fragilität. Gerade in Krisenzeiten wird deutlich, dass der Schutz der Menschenwürde nicht allein eine Frage abstrakter Normen ist, sondern maßgeblich von der Wirksamkeit rechtlicher Instrumente, der Unabhängigkeit gerichtlicher Institutionen und dem politischen Willen der Staaten abhängt.

Aus völkerrechtlicher Perspektive bilden die universellen Menschenrechtsverträge sowie das humanitäre Völkerrecht den normativen Rahmen für den Schutz individueller Rechte in Krisensituationen. Dennoch zeigt die Praxis bewaffneter Konflikte, dass die Durchsetzung dieser Normen häufig selektiv, unvollständig oder politisch instrumentalisiert erfolgt. Wie Oliinyk überzeugend darlegt, besteht eines der zentralen Probleme darin, dass internationale humanitäre Normen zwar formal verbindlich sind, ihre Umsetzung jedoch stark von nationalen Rechtsordnungen und militärischen Entscheidungsstrukturen abhängt [1]. In bewaffneten Konflikten kollidieren menschenrechtliche Verpflichtungen regelmäßig mit sicherheitspolitischen Argumenten, wodurch der Ausnahmezustand zur Normalität zu werden droht.

Besonders deutlich treten diese Spannungen im Kontext aktueller bewaffneter Konflikte zutage. Die Analyse von Mahmud, Hasan und Rahat verdeutlicht, dass selbst bei klar dokumentierten Menschenrechtsverletzungen die internationale Rechtsdurchsetzung oft an geopolitischen Interessen scheitert [2]. Der Fall der Ukraine sowie die Situation im Gazastreifen zeigen exemplarisch, dass das internationale Recht zwar über ausgearbeitete Mechanismen zur Ahndung schwerer Verstöße verfügt, diese jedoch ohne effektive Sanktionsinstrumente weitgehend wirkungslos bleiben. Die Folge ist eine Erosion des Vertrauens in die Universalität der Menschenrechte, da ihre Anwendung zunehmend von Machtverhältnissen abhängt.

Ein weiteres zentrales rechtliches Problem in Krisenzeiten betrifft die Einschränkung grundlegender Rechte unter Berufung auf den Schutz der öffentlichen Sicherheit. Das Recht auf Leben, als fundamentales Menschenrecht, steht dabei im Zentrum normativer Auseinandersetzungen. Melnichenko und Voronetska zeigen, dass moderne Krisen – insbesondere bewaffnete Konflikte und Terrorismus – zu einer Neubewertung staatlicher Schutzpflichten führen [3]. Staaten rechtfertigen tödliche Gewalt zunehmend mit präventiven Sicherheitsargumenten, wodurch die Grenze zwischen legitimer Verteidigung und unverhältnismäßigem Eingriff verschwimmt.

Von besonderer Bedeutung ist in diesem Zusammenhang die Rolle der Justiz. Die Gewährleistung des Rechts auf ein faires Verfahren stellt in Krisenzeiten eine der größten Herausforderungen für rechtsstaatliche Systeme dar. Biloskurska betont, dass bewaffnete Konflikte nicht nur physische Zerstörung verursachen, sondern auch institutionelle Strukturen schwächen, die für den Schutz der Menschenrechte essenziell sind [4]. Militärgerichte, eingeschränkter Zugang zu Rechtsmitteln und politische Einflussnahme auf die Justiz führen dazu, dass individuelle Rechtsgarantien faktisch außer Kraft gesetzt werden. Damit wird der Ausnahmezustand zu einem strukturellen Risiko für die Rechtsstaatlichkeit selbst.

Neben klassischen Konfliktszenarien haben auch humanitäre Krisen und Migrationsbewegungen neue menschenrechtliche Problemfelder hervorgebracht. Die zunehmende Digitalisierung staatlicher Verwaltungsprozesse verändert die Bedingungen des Rechtsschutzes für besonders vulnerable Gruppen, insbesondere für Geflüchtete. Die Untersuchung von Vakhoneva et al. zeigt, dass digitale Kontroll- und Registrierungssysteme zwar Effizienzgewinne versprechen, zugleich jedoch neue Risiken für den Schutz von Arbeits- und Sozialrechten mit sich bringen [5]. Fehlender Zugang zu digitalen Ressourcen, algorithmische Diskriminierung und unzureichender Datenschutz verschärfen bestehende Ungleichheiten und erschweren den effektiven Rechtsschutz von Flüchtlingen erheblich.

Darüber hinaus wirft die Digitalisierung grundlegende Fragen nach der Zukunft menschenrechtlicher Garantien auf. In Krisenzeiten greifen Staaten vermehrt auf Überwachungstechnologien zurück, um Sicherheit zu gewährleisten. Diese Maßnahmen stehen jedoch häufig im Spannungsverhältnis zum Recht auf Privatsphäre und informationelle Selbstbestimmung. Gerade in Ausnahmesituationen fehlt es oft an klaren rechtlichen Grenzen, wodurch temporäre Notmaßnahmen

dauerhaft institutionalisiert werden. Dies führt zu einer schleichenden Normalisierung von Grundrechtseingriffen, die langfristig die Substanz demokratischer Rechtsordnungen untergräbt.

Ein zentrales rechtliches Dilemma besteht somit darin, ein ausgewogenes Verhältnis zwischen Sicherheit und Freiheit zu gewährleisten. Die Theorie der Menschenrechte geht von ihrer Unveräußerlichkeit aus, doch die Praxis zeigt, dass selbst grundlegende Rechte in Krisenzeiten relativiert werden. Diese Relativierung erfolgt nicht nur durch explizite rechtliche Einschränkungen, sondern auch durch faktische Machtverhältnisse, institutionelle Schwächen und gesellschaftliche Akzeptanz von Ausnahmeständen. Wie die analysierten Studien übereinstimmend zeigen, besteht die Gefahr, dass Krisen als Legitimationsgrund für eine dauerhafte Absenkung menschenrechtlicher Standards dienen [1; 2; 4].

Vor diesem Hintergrund gewinnt die Frage nach der Weiterentwicklung internationaler Schutzmechanismen besondere Relevanz. Effektiver Menschenrechtsschutz in Krisenzeiten erfordert nicht nur normative Klarheit, sondern auch institutionelle Resilienz. Dazu gehören unabhängige Gerichte, transparente Entscheidungsprozesse sowie eine stärkere internationale Zusammenarbeit bei der Durchsetzung menschenrechtlicher Verpflichtungen. Gleichzeitig müssen nationale Rechtsordnungen in der Lage sein, internationale Standards wirksam zu implementieren und durchzusetzen.

Abschließend lässt sich festhalten, dass Menschenrechte in Krisenzeiten einem erheblichen Belastungstest ausgesetzt sind. Die rechtlichen Herausforderungen ergeben sich weniger aus einem Mangel an Normen als vielmehr aus Defiziten in ihrer Umsetzung. Bewaffnete Konflikte, humanitäre Notlagen und technologische Umbrüche offenbaren strukturelle Schwächen bestehender Schutzmechanismen und machen deutlich, dass der menschenrechtliche Diskurs kontinuierlich an neue Realitäten angepasst werden muss. Nur durch eine konsequente Verbindung von rechtlicher Normativität, institutioneller Stärke und politischer Verantwortung kann gewährleistet werden, dass Menschenrechte auch in Zeiten tiefgreifender Krisen ihre Schutzfunktion behalten.

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## **PROBLEME DER SOZIALEN INTEGRATION VON BINNENVERTRIEBENEN UNTER DEN BEDINGUNGEN DES KRIEGSZUSTANDS**

Die soziale Integration von Binnenvertriebenen unter den Bedingungen des Kriegszustands ist eine der komplexesten und zugleich aktuellsten Herausforderungen für die moderne Ukraine. Die massenhafte Binnenvertreibung der Bevölkerung, verursacht durch die umfassende bewaffnete Aggression, hat die Sozialstruktur der Gesellschaft verändert, lokale Gemeinschaften transformiert und eine Reihe sozialer, wirtschaftlicher und rechtlicher Probleme verschärft. Binnenvertriebene befanden sich in einer Situation des erzwungenen Bruchs mit ihrer etablierten Lebensweise, ihren sozialen Bindungen, ihrem beruflichen Umfeld und ihrem kulturellen Kontext. Unter diesen Bedingungen ist die Integration nicht mehr nur eine Frage der Anpassung des Einzelnen, sondern wird zu einer komplexen Aufgabe der staatlichen Politik und der gesellschaftlichen Solidarität.

Der Kriegszustand erschwert den Prozess der sozialen Integration erheblich, da er die Ressourcen des Staates begrenzt, die Prioritäten der öffentlichen Verwaltung verändert und eine Atmosphäre ständiger Gefahr und Ungewissheit schafft. Für Binnenvertriebene bedeutet dies ein Leben in doppelter Vulnerabilität, in dem sich die Folgen traumatischer Kriegserfahrungen mit den Schwierigkeiten der Anpassung an ein neues soziales Umfeld verbinden. Psychischer Druck, der Verlust des Sicherheitsgefühls sowie die Angst um Angehörige und die Zukunft verstärken das Risiko sozialer Isolation und Marginalisierung [1, S. 91].

Eines der Kernprobleme der sozialen Integration von Binnenvertriebenen ist die Wohnungsfrage. Der Verlust oder die Unzugänglichkeit eines festen Wohnsitzes macht das Grundbedürfnis nach Sicherheit zu einer täglichen Herausforderung. Temporäre Unterkünfte, Wohnheime oder Mietwohnungen bieten oft keine angemessenen Bedingungen für ein langfristiges Wohnen und die Entwicklung eines Heimatgefühls. Die Instabilität der Wohnsituation wirkt sich negativ auf die

Beschäftigungsmöglichkeiten, den Zugang zu Bildung und sozialen Dienstleistungen aus und erschwert die Einbindung in lokale Gemeinschaften.

Ebenso wichtig ist das Problem der Beschäftigung und der wirtschaftlichen Eigenständigkeit der Binnenvertriebenen. Der Verlust von Arbeitsplätzen, Unternehmen oder beruflichen Netzwerken zwingt viele Menschen dazu, in neuen Regionen, in denen der Arbeitsmarkt bereits unter dem Druck der Kriegsbedingungen steht, bei Null anzufangen. Die Diskrepanz zwischen der Qualifikation und den Bedürfnissen der lokalen Wirtschaft, diskriminierende Vorurteile, das Fehlen notwendiger Dokumente oder die Betreuung von Kindern und älteren Menschen schaffen zusätzliche Barrieren für eine Beschäftigung. Infolgedessen gerät ein Teil der Binnenvertriebenen in die Abhängigkeit von Sozialhilfe, was Gefühle der Machtlosigkeit und sozialen Nutzlosigkeit hervorrufen kann.

Die soziale Integration ist auch eng mit dem Zugang zu Bildung und Medizin verknüpft. Für Kinder von Binnenvertriebenen geht die Anpassung an neue Bildungseinrichtungen oft mit Stress, Schwierigkeiten in der Kommunikation mit Gleichaltrigen und Brüchen in der Bildungslaufbahn einher. Erwachsene stehen vor Problemen beim Zugang zu medizinischen Leistungen, insbesondere im Bereich der psychischen Gesundheit, wo der Bedarf infolge des Krieges erheblich gestiegen ist. Der Mangel an Fachkräften, die Überlastung des Gesundheitssystems und die Stigmatisierung psychologischer Hilfe erschweren die Bewältigung von Traumafolgen.

Besondere Bedeutung im Kontext der sozialen Integration kommt der Akzeptanz der Binnenvertriebenen durch die aufnehmenden Gemeinden zu. Obwohl die ukrainische Gesellschaft ein hohes Maß an Solidarität gezeigt hat, können mit der Zeit Spannungen entstehen, die mit dem Wettbewerb um Ressourcen, Wohnraum und Arbeitsplätze zusammenhängen. Negative Stereotypen, das Gefühl einer ungerechten Verteilung von Hilfsgütern oder Informationsmanipulationen können den sozialen Zusammenhalt untergraben. Unter diesen Bedingungen ist es wichtig, eine Kultur des gegenseitigen Respekts, des Dialogs und der gemeinsamen Verantwortung für die Zukunft des Landes zu pflegen [2, S. 67].

Die rechtliche Dimension der sozialen Integration von Binnenvertriebenen bleibt ebenfalls problematisch. Häufige Gesetzesänderungen, die Komplexität administrativer Verfahren und eine unzureichende Information über Rechte und Möglichkeiten erschweren die Realisierung sozialer Garantien. Für viele Binnenvertriebene werden bürokratische Hürden zu einer zusätzlichen Stressquelle und einem Gefühl der Entfremdung vom Staat. Eine effektive Integration erfordert nicht nur die formale Verankerung von Rechten, sondern auch den realen Zugang zu Mechanismen für deren Schutz.

Die Bedingungen des Kriegszustands stellen besondere Anforderungen an die staatliche Integrationspolitik. Begrenzte finanzielle Ressourcen erzwingen ein Gleichgewicht zwischen militärischen Erfordernissen und sozialen Verpflichtungen. Gleichzeitig können gerade Investitionen in das menschliche Potenzial der Binnenvertriebenen zu einem Faktor für die Resilienz und den Wiederaufbau des Landes werden. Die Entwicklung von Programmen zur beruflichen Umschulung, die

Unterstützung kleiner Unternehmen, dezentrale Initiativen der Gemeinden und die Partnerschaft mit der Zivilgesellschaft schaffen die Voraussetzungen für eine effizientere Integration.

Gleichzeitig darf die psychologische Dimension der sozialen Integration nicht außer Acht gelassen werden. Binnenvertriebene erleben oft komplexe emotionale Zustände im Zusammenhang mit dem Verlust von Heim, Angehörigen und dem gewohnten Leben. Ohne angemessene psychologische Unterstützung können diese Erlebnisse in chronischen Stress, Depressionen oder soziale Verschlussenheit übergehen. Integration erfordert in diesem Fall nicht nur materielle Lösungen, sondern auch die Schaffung eines sicheren Raums zur Wiederherstellung von Würde, Vertrauen und Zugehörigkeitsgefühl.

Eine wichtige Rolle im Prozess der sozialen Integration spielt das zivilgesellschaftliche Engagement der Binnenvertriebenen. Die Teilnahme an freiwilligen Initiativen, der lokalen Selbstverwaltung sowie an Kultur- und Bildungsprojekten fördert die Bildung neuer sozialer Bindungen und verringert die Distanz zwischen den Vertriebenen und den Anwohnern. Diese Aktivität ermöglicht es den Binnenvertriebenen, nicht nur Hilfe zu empfangen, sondern sich als vollwertige Subjekte des gesellschaftlichen Lebens zu fühlen [3, S. 104].

Somit ist die soziale Integration von Binnenvertriebenen in Kriegszeiten kein einmaliger Akt, sondern ein langwieriger und multidimensionaler Prozess. Sie erfordert abgestimmtes Handeln des Staates, der lokalen Gemeinden, der Nichtregierungsorganisationen und der Vertriebenen selbst. Der Erfolg dieses Prozesses wird maßgeblich die soziale Stabilität des Landes während des Krieges und seine Fähigkeit zum Nachkriegswiederaufbau bestimmen. Die Probleme der sozialen Integration von Binnenvertriebenen unter den Bedingungen des Kriegszustands spiegeln tiefere Transformationen der ukrainischen Gesellschaft wider. Sie legen sowohl die Schwachstellen des sozialen Sicherungssystems als auch das Potenzial für Solidarität und gegenseitige Unterstützung offen. Die Überwindung dieser Probleme ist nicht nur eine humanitäre Verpflichtung, sondern eine strategische Aufgabe, von der die Wahrung der sozialen Einheit, des Vertrauens und des Humankapitals abhängt. Durch die erfolgreiche Integration von Binnenvertriebenen kann die Ukraine ihre Fähigkeit unter Beweis stellen, den Herausforderungen des Krieges zu begegnen und dabei die Würde des Menschen als höchsten sozialen Wert zu bewahren.

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## **SCHUTZ DER RECHTE VON BINNENVERTRIEBENEN IN DER UKRAINE**

Der Schutz der Rechte von Binnenvertriebenen stellt im modernen Völker- und Verfassungsrecht eine der komplexesten Herausforderungen dar, insbesondere in Staaten, die mit bewaffneten Konflikten, territorialen Besetzungen und systemischen Menschenrechtsverletzungen konfrontiert sind. Die Ukraine ist seit 2014 und in verschärfter Form seit der großangelegten militärischen Aggression der Russischen Föderation im Jahr 2022 mit einer der größten Binnenvertreibungsbewegungen Europas seit dem Zweiten Weltkrieg konfrontiert. Millionen von Menschen wurden gezwungen, ihre Wohnorte zu verlassen, ohne die Staatsgrenze zu überschreiten, wodurch sie den Status von Binnenvertriebenen (internally displaced persons, IDPs) erlangten. Diese Situation hat nicht nur tiefgreifende soziale und wirtschaftliche Folgen, sondern wirft auch grundlegende rechtliche Fragen hinsichtlich der Gewährleistung, Durchsetzung und effektiven Umsetzung der Menschenrechte dieser besonders verletzlichen Bevölkerungsgruppe auf.

Binnenvertriebene befinden sich in einer paradoxen rechtlichen Lage: Einerseits bleiben sie Staatsangehörige ihres Landes und unterliegen dessen Rechtsordnung, andererseits verlieren sie faktisch den Zugang zu zahlreichen Rechten und Garantien, die an den Wohnsitz, Eigentum oder soziale Einbindung geknüpft sind. In der Ukraine manifestiert sich dieses Spannungsverhältnis besonders deutlich, da die Vertreibung häufig mit dem Verlust von Wohnraum, Arbeitsplätzen, Dokumenten, sozialen Netzwerken und rechtlicher Sicherheit einhergeht. Der Schutz der Rechte von Binnenvertriebenen kann daher nicht auf isolierte sozialpolitische Maßnahmen reduziert werden, sondern erfordert einen umfassenden, systemischen Ansatz, der verfassungsrechtliche, verwaltungsrechtliche, sozialrechtliche und völkerrechtliche Dimensionen integriert.

Die rechtliche Grundlage für den Schutz der Rechte von Binnenvertriebenen in der Ukraine bildet in erster Linie die Verfassung der Ukraine, die die Gleichheit aller Bürger vor dem Gesetz sowie die Unveräußerlichkeit der grundlegenden Menschenrechte garantiert. Diese verfassungsrechtlichen Prinzipien gelten uneingeschränkt auch für Binnenvertriebene, unabhängig von ihrem Aufenthaltsort oder ihrem faktischen Status. Gleichzeitig hat der ukrainische Gesetzgeber mit dem Gesetz „Über die Gewährleistung der Rechte und Freiheiten von Binnenvertriebenen“ einen speziellen normativen Rahmen geschaffen, der die rechtliche Definition, Registrierung, soziale Absicherung und staatliche Unterstützung von IDPs regelt. Wie Tesliuk et al. hervorheben, wurde dieser Rechtsrahmen insbesondere nach

Beginn des großflächigen Krieges erheblich weiterentwickelt, um den neuen Herausforderungen Rechnung zu tragen [1].

Dennoch zeigt die Praxis, dass die Existenz normativer Regelungen allein nicht ausreicht, um einen effektiven Schutz zu gewährleisten. Die Umsetzung der gesetzlichen Garantien wird häufig durch administrative Hürden, unzureichende institutionelle Kapazitäten, finanzielle Engpässe sowie durch die anhaltende Unsicherheit der Sicherheitslage beeinträchtigt. Izarova et al. weisen darauf hin, dass Binnenvertriebene in der Ukraine trotz formaler Gleichstellung weiterhin mit systemischen Diskriminierungsrisiken konfrontiert sind, insbesondere im Bereich des Zugangs zu Wohnraum, Sozialleistungen, medizinischer Versorgung und gerichtlichem Rechtsschutz [2]. Diese Diskrepanz zwischen normativer Anerkennung und tatsächlicher Durchsetzung der Rechte stellt eines der zentralen Probleme des Schutzsystems dar.

Ein wesentlicher Aspekt des Schutzes der Rechte von Binnenvertriebenen ist das Recht auf soziale Sicherheit. Der Verlust des Wohnsitzes und der Erwerbsgrundlagen führt häufig zu einem erhöhten Armutsrisiko, weshalb staatliche Unterstützungsmechanismen eine entscheidende Rolle spielen. In der Ukraine umfasst das System des sozialen Schutzes von IDPs finanzielle Unterstützungsleistungen, Wohnbeihilfen sowie den Zugang zu Bildungs- und Gesundheitsdienstleistungen. Selikhov betont, dass der soziale Schutz von Binnenvertriebenen nicht nur als wohltätige Maßnahme, sondern als rechtliche Verpflichtung des Staates verstanden werden muss, die aus nationalem Recht und internationalen Menschenrechtsnormen resultiert [3]. Gleichzeitig bleibt die Frage der Angemessenheit und Nachhaltigkeit dieser Maßnahmen offen, insbesondere angesichts der langfristigen Natur der Vertreibung.

Von zentraler Bedeutung ist auch der Schutz der Eigentumsrechte von Binnenvertriebenen. Der Verlust oder die Unzugänglichkeit von Eigentum in den besetzten oder umkämpften Gebieten stellt eine der schmerzhaftesten Folgen der Vertreibung dar. Während das ukrainische Recht grundsätzlich das Eigentumsrecht garantiert, ist dessen praktische Durchsetzung in Konfliktsituationen stark eingeschränkt. Gerichtsverfahren zur Wiederherstellung oder Entschädigung von Eigentum sind oft langwierig und komplex, was den effektiven Rechtsschutz erheblich erschwert. Makarov hebt hervor, dass der Krieg neue spezifische Herausforderungen für den Rechtsschutz von IDPs geschaffen hat, insbesondere im Hinblick auf Beweisführung, Zuständigkeit der Gerichte und Vollstreckung von Entscheidungen [4].

Im internationalen Kontext stützt sich der Schutz von Binnenvertriebenen auf eine Reihe von Soft-Law-Instrumenten, insbesondere die Leitprinzipien der Vereinten Nationen für Binnenvertriebene (UN Guiding Principles on Internal Displacement). Diese Prinzipien definieren Mindeststandards für den Schutz und die Unterstützung von IDPs und dienen als normative Orientierung für nationale Gesetzgeber. Kaminska und Boiko betonen, dass die ukrainische Gesetzgebung in weiten Teilen mit diesen internationalen Standards harmonisiert ist, jedoch weiterhin Defizite bei der praktischen Umsetzung bestehen [5]. Die Integration internationaler

Normen in das nationale Rechtssystem ist somit ein notwendiger, aber nicht hinreichender Schritt zur Gewährleistung eines effektiven Schutzes.

Ein weiterer zentraler Aspekt ist der Zugang von Binnenvertriebenen zur Justiz. Effektiver Rechtsschutz setzt voraus, dass Betroffene ihre Rechte kennen, rechtliche Unterstützung erhalten und tatsächlich in der Lage sind, gerichtliche oder außergerichtliche Rechtsmittel einzulegen. In der Ukraine spielen hierbei sowohl staatliche Institutionen als auch zivilgesellschaftliche Organisationen und internationale Partner eine wichtige Rolle. Dennoch bleibt der Zugang zur Justiz für viele Binnenvertriebene eingeschränkt, insbesondere für ältere Menschen, Menschen mit Behinderungen oder Personen in ländlichen Gebieten. Diese strukturellen Barrieren untergraben die tatsächliche Wirksamkeit der bestehenden Rechtsgarantien.

Der Schutz der Rechte von Binnenvertriebenen ist darüber hinaus eng mit der Frage der langfristigen Integration oder Rückkehr verbunden. Internationale Standards betonen, dass Binnenvertriebene das Recht auf eine freiwillige, sichere und würdige Rückkehr, lokale Integration oder Neuansiedlung haben. In der ukrainischen Realität ist die Umsetzung dieser Optionen stark von der Entwicklung der Sicherheitslage und der Wiederherstellung der zerstörten Infrastruktur abhängig. Gleichzeitig besteht die Gefahr, dass eine langfristige Vertreibung zu sozialer Marginalisierung und dauerhafter Ungleichheit führt, wenn keine nachhaltigen Integrationsstrategien entwickelt werden.

Zusammenfassend lässt sich festhalten, dass der Schutz der Rechte von Binnenvertriebenen in der Ukraine ein vielschichtiges rechtliches und gesellschaftliches Problem darstellt, das eine ganzheitliche Herangehensweise erfordert. Die Ukraine hat in den letzten Jahren bedeutende Fortschritte bei der Schaffung eines normativen Rahmens erzielt und internationale Standards weitgehend übernommen. Dennoch bestehen erhebliche Herausforderungen bei der praktischen Umsetzung dieser Normen, insbesondere im Kontext des andauernden bewaffneten Konflikts. Der effektive Schutz der Rechte von Binnenvertriebenen erfordert nicht nur gesetzgeberische Maßnahmen, sondern auch institutionelle Stärkung, ausreichende finanzielle Ressourcen, eine enge Zusammenarbeit mit der Zivilgesellschaft sowie eine konsequente Orientierung an menschenrechtlichen Prinzipien. In diesem Sinne ist der Schutz von Binnenvertriebenen nicht nur eine rechtliche Verpflichtung, sondern auch ein zentraler Indikator für die demokratische und rechtsstaatliche Entwicklung der Ukraine.

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## **СУРОГАТНЕ МАТЕРИНСТВО В СИСТЕМІ СІМЕЙНОГО ПРАВА УКРАЇНИ: ПРОБЛЕМИ ВИЗНАЧЕННЯ ПРАВОВОГО СТАТУСУ УЧАСНИКІВ ТА КОЛІЗІЇ ЗАКОНОДАВСТВА**

Сучасний розвиток допоміжних репродуктивних технологій зумовлює необхідність переосмислення підходів до правового регулювання сурогатного материнства як складного міжгалузевого правового інституту. В умовах відсутності спеціального законодавчого акта та зростання кількості транскордонних програм сурогатного материнства особливої актуальності набувають питання визначення правового статусу його учасників, меж договірної свободи та забезпечення найкращих інтересів дитини. Це обумовлює потребу комплексного аналізу наявних прогалин і колізій у національному законодавстві з урахуванням міжнародних стандартів захисту прав людини.

Суттєвою проблемою правового регулювання сурогатного материнства є невизначеність правового статусу його учасників. Чинне законодавство не містить легальних дефініцій понять «сурогатна мати», «замовники програми сурогатного материнства», «генетичні батьки», що призводить до термінологічної плутанини та ускладнює правозастосування.

**Правовий статус сурогатної матері** залишається найменш визначеним. Законодавство не встановлює вичерпного переліку її прав та обов'язків, не регламентує гарантій захисту її здоров'я та інтересів. Невирішеним є питання про правову природу її участі у програмі [11, с. 188].

Порядок застосування допоміжних репродуктивних технологій встановлює певні вимоги до сурогатної матері: вік від 18 до 35 років, наявність власної здорової дитини, задовільний стан здоров'я [5]. Однак ці вимоги мають переважно медичний характер і не вирішують правових питань, а саме чи має

сурогатна мати право на відмову від передачі дитини після її народження; які наслідки настають у разі порушення нею умов договору; чи зберігає вона право на спілкування з дитиною після її передачі замовникам.

**Правовий статус замовників** як сторони договору сурогатного материнства також містить суттєві прогалини. Стаття 123 Сімейного кодексу України передбачає, що замовниками можуть бути лише особи, які перебувають у зареєстрованому шлюбі (подружжя) [2]. Це положення викликає обґрунтовану критику з позицій принципу недискримінації, оскільки виключає можливість використання сурогатного материнства самотніми особами та парами, які не перебувають у шлюбі. Водночас, практика свідчить про випадки, коли замовниками програм виступають саме такі особи, що породжує складнощі при реєстрації народження дитини та визначенні батьківства [11, с. 189].

Окремою проблемою є визначення правового статусу замовників-іноземців [13, р. 69]. Україна стала одним із центрів так званого репродуктивного туризму, коли громадяни інших держав, де сурогатне материнство заборонено або обмежено, звертаються до українських клінік та сурогатних матерів. Це породжує колізії між правопорядками різних держав і ставить під загрозу права дитини, яка може опинитися в стані правової невизначеності – не визнана громадянкою жодної держави, без встановленого батьківства.

**Правовий статус дитини**, народженої внаслідок сурогатного материнства, потребує особливого захисту. Конвенція про права дитини 1989 року закріплює принцип найкращих інтересів дитини, який має бути основним критерієм при вирішенні будь-яких питань, що її стосуються [6]. Однак українське законодавство не містить спеціальних механізмів забезпечення цього принципу у відносинах сурогатного.

Аналіз чинного законодавства дозволяє виявити низку колізій, що суттєво ускладнюють правове регулювання сурогатного материнства.

Колізія між нормами сімейного та цивільного права проявляється у невизначеності правової природи договору про сурогатне материнство. Сімейний кодекс України регулює питання визначення походження дитини, тоді як Цивільний кодекс України встановлює загальні правила про договірні зобов'язання. Як зазначає В.Ю. Москалюк, договір про сурогатне материнство має ознаки цивільно-правового зобов'язання з надання послуг, він є оплатним (у випадку комерційного сурогатного материнства), передбачає виконання певних дій однією стороною на користь іншої [11, с. 188].

Цивільний кодекс України не містить спеціальних норм про договір сурогатного материнства, що змушує застосовувати до нього загальні положення про договори та зобов'язання з надання послуг [3]. Однак, як підкреслює Р.О. Стефанчук, специфіка цих відносин не дозволяє повноцінно застосувати цивільно-правові механізми [10, с. 296]. Зокрема, неможливим є примусове виконання договору в натурі (примусити сурогатну мати передати дитину), сумнівною є можливість стягнення збитків за невиконання договору, оскільки це може суперечити принципу найкращих інтересів дитини, закріпленому в Конвенції про права дитини [6].



Колізія між принципом свободи договору та публічним порядком виникає у зв'язку з питанням про допустимі межі договірної регулювання відносин сурогатного материнства. Принцип свободи договору, закріплений у статті 627 Цивільного кодексу України, передбачає право сторін самостійно визначати умови договору [3]. Основи законодавства України про охорону здоров'я також закріплюють право на охорону здоров'я та недоторканність особи, що має враховуватися при укладенні таких договорів [1]. В.Ю. Москалюк додає, що відсутність законодавчого регулювання меж договірної свободи у цій сфері створює ризики порушення прав сурогатної матері [11, с. 189].

На нашу думку, наведені наукові позиції переконливо свідчать про необхідність чіткого нормативного визначення меж реалізації принципу свободи договору у сфері сурогатного материнства. Свобода договору не може розглядатися як абсолютна, оскільки вона обмежується імперативними приписами законодавства, засадами публічного порядку та вимогами поваги до прав і гідності людини. Включення до договорів умов, що потенційно посягають на особисту автономію сурогатної матері, її тілесну недоторканність або свободу пересування, має визнаватися неприпустимим незалежно від згоди сторін. У зв'язку з цим доцільним є законодавче закріплення переліку недопустимих умов договору про сурогатне материнство та встановлення додаткових гарантій захисту прав усіх його учасників, що сприятиме забезпеченню балансу між приватними інтересами сторін і публічними інтересами держави.

Колізія між національним законодавством та міжнародними стандартами проявляється у невідповідності окремих положень українського права практиці Європейського суду з прав людини. У справах «*Mennesson v. France*» (заява № 65192/11) [7] та «*Labassee v. France*» (заява № 65941/11) [8], рішення в яких ухвалено 26 червня 2014 року, ЄСПЛ визнав порушенням права на повагу до приватного життя (стаття 8 Конвенції) відмову держави визнати правовий зв'язок між дитиною, народженою внаслідок сурогатного материнства за кордоном, та її генетичним батьком. Суд наголосив, що найкращі інтереси дитини вимагають визнання її правового статусу незалежно від способу зачаття та народження.

У справі «*Paradiso and Campanelli v. Italy*» (заява № 25358/12), рішення Великої палати від 24 січня 2017 року, ЄСПЛ дійшов висновку, що за відсутності генетичного зв'язку між дитиною та замовниками держава має ширші межі розсуду у визначенні правових наслідків сурогатного материнства [9]. Це рішення, як зазначають K.S. Rotabi, S. Mapp та K. Cheney, продемонструвало, що баланс між правами замовників, правами дитини та публічними інтересами держави є надзвичайно складним і потребує індивідуального підходу в кожному конкретному випадку [13, р. 70].

Колізія у сфері міжнародного приватного права виникає при транскордонному сурогатному материнстві. Закон України «Про міжнародне приватне право» не містить спеціальних колізійних норм щодо сурогатного материнства [4]. K.S. Rotabi, S. Mapp та K. Cheney вказують, що це породжує

невизначеність щодо застосовного права при укладенні договору між українською сурогатною матір'ю та іноземними замовниками, при визначенні походження дитини, при визнанні батьківства за кордоном [13, р. 69].

Проведений аналіз засвідчує, що правове регулювання сурогатного материнства в Україні характеризується системними прогалинами, які охоплюють як матеріально-правові, так і колізійні аспекти. Насамперед, відсутність легальних дефініцій основних понять і чітко визначеного правового статусу учасників відповідних правовідносин зумовлює термінологічну невизначеність і ускладнює правозастосовну практику. Особливо проблемним залишається статус сурогатної матері, обсяг її прав та обов'язків, а також характер її участі у програмі, що має принципове значення для визначення механізмів відповідальності та способів захисту прав.

Не менш суттєвими є прогалини у визначенні правового статусу замовників, зокрема щодо можливості участі самотніх осіб або осіб, які не перебувають у зареєстрованому шлюбі, а також замовників-іноземців. Практика транскордонного сурогатного материнства актуалізує необхідність удосконалення норм міжнародного приватного права з метою запобігання випадкам правової невизначеності щодо громадянства та батьківства дитини.

Колізії між нормами сімейного та цивільного законодавства, а також між принципом свободи договору і вимогами публічного порядку свідчать про потребу комплексного законодавчого врегулювання цієї сфери.

З огляду на практику Європейського суду з прав людини та міжнародні стандарти захисту прав дитини, українське законодавство потребує гармонізації з урахуванням принципу забезпечення правового статусу дитини незалежно від способу її народження. У цілому, подолання окреслених проблем можливе лише шляхом прийняття спеціального закону про допоміжні репродуктивні технології, який би комплексно визначав правовий статус учасників програм сурогатного материнства, межі договірної свободи, гарантії захисту прав дитини та особливості транскордонних правовідносин.

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## **КОМУНІКАЦІЯ ЯК ЗАСІБ ФОРМУВАННЯ ГРОМАДСЬКОЇ ДУМКИ**

Комунікація – це не просто обмін інформацією, а фундаментальний процес, який лежить в основі людського співіснування та розвитку будь-якого суспільства. Від найпростіших форм взаємодії до складних інформаційних мереж сучасності, комунікація завжди відігравала ключову роль у формуванні культури, передачі знань, встановленні соціальних зв'язків та, врешті-решт, у прогресі цивілізації. Адже, як вважав Конфуцій: «Три речі ніколи не повертаються назад – час, слово і можливість. Тому: не втрачай часу, вибирай слова, не упускай можливість» [1].

Комунікація є засобом пізнання світу та самих себе. Через діалог, обмін думками та досвідом ми виявляємо прогалини у своїх знаннях і прагнемо до їх

заповнення. Це стимулює розвиток освіти та науки. Етичні норми та цінності суспільства формуються та передаються саме через комунікацію. Взаєморозуміння, співчуття та повага до іншого – це результати ефективного спілкування, які сприяють гармонійному розвитку суспільства.

Соціальні ролі, норми поведінки та культурні коди відтворюються та закріплюються через комунікативні процеси. Ми навчаємося взаємодіяти, розуміти один одного, виражати себе та виконувати свої ролі в суспільному «театрі» завдяки спілкуванню.

Засоби, за допомогою яких ми комунікуємо, впливають на наше сприйняття світу та структуру суспільства. Від усної мови до друкарського верстата, радіо, телебачення та Інтернету – кожен новий засіб комунікації кардинально змінює спосіб нашого життя, мислення та взаємодії.

Комунікація є потужним інструментом для формування громадської думки та мобілізації людей. Вона може бути як засобом поширення ідей миру, злагоди та справедливості, так і інструментом розпалювання конфліктів. Варто згадати слова М. Л. Кінга: «Ненависть не може витіснити ненависть: це може зробити тільки любов» [2].

Інтернет та соціальні мережі створили нові форми глобальної комунікації, дозволяючи людям миттєво обмінюватися інформацією, висловлювати свої думки, об'єднуватися в групи за інтересами та брати участь у громадському житті. Це прискорює поширення новин, сприяє громадянській активності, але також може призводити до дезінформації та поляризації суспільства.

Мобільні технології забезпечують постійний доступ до інформації та можливість миттєвого зв'язку, що змінює спосіб нашої роботи, навчання, дозвілля та соціальної взаємодії. Ми можемо працювати віддалено, отримувати освіту онлайн, підтримувати зв'язок з рідними та друзями будь-де і будь-коли.

Таким чином, комунікація є життєво важливим елементом будь-якого суспільства. Вона не тільки забезпечує передачу знань та культурних цінностей, але й формує наше світосприйняття, впливає на соціальні відносини та є рушійною силою прогресу. У сучасному світі, де інформаційні потоки безпрецедентно інтенсивні, здатність до ефективної, критичної та відповідальної комунікації стає однією з найважливіших навичок для особистісного та суспільного розвитку.

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## **ЛЕГАЛІЗАЦІЯ ТРОФЕЙНОЇ ( ЗНАЙДЕНОЇ ) ВОГНЕПАЛЬНОЇ ЗБРОЇ В УМОВАХ ВОЄННОГО СТАНУ: МІЖНАРОДНИЙ ДОСВІД**

Питання правового регулювання обігу вогнепальної зброї серед цивільного населення України традиційно залишалося об'єктом значної уваги як серед науковців, так і в суспільстві загалом. Проте в умовах воєнного стану ця проблема набула нових вагомих акцентів.

Повномасштабна збройна агресія російської федерації суттєво вплинула на трансформацію системи національної безпеки країни, а також спричинила численні випадки виявлення цивільними особами знайденої або трофейної зброї в районах бойових дій чи на звільнених територіях. У зв'язку з цим питання легалізації такої зброї виходить за межі суто дискусії щодо права на самозахист, формуючи багатогранну правову проблему, яка охоплює аспекти кримінального, адміністративного, конституційного та міжнародного права.

Наукова спільнота України звертає увагу, що дебати стосовно можливостей легалізації приватного володіння зброєю тривають з моменту здобуття незалежності країни. Однак досі так і не було ухвалено єдиного спеціалізованого закону, який би системно врегульовував порядок набуття, зберігання, носіння та використання зброї цивільними особами [3,с.133].

За останні десятиліття Верховна Рада розглядала низку відповідних законопроектів, проте жодний із них не отримав статус чинного нормативного акту. Внаслідок цього нормативно-правова регуляція залишається фрагментарною й базується здебільшого на підзаконних правових актах. Така ситуація ускладнює забезпечення ефективного державного контролю та породжує чимало прогалин у процесі реалізації правових норм.

Аналіз міжнародного досвіду, представлений у працях С. В. Діденка та інших науковців, свідчить, що моделі регулювання обігу вогнепальної зброї значною мірою залежать від історичних традицій, правової культури та рівня суспільної довіри до державних інституцій [2; 1; 3].

У цьому контексті виділяють три основні підходи: ліберальний, обмежувальний та змішаний. Кожен із цих підходів має свої переваги й недоліки, що обумовлює необхідність їх ретельного врахування під час розроблення української моделі регулювання, особливо коли йдеться про трофейну зброю.

Серед яскравих прикладів ліберального підходу можна виділити Сполучені Штати Америки, де право на володіння і носіння зброї закріплене у Другій поправці до Конституції. Це положення розглядається як невід'ємна частина громадянських свобод і історичних традицій американського

суспільства. Однак статистичні дані свідчать про високий рівень насильницьких злочинів із використанням вогнепальної зброї, а також про численні випадки масових розстрілів [1; 2]. Ця ситуація стимулює постійний перегляд регуляторних механізмів: запровадження додаткових обмежень для певних груп населення або встановлення чіткіших правил щодо дозволених видів зброї. Навіть у країні зі сформованою традицією конституційного права на володіння зброєю функціонують дієві механізми контролю. Цей досвід може бути корисним прикладом для України в умовах воєнного стану, пропонуючи можливості адаптації кращих практик до сучасних реалій.

Водночас європейські країни демонструють зважений та системний підхід до питання володіння зброєю. Наприклад, Швейцарія нерідко стає прикладом держави, де майже половина населення має у власності зброю. Однак, така ситуація пояснюється специфікою системи територіальної оборони, обов'язкової військової підготовки і строгими нормами реєстрації та контролю за зберіганням зброї. Уся зброя ретельно контролюється, а для отримання дозволу на носіння необхідно надати вагомі підстави [5]. Таким чином, швейцарський підхід поєднує культуру озброєного громадянства з жорсткими правилами державного регулювання, що значно знижує ризик зловживань.

Досвід Хорватії, Естонії та Фінляндії може бути цінним для України, яка перебуває в умовах збройного конфлікту. У Хорватії після воєн 1990-х років нелегальна зброя стала серйозною загрозою для суспільства. Для подолання цієї проблеми були впроваджені програми добровільної здачі зброї та амністії без кримінальної відповідальності. Це дозволило суттєво скоротити незаконний обіг зброї. Подібні ініціативи успішно реалізувалися і в інших постконфліктних країнах через механізми легалізації чи вилучення зброї в рамках добровільного декларування [5].

Естонія обрала більш системний підхід: громадяни можуть отримати дозвіл на володіння короткоствольною зброєю з метою самозахисту, але для цього необхідно пройти строгі перевірки, медичне обстеження та реєстрацію в централізованій базі даних. Дослідження показують, що після упорядкування обігу зброї рівень злочинності знизився. Цей результат став можливим завдяки не тільки дозволу на володіння, але й комплексній системі чітких правил та контролю [2; 5].

Модель Чехії також заслуговує на увагу. Право на самозахист із використанням зброї закріплене в національній Хартії основоположних прав і свобод, але діє лише за умов суворого дотримання законодавства. Майбутні власники зброї проходять багатоступеневе тестування, отримують ліцензію строком на десять років і зобов'язані регулярно підтверджувати свою медичну придатність та благонадійність [5]. Такий підхід створює баланс між інтересами самозахисту громадян та суспільною безпекою.

Водночас є приклади держав із надзвичайно строгими обмеженнями. Австралія після трагічних масових розстрілів впровадила масштабну програму викупу та заборони значної частини вогнепальної зброї. Ця ініціатива дала змогу суттєво зменшити кількість убивств і самогубств із застосуванням зброї,

отримавши широку підтримку в суспільстві [1]. Як доводить цей досвід, брак ефективного правового регулювання може становити більшу загрозу, ніж контролювана та впорядкована система.

Для України нагальною стає проблема обігу трофейної та знайденої зброї. Трофейна зброя, переважно військового призначення (автоматична чи напівавтоматична), є особливо небезпечною через її бойові характеристики та технічний стан. У працях Ф. Ф. Зурова підкреслюється, що комплексне регулювання цієї сфери має базуватися як на міжнародних стандартах, так і враховувати особливості українських реалій [3].

Щодо знайденої зброї у воєнний час, її легалізація не повинна автоматично призводити до набуття права приватної власності. Рекомендується запровадити механізм декларування із залученням спеціальних експертів для перевірки зброї, проведення балістичної експертизи та її визначення.

Одним із ключових завдань у сучасних умовах є ретельна оцінка ризиків. Недостатня правова обізнаність населення, підвищений рівень психологічної напруги через воєнні реалії та економічні труднощі можуть створити передумови для зловживань у сфері самооборони, що, своєю чергою, тягне за собою кримінальну відповідальність відповідно до законодавства України [4].

Тому процес легалізації трофейної зброї потребує не лише юридичного врегулювання, а й супроводу у вигляді системної просвітницької діяльності, навчання, підвищення правосвідомості громадян, а також запровадження суворих вимог до власників зброї.

Отже, враховуючи міжнародний досвід і висновки українських експертів, можна зробити висновок, що легалізація трофейної чи знайденої вогнепальної зброї під час воєнного стану є можливою тільки за умови створення комплексного законодавчого механізму. Вважаємо, що такий механізм має передбачати процедури декларування зброї, її обов'язковий облік, контроль технічного стану, а також перевірку медичної та психологічної придатності власників. Крім того, необхідно забезпечити дієву систему відповідальності. Відсутність належного регулювання в цій сфері може сприяти розширенню тіньового ринку зброї. Вважаємо, що впровадження чітких правил і державного контролю дозволить ефективно захистити конституційні права громадян на збереження життя і здоров'я та зменшити ризики для громадської безпеки навіть у складних умовах воєнного часу.

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## **КОМУНІКАЦІЯ В ДІЯЛЬНОСТІ ПРАВООХОРОННИХ ОРГАНІВ**

Питання професійної діяльності та спілкування завжди знаходилися в центрі уваги психологічної науки. Професійна діяльність працівників поліції має свої особливості, які вимагають професійної комунікативної компетентності працівника, та певних особистісних якостей, що визначають ефективність його спілкування під час виконання професійних обов'язків. Комунікативна компетентність фахівця забезпечує ефективність його професійної взаємодії, поведінки в повсякденній та екстремальній обстановці, особливості взаємовідносин в колективі. У процесі професійного спілкування працівник поліції постійно зіштовхується з необхідністю правильно будувати взаємовідносини з співслужбовцями, керівництвом, робітниками інших структур, оточуючими.

Рішення професійних завдань потребує аналізу й оцінки поведінки людей, формування адекватної уяви про них, ефективного вирішення професійних конфліктів. В процесі сприйняття інших людей формуються образи, що у процесі аналізу й оцінки, досягають рівня понять і регулюють власну поведінку стосовно цих людей. На основі зробленої оцінки формуються мотиви та способи поведінки, стратегії впливу. Добре сформовані комунікативні якості потрібні будь-якому професіоналу, але особливо гостро це питання стосується представників професії типу «людина-людина» (працівник правоохоронних підрозділів, слідчий, оперативний працівник тощо) [1, с. 1].

Комунікативні знання, уміння, навички – це надбані в процесі професійного становлення засоби комунікації, впливу, вирішення конфліктів, навички ефективного мовлення, якими людина-професіонал свідомо користується при вирішенні професійних завдань.



Комунікативні якості є професійно важливими якостями, рисами особистості фахівця, до них, насамперед потрібно віднести: контактність, відкритість, емпатію, емоційну стійкість, культуру поведінки і спілкування, наявність адекватного іміджу.

Проаналізуємо, яку роль грає комунікативна компетентність працівників поліції при вирішенні професійних завдань: 1) складання уяви про людину, з якою працівник зіштовхується в своїй діяльності – формування своєрідного портрету співбесідника на основі зовнішньої інформації, аналізу поведінки, вербальної та невербальної інформації; 2) налагодження комунікації – пошук адекватних засобів, стилю (формального, неформального) комунікації з партнером, побудова сприятливої психологічної атмосфери для спілкування; 3) виявлення та вирішення професійних конфліктів; 4) пошук та використання шляхів і засобів впливу на людей з ціллю вирішення професійних завдань; 5) побудова сприятливої психологічної атмосфери в підрозділі, підвищення групової згуртованості.

Спілкування працівників поліції може відбуватись з різним рівнем ефективності. Спілкування може ускладнюватися завдяки комплексній дії чинників об'єктивного та суб'єктивного характеру. Об'єктивно працівник залежить від рівня складності завдання (наприклад, перевантаження завданнями, дефіцит часу), ступеню втоми, відсутності регламентації взаємодії, невизначеності професійних обов'язків та інших чинників. Серед суб'єктивних факторів, що утруднюють професійне спілкування, найважливішим ми вважаємо наявність професійних деформацій особистості, що мають прояви в професійній комунікації [2, с 2].

Наказ МВС України від 09.11.2016 № 1179 «Про затвердження Правил етичної поведінки поліцейських» містить професійно-етичні вимоги до правил поведінки поліцейських, але окрім етичних норм поведінки поліцейського, потрібно зауважити і на психологічні засади його поведінки, які стосуються побудови відповідних комунікаційних конструкцій у безпосередньому спілкуванні з різноманітними об'єктами правоохоронної діяльності. Працівник поліції зобов'язаний виявляти повагу до гідності кожної людини, справедливо та неупереджено ставитися до кожного; поводитися стримано, доброзичливо, відкрито, уважно і ввічливо; контролювати свою поведінку, почуття та емоції, не дозволяючи особистим симпатіям або антипатіям, неприязні, недоброму настрою або дружнім почуттям впливати на прийняття рішень та службову поведінку; дотримуватися норм ділового мовлення, не допускати використання ненормативної лексики; зберігати інформацію з обмеженим доступом, яка стала йому відома у зв'язку з виконанням службових обов'язків. Поліцейський зобов'язаний: бути тактовним та доброзичливим; висловлювати вимоги чи зауваження, що стосуються особи, у ввічливій і переконливій формі; дати можливість особі висловити свою думку.

Ще складнішою є комунікація в умовах застосування поліцейських засобів примусу, таких як фізичний вплив (сила), спеціальні засоби, чи використання для припинення правопорушення вогнепальної зброї. Тож із

метою зменшення кількості випадків застосування поліцейських заходів примусу поліцейський повинен виявляти розсудливість, відкритість, почуття справедливості, володіти комунікативними навиками (переконавання, ведення переговорів тощо), а за необхідності мати керівні та організаційні якості. [3 с. 11].

Також у комунікативному процесі необхідно обов'язково пам'ятати про комунікативні бар'єри, тобто про перешкоди на шляху до адекватної передачі інформації між партнерами по спілкуванню. Бар'єри обумовлені включеністю комунікації в більш широку систему суспільних відносин: соціальні; політичні; релігійні; національні; професійні; вікові. Вони породжують різну інтерпретацію понять, що вживаються у процесі комунікації. Психологічні бар'єри виникають внаслідок: індивідуально-психологічних особливостей людей, що спілкуються (наприклад, агресивність, тривожність, низький рівень інтелекту тощо); сформованих між людьми певних міжособистісних відносин (ворожості, недовіри, упередженості тощо); мотивації (у співрозмовників немає особистої зацікавленості в темі бесіди) [4 с. 3].

Проблеми комунікації у правоохоронних органах можуть мати серйозні наслідки, які можуть поширюватись на різні сфери життєдіяльності громадян. Наприклад, погіршення взаємин між поліцією та громадою може призвести до зниження довіри громадян до правоохоронних органів та збільшення кількості конфліктних ситуацій. Одна з основних проблем, це необхідність підвищення рівня професійної комунікації правоохоронців, зокрема, у взаєминах з громадськістю. Це пов'язано з тим, що в сучасних умовах інформаційного простору правоохоронні органи повинні забезпечувати відкритість та прозорість своєї діяльності, а це неможливо без ефективної комунікації з громадськістю. Ще однією проблемою є відсутність системи комунікації та інформаційної взаємодії між різними підрозділами органів внутрішніх справ, що призводить до неефективності роботи та зниження рівня безпеки в країні. Відповідно, основними проблемами та недоліками комунікації в професійній діяльності правоохоронців України є недостатня підготовка та низький рівень комунікативних навичок серед правоохоронців, непрофесійна взаємодія та співпраця між різними структурами правоохоронних органів, а також проблеми зі збором, обробкою та передачею інформації. Варто відзначити неефективність використання сучасних засобів комунікації та недостатнє застосування психологічних методів комунікації у професійній діяльності правоохоронців.

Шляхи вирішення проблем комунікації в правоохоронній діяльності:

1. Підвищення рівня комунікаційної культури серед працівників правоохоронних органів за допомогою проведення спеціальних тренінгів та семінарів, які допоможуть працівникам правоохоронних органів вдосконалювати свої комунікаційні навички.

2. Створення ефективної системи інформаційної безпеки для правоохоронних органів. Це включає захист від інформаційних загроз, які можуть завдати шкоди їх діяльності та довірі громадян.

3. Розвиток внутрішньої комунікації між працівниками правоохоронних органів, що забезпечить кращу координацію дій та співпрацю між ними.

4. Використання новітніх технологій у комунікації, наприклад, використання електронної пошти та спеціальних програм для обміну інформацією.

5. Забезпечення відкритості та прозорості діяльності правоохоронних органів перед громадянами, що допоможе підвищити довіру до них [5 с. 3].

Комунікація є важливим інструментом у роботі поліцейського. Вона охоплює всі аспекти людської поведінки. За типом своїх службових обов'язків працівники поліції взаємодіють не тільки за допомогою слів, а й ставлення до людей. Поліцейський має розуміти людей. Здатність розуміти людей – це не обов'язково погоджуватися з ними. Професійне спілкування працівника поліції – це складний багатоаспектний процес взаємин та взаємодії, що супроводжує оперативний контакт. Він потребує сприйняття, розуміння і практичного застосування соціально-психологічних механізмів. Основні принципи професійного спілкування: знання мети; наявність певної інформації (цілеспрямованої, вірогідної, своєчасної, достатньої, доступної); мотивація співбесідника; вибір оптимальних умов і форм комунікації; налагоджений зворотний зв'язок; результативність.

Важливе значення для результативності професійного спілкування має встановлення комунікативного контакту, що сприятиме розвитку довірливих взаємин та отриманню значущої інформації, необхідної для розкриття злочину. Комунікативний контакт – це процес встановлення та підтримки взаємної зацікавленості й симпатії один до одного. Перше враження формується на основі сприйняття: зовнішнього вигляду людини; її експресивних реакцій (міміки, жестів, пози, ходи); голосу, мови; уважного ставлення до співрозмовника; загальної культури контактора. Особливості людини та культура її поведінки, безумовно, впливають на цей процес. Не завжди вдається порозумітися із співрозмовником. Тому вміння справляти потрібне враження, викликати довіру та симпатію є надзвичайно важливим для діяльності поліції [3 с. 85-86].

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1. Феномен комунікативної компетентності в правоохоронній діяльності. Вікторія Зінченко, кандидат педагогічних наук, доцент кафедри соціально-гуманітарних та загальноправових дисциплін Донецького державного університету внутрішніх справ  
DOI: [http://www.apfn-journal.in.ua/archive/53\\_2022/part\\_1/45.pdf](http://www.apfn-journal.in.ua/archive/53_2022/part_1/45.pdf)

2. Комунікативна компетентність та її роль в діяльності працівника поліції. Олена Володимирівна Землянська, доктор психологічних наук, професор, член-кореспондент Балтійської педагогічної академії, професор кафедри соціології та психології факультету № 6 Харківського національного університету внутрішніх справ  
DOI: [https://univd.edu.ua/general/publishing/konf/25\\_11\\_2017/pdf/67.pdf](https://univd.edu.ua/general/publishing/konf/25_11_2017/pdf/67.pdf)

3. Психологічні особливості комунікації в діяльності оперативного працівника поліції. Методичні рекомендації / Я. М. Когут, О. М. Борисюк, Ю. Ц. Жидецький, Н. М. Калька, Н. О. Пряхіна, О. Й. Хомин. Львів: Львівський державний університет внутрішніх справ, 2019 DOI:<https://dspace.lvduvs.edu.ua/bitstream/1234567890/2885/1/%D0%BF%D1%81%D0%B8%D1%85%D0%BE%D0%BB%D0%BE%D0%B3%D1%96%D1%87%D0%BD%D1%96%20%D0%BE%D1%81%D0%BE%D0%B1%D0%BB%D0%B8%D0%B2%D0%BE%D1%81%D1%82%D1%96-%20%D1%80%D0%B5%D0%BA%D0%BE%D0%BC%D0%B5%D0%BD%D0%B4%D0%B0%D1%86%D1%96%D1%97.pdf>

4. Професійне спілкування правоохоронця: основні напрямки вдосконалення. Ірина Ігорівна Шевцова, курсант навчальної групи Ф3-405 Харківського національного університету внутрішніх справ, Харків, 2017 DOI: [https://univd.edu.ua/general/publishing/konf/12\\_12\\_2017/pdf/55.pdf](https://univd.edu.ua/general/publishing/konf/12_12_2017/pdf/55.pdf)

5. Актуальні питання розвитку комунікації в професійній діяльності правоохоронців. Шаповаленко Н.М., кандидат філологічних наук, доцент, доцент кафедри мовної підготовки Одеського державного університету внутрішніх справ DOI: [https://zfs-journal.uzhnu.uz.ua/archive/28/part\\_2/10.pdf](https://zfs-journal.uzhnu.uz.ua/archive/28/part_2/10.pdf)

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## **МОВНИЙ ЕТИКЕТ У ПРОФЕСІЙНІЙ ДІЯЛЬНОСТІ ПРИКОРДОННИКА**

Мовний етикет у професійній діяльності прикордонника відіграє важливу роль у службовому спілкуванні та забезпечує дотримання професійної етики. В сучасних умовах інтеграції України до європейського безпекового простору особливої актуальності набуває формування високого рівня комунікативної компетентності військовослужбовців Державної прикордонної служби України.

У науковому дискурсі розрізняють поняття *мовний етикет* і *мовленнєвий етикет*. Мовний етикет – це система національно специфічних, усталених формул ввічливості, що регулюють встановлення, підтримання й завершення контакту. Мовленнєвий етикет – це практична реалізація цих формул у конкретних комунікативних ситуаціях з врахуванням мети спілкування, статусу співрозмовників і контексту взаємодії. Для прикордонника це означає не лише знання стандартних мовних конструкцій, а й вміння доречно їх застосовувати в різних службових обставинах [1].

Професійна діяльність прикордонника передбачає постійний контакт із громадянами України, іноземцями, особами без громадянства, дипломатичними представниками, а також із правопорушниками. В таких умовах мовний етикет виконує кілька функцій: регулятивну, тобто упорядкування службової взаємодії, комунікативну, що забезпечує чіткість передачі інформації, превентивну – запобігання конфліктів, та іміджеву, тобто формування позитивного образу держави.

Відповідно до Правил етичної та доброчесної поведінки особового складу ДПСУ, затверджених наказом МВС України № 741 від 05.11.2024 службове спілкування має ґрунтуватися на принципах верховенства права, неупередженості, професіоналізму, доброчесності та професійної етики. Зокрема, передбачено прояв стриманості, доброзичливості, відкритості та ввічливості, недопущення дискримінаційних висловлювань, принизливих коментарів чи ненормативної лексики. Отже, мовний етикет є практичним механізмом реалізації зазначених принципів у повсякденній службовій діяльності [2].

Особливого значення набуває дотримання нейтрального, коректного й офіційно-ділового стилю під час перевірки документів, здійснення прикордонного контролю, проведення опитування чи оформлення правопорушень. Формулювання вимог повинні бути чіткими, юридично коректними та зрозумілими для адресата. Водночас у кризових або конфліктних ситуаціях мовленнєва поведінка прикордонника має залишатися стриманою, без ознак агресії чи суб'єктивних оцінок, що відповідає принципу неупередженості та презумпції невинуватості [2].

У контексті міжнародної взаємодії важливим компонентом професійної комунікації є володіння англійською мовою як мовою міжнародного спілкування, а також базовими формулами інших іноземних мов. Це сприяє ефективному спілкуванню завдяки зниженню комунікативних бар'єрів та забезпечує дотримання принципу поваги до прав і гідності людини.

Окрему увагу слід приділити типовим помилкам мовленнєвої поведінки, зокрема надмірній формалізації або, навпаки – фамільярності, використанню професійного жаргону, що є незрозумілим для громадян, емоційно забарвленим висловлюванням. Такі порушення можуть негативно впливати на авторитет служби та суперечити принципам професійної етики.

Таким чином, мовний етикет у службі прикордонника є не лише елементом загальної культури спілкування, а й важливою складовою професійної компетентності, що забезпечує реалізацію етичних стандартів, підвищує ефективність службової діяльності та сприяє формуванню довіри громадян до Державної прикордонної служби України. Подальше вдосконалення мовленнєвої культури особового складу потребує системної підготовки, упровадження тренінгів із міжкультурної комунікації та поглибленого вивчення іноземних мов.

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2. Про затвердження Правил етичної та доброчесної поведінки особового складу Державної прикордонної служби України: наказ Міністерства внутрішніх справ України від 05.11.2024 № 741

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## **ПЕРСПЕКТИВИ ТА СТРАТЕГІЧНІ ПРІОРИТЕТИ МОДЕРНІЗАЦІЇ ПРАВОВОГО МЕХАНІЗМУ ЗАСТОСУВАННЯ СИЛОВОГО ІНСТРУМЕНТАРІЮ ДЕРЖАВНОЇ ПРИКОРДОННОЇ СЛУЖБИ УКРАЇНИ**

Процес демократизації українського суспільства та стратегічний курс на членство в Європейському Союзі зумовлюють необхідність динамічного розвитку системи права, що регулює правоохоронну діяльність. На сучасному етапі утвердження принципів верховенства права призвело до ситуації, коли реальні суспільні відносини у сфері безпеки кордону почали випереджати свій нормативний зміст. Це особливо гостро відчувається в діяльності Державної прикордонної служби України (надалі – ДПСУ), зокрема в частині реалізації повноважень щодо використання спеціальних засобів примусу та вогнепальної зброї. Чинні норми поступово втрачають здатність повною мірою відповідати високим суспільним запитам щодо прозорості та гуманності дій правоохоронців, що вимагає негайного вдосконалення правового інструментарію застосування сили.

Систему силових заходів ДПСУ необхідно розглядати як складний, багаторівневий механізм, що характеризується внутрішньою цілісністю, пов'язаністю та ємерджентністю. Розуміння цієї сукупності саме як системи дозволяє прикордонникам ефективно обирати конкретний вид впливу залежно від рівня суспільної небезпеки правопорушення, забезпечуючи можливість як одиночного, так і комплексного застосування засобів. Системний підхід у підготовці персоналу ДПСУ сприяє усвідомленню того, що право на використання засобів більшої сили виникає лише тоді, коли заходи меншого фізичного впливу вичерпали свою ефективність або є завідомо недостатніми для припинення протиправних дій.

Важливим елементом правової доктрини має стати чітке законодавче закріплення принципів застосування сили, які доцільно класифікувати на

загальні та спеціальні. Загальні принципи, такі як законність, повага до прав людини, гласність та верховенство права, створюють ціннісний фундамент діяльності відомства. Спеціальні ж принципи, зокрема мінімізація завданої шкоди та адекватність екстраординарних заходів, забезпечують прикладну реалізацію правоохоронної функції. Нормативне визначення цих ідей у спеціальних законах допоможе особовому складу ДПСУ уникати правових колізій та діяти впевнено в умовах виконання завдань у складній та динамічній обстановці.

Науково обґрунтованим напрямом модернізації є також вивчення та впровадження функціонального підходу, де кожна дія прикордонника розглядається через призму конкретної правової мети. Функції застосування силових заходів доцільно поділяти на основні (правоохоронна, припиняюча, інформаційна) та додаткові (попереджувальна, забезпечувальна). Глибоке усвідомлення персоналом цих функцій підвищує рівень професійної культури та забезпечує доцільність кожного пострілу чи прийому рукопашного бою. Крім того, особливої уваги потребує людський фактор, що вимагає впровадження суворої системи допуску до несення служби зі зброєю лише тих осіб, які продемонстрували високий рівень правової, моральної та фізичної готовності.

У контексті технічного розвитку відомства вимагає вдосконалення порядок використання бойової техніки, до якої належать бойові машини, кораблі, катери та авіація. Необхідно відмовитися від практики ототожнення підстав застосування вогнепальної зброї та важкої техніки, виділивши останню в окремий розділ нормативно-правових актів. Зокрема, для підрозділів Морської охорони ДПСУ вкрай важливим є чітке визначення переліку ворожих дій іноземних суден та алгоритмів їх затримання силою зброї у територіальному морі. Встановлення безпечних дистанцій під час спостереження за нерозпізнаними підводними об'єктами та надання права на використання підручних засобів для самозахисту є тими кроками, що наблизять вітчизняну практику до кращих європейських зразків охорони кордону.

На основі проведеного дослідження можна констатувати, що модернізація правового регулювання застосування сили в діяльності ДПСУ є об'єктивною необхідністю, зумовленою європейським вектором розвитку нашої держави. Системний підхід до розуміння засобів примусу дозволяє не лише підвищити ефективність охорони державного кордону, а й гарантує неухильне дотримання конституційних прав і свобод громадян навіть у найбільш складних правоохоронних ситуаціях.

Ключовим аспектом реформування системи є чітке законодавче розмежування підстав для використання фізичної сили, спеціальних засобів та вогнепальної зброї, що має базуватися на принципах адекватності, доцільності та мінімізації можливої шкоди. Впровадження ієрархічної моделі прийняття рішень дозволить персоналу прикордонного відомства діяти в межах правового поля, уникаючи суб'єктивізму та надмірного силового впливу.

Окремого нормативного врегулювання потребує порядок застосування бойової техніки та озброєння корабельно-катерного складу Морської охорони, що дозволить усунути існуючі правові колізії та забезпечити надійний захист національних інтересів на морі. Визначення чітких алгоритмів дій у разі виявлення ворожих намірів іноземних суден стане запорукою безпеки особового складу та зміцнить правовий статус України як морської держави.

Важливою складовою успішної імплементації запропонованих змін є вдосконалення системи професійної та психологічної підготовки кадрів, де основний акцент має бути зроблений на глибокому засвоєнні етичних та правових засад застосування примусу. Створення багаторівневої системи допуску до несення служби зі зброєю та підвищення кваліфікації членів громадських формувань сприятиме формуванню нового обличчя ДПСУ як правоохоронного органу європейського зразка.

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2. Про Державну прикордонну службу України: Закон України від 03.04.2003. № 661-IV. URL: <https://zakon.rada.gov.ua/laws/show/661-15>

3. Конвенція про захист прав людини і основоположних свобод Міжнародний документ від 04.11.1950. URL: [https://zakon.rada.gov.ua/laws/show/995\\_004](https://zakon.rada.gov.ua/laws/show/995_004)

4. Інструкція про застосування зброї бойової техніки озброєння кораблів Державної прикордонної служби України: Наказ МВС України від 21.10. 2011 № 53. URL: <https://zakon.rada.gov.ua/laws/show/z1382-11>

5. Про Національну поліцію: Закон України від 02.07.2015 № 580-VIII. URL: <https://zakon.rada.gov.ua/laws/show/580-19>

6. Кодекс поведінки посадових осіб з підтримання правопорядку Прийнятий Резолюцією 34 169 Генеральної Асамблеї ООН від 17.12.1979. URL: [https://zakon.rada.gov.ua/laws/show/995\\_282](https://zakon.rada.gov.ua/laws/show/995_282)

7. Основні принципи застосування сили та вогнепальної зброї посадовими особами з підтримання правопорядку Прийняті восьмим Конгресом ООН від 07.09.1990. URL: [https://zakon.rada.gov.ua/laws/show/995\\_231](https://zakon.rada.gov.ua/laws/show/995_231)

8. Хартія основних прав Європейського Союзу від 07.12.2000. URL: [https://zakon.rada.gov.ua/laws/show/994\\_524](https://zakon.rada.gov.ua/laws/show/994_524)

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## **ОБМЕЖЕННЯ ТА ОСОБЛИВОСТІ ЕКСПОРТУ ЗЕРНА З УКРАЇНИ В ПЕРІОД ДІЇ ВОЄННОГО СТАНУ: ПРАВОВИЙ АНАЛІЗ**

Україна є одним з найбільших експортерів зернових культур у світі, забезпечуючи значну частку глобального ринку пшениці, кукурудзи та соняшнику. Експорт зерна становить основу аграрного сектору економіки, генеруючи мільярди доларів валютної виручки та підтримуючи продовольчу безпеку багатьох країн.

З введенням воєнного стану 24 лютого 2022 року внаслідок повномасштабного вторгнення РФ правове регулювання експорту зерна зазнало суттєвих змін. Воєнний стан, передбачений Законом України «Про правовий режим воєнного стану» від 12 травня 2015 року № 389-VIII, надає державі широкі повноваження для обмеження економічної діяльності з метою забезпечення національної безпеки, стабільності внутрішнього ринку та запобігання гуманітарним кризам [1].

Правова регламентація базується на нормах Конституції України та спеціальному законодавстві. Відповідно до статті 8 зазначеного Закону, держава може запроваджувати тимчасові обмеження на експорт товарів для забезпечення внутрішньої економічної стабільності та потреб населення. Кабінет Міністрів України уповноважений визначати квоти, ліцензійні вимоги та заборони на експорт сільськогосподарської продукції відповідно до Закону України «Про зовнішньоекономічну діяльність» від 16 квітня 1991 року № 959-XII.

У період воєнного стану правове регулювання експорту зерна доповнюється указами Президента та постановами КМУ. Ключовий приклад — Постанова КМУ № 1795 від 31 грудня 2025 року «Про затвердження переліків товарів, експорт та імпорт яких підлягає ліцензуванню, та квот на 2026 рік», спрямована на запобігання продовольчому дефіциту шляхом ліцензування та квотування експорту стратегічних товарів, зокрема зернових.

Значним є Указ Президента № 64/2022 від 24 лютого 2022 року про введення воєнного стану, який дозволив оперативно реагувати на блокаду морських портів РФ. На початковому етапі це призвело до неможливості експорту понад 20 млн тонн зерна, що спричинило глобальну продовольчу кризу (згідно зі звітами ООН та FAO, втрати морських шляхів сягнули 90 %) [2].

На початку війни, у березні 2022 року, Постанова КМУ № 207 від 5 березня 2022 року встановила жорсткі обмеження: заборону експорту жита

(УКТ ЗЕД 1002), вівса (1004), гречки (1008 10 00 00), проса (1008 29 00 00), а також цукру, солі та м'яса курей [3]. Для пшениці (1001), кукурудзи (1005), соняшнику (1206) та сої (1201) запроваджено нульові квоти (фактична заборона), з можливістю ліцензування за рішенням Мінагрополітики лише для гуманітарних цілей. Це було обґрунтовано необхідністю захисту внутрішнього ринку під час блокування портів Одеси, Чорноморська та Південного, коли експорт впав з 5 млн тонн на місяць до 500 тис. тонн [4]. Такі заходи, хоч і правомірні для захисту населення, спричинили значні економічні втрати аграрного сектора в мільярди доларів.

З часом регулювання експорту зерна адаптувалося для відновлення торгівлі та економічної стабільності. У липні 2022 року запустили Чорноморську зернову ініціативу (за участю ООН і Туреччини), яка дозволила вивезти понад 30 млн тонн зерна з українських портів до липня 2023 року [5]. Після припинення ініціативи Росією логістика ускладнилася: альтернативні маршрути через Дунайські порти, залізницю та автотранспорт підвищили витрати на 20–30%, знизивши конкурентоспроможність зерна [6].

Для боротьби з «чорним» експортом і неповерненням валютної виручки Кабмін запровадив режим експортного забезпечення. Спочатку це було реалізовано через Постанову № 1132 від 31 жовтня 2023 року, яку згодом замінила Постанова № 1261 від 29 жовтня 2024 року. Експортери зернових (пшениця, кукурудза, ячмінь тощо) зобов'язані пройти верифікацію: бути платниками ПДВ станом на 23 лютого 2022 року, не мати податкових боргів і регулярно звітувати про повернення виручки. Неверифіковані компанії втрачають право на експорт. Цей механізм спрямований на скорочення тіньового ринку, який раніше оцінювали в 20–30% від загального обсягу.

У 2024 році Верховна Рада прийняла за основу законопроекти № 10168-2 та № 10169-2, які вносять зміни до Податкового та Митного кодексів України. Вони запроваджують мінімально допустимі експортні ціни, що розраховуються Мінагрополітики на основі світових тенденцій, з метою запобігання заниженню вартості товарів та ухиленню від податків.

Експортери зобов'язані реєструвати податкові накладні до подання митної декларації. Ставка ПДВ становить 0% для суб'єктів з бездоганною репутацією та 14%/20% для тих, хто протягом останніх 12 місяців мав порушення щодо повернення валютної виручки [7]. Ці заходи посилюють фіскальний контроль, але створюють додаткове адміністративне навантаження для малих господарств. Крім того, Постанова КМУ № 1132 запровадила моніторинг ланцюгів постачань для запобігання експорту зерна з окупованих територій, що порушує норми міжнародного гуманітарного права.

Особливості експорту зерна під час воєнного стану включають не лише внутрішні обмеження, але й міжнародний контекст. Блокада портів Росією призвела до крадіжки українського зерна з окупованих територій (до 1 млн тонн), що визнане як порушення Женевських конвенцій [8]. На рівні ЄС тимчасові заборони на імпорту українського зерна ввели Польща, Угорщина та Словаччина у 2023 році через насичення ринків, хоча ЄС загалом скасував мита

для підтримки України [9]. Це спричинило спори в СОТ, де Україна подала скаргу. Водночас, інтеграція до ЄС вимагає адаптації норм: з 2026 року Україна планує скасувати мораторій на ГМО, гармонізувати стандарти пестицидів та субсидій, щоб зберегти доступ до ринку ЄС, куди йде до 50% експорту.

Правовий аналіз свідчить, що обмеження грають ключову роль у забезпеченні балансу між національною безпекою та економічними інтересами, хоча мають певні недоліки. Первинні заборони змогли запобігти гострій кризі, однак призвели до накопичення значних запасів – до 10 мільйонів тонн нереалізованого зерна через атаки Росії на інфраструктуру. Верифікація та запровадження мінімальних цін виявились ефективними у боротьбі з тіншовим ринком, проте ускладнили доступ для малих виробників, що суперечить принципам рівності, закріпленим у статті 24 Конституції. Міжнародні домовленості, такі як Чорноморська зернова ініціатива, відображають залежність України від геополітичних процесів, де Росія активно використовує продовольство як інструмент тиску.

Підсумовуючи, обмеження експорту зерна в період воєнного стану є динамічним і вимушеним заходом для захисту національних інтересів в умовах війни. Від жорстких заборон ці механізми переросли у більш контрольовані, хоча й потребують подальшого вдосконалення задля зменшення втрат аграрного сектора та зміцнення глобальної продовольчої безпеки.

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## **МОВНА ПОЛІТИКА ТА БАГАТОМОВНА КОМУНІКАЦІЯ У ЦИВІЛЬНОМУ ЗАХИСТІ**

У багатьох регіонах світу, а особливо в Європі, мова залишається критичним фактором у забезпеченні ефективності екстрених служб. Зростаюча мобільність населення, наявність багатьох національних меншин та мігрантів створюють ситуації, коли незнання мови може стати перешкодою для швидкого та ефективного надання допомоги, що, у свою чергу, підвищує ризики для життя та здоров'я людей. В умовах таких викликів багатомовність персоналу рятувальних служб стає не лише бажаною, а й необхідною компетенцією, здатною забезпечити своєчасну та адекватну реакцію на надзвичайні ситуації. У цьому контексті мовна політика в Україні та розвиток багатомовності серед рятувальників Державної служби України з надзвичайних ситуацій (ДСНС) набувають особливого значення, оскільки вони не лише впливають на оперативну діяльність, а й є інструментом інтеграції України у міжнародні системи цивільного захисту, зокрема Механізм цивільного захисту ЄС [1,4].

Мовна компетентність рятувальників охоплює не лише базові знання іноземних мов, а й здатність швидко орієнтуватися у стресових умовах, інтерпретувати медичні та технічні терміни, а також передавати інформацію колегам та постраждалим зрозуміло і точно. Особливо це важливо у пожежній та рятувальній діяльності, де точність, швидкість та координація дій можуть прямо впливати на результат операції. Недостатність мовних навичок у таких умовах може призвести до затримок у наданні допомоги, помилок у комунікації

з постраждалими, медичними працівниками та іншими рятувальними службами, що в окремих випадках може мати трагічні наслідки. Водночас володіння кількома мовами на професійному рівні створює для рятувальника можливість виступати важливим посередником між постраждалими та службами допомоги, забезпечуючи швидке і ефективне реагування незалежно від мовної належності громадян [4].

Розвиток мовних компетенцій серед персоналу ДСНС України відбувається у рамках державної політики та міжнародних стандартів. Відповідно до Національної доктрини розвитку освіти у XXI столітті та Закону України «Про вищу освіту», підготовка фахівців, здатних до ефективної комунікації іноземними мовами, є одним із ключових елементів формування професійної компетентності. Це стосується як внутрішніх потреб служби, так і інтеграції у міжнародні системи реагування, адже участь у спільних операціях вимагає від українських рятувальників високого рівня володіння англійською та іншими іноземними мовами, що дозволяє забезпечити ефективну взаємодію з європейськими колегами та партнерами [2,3].

Особливу увагу надають підготовці персоналу у рамках Плану дій щодо участі України в Механізмі цивільного захисту ЄС на 2023–2024 роки, де передбачено створення Стратегії та Плану розвитку мовних компетенцій співробітників ДСНС. Метою цього заходу є забезпечення того, щоб принаймні 20% персоналу мали достатній рівень володіння англійською мовою на першому етапі впровадження програми. Такі заходи включають мовні курси, тренінги з моделювання надзвичайних ситуацій, симуляційні навчання з міжнародними партнерами та участь у спільних навчаннях у рамках ЄС [1]. Багатомовність персоналу дозволяє не лише підвищити ефективність операцій всередині країни, але й сприяє успішній інтеграції у міжнародні місії, забезпечує стандартизацію комунікації та прискорює процеси обміну інформацією між державами.

Багатомовність стає також ключовим чинником у формуванні довіри між рятувальниками та населенням, особливо у багатокультурному та багатомовному середовищі. Здатність персоналу ДСНС спілкуватися з постраждалими іноземними мовами дозволяє забезпечити високий рівень соціальної відповідальності та інклюзивності, що відповідає сучасним стандартам цивільного захисту та принципам міжнародного гуманітарного права. Крім того, розвиток іноземної мови серед персоналу підвищує готовність до участі у міжнародних навчаннях, конференціях та обміні досвідом, що є важливою складовою євроатлантичної інтеграції України та впровадження європейських стандартів у сфері цивільного захисту [3,4].

Важливим аспектом є також психологічний компонент багатомовної комунікації. Рятувальники, що володіють декількома мовами, здатні швидше адаптуватися до стресових ситуацій, підтримувати чітку координацію дій у команді та забезпечувати правильну передачу інформації, що особливо важливо у масових надзвичайних ситуаціях та при взаємодії з постраждалими, які не володіють державною мовою. Такі навички дозволяють рятувальникам

виконувати свої функції ефективно, зменшують ризик непорозумінь та підвищують рівень безпеки на місцях надзвичайних подій.

З огляду на зазначене, стратегічне значення мовної підготовки рятувальників важко переоцінити. Багатомовність персоналу ДСНС сприяє не лише виконанню внутрішніх завдань цивільного захисту, але й інтеграції України у міжнародні системи взаємодії, що забезпечує оперативну сумісність із європейськими та міжнародними службами реагування. Вона також відкриває можливості для участі у спільних навчаннях, розробці спільних протоколів дій та обміні досвідом, що, в кінцевому підсумку, підвищує рівень професійної підготовки рятувальників і безпеки громадян.

Отже, розвиток багатомовності серед рятувальників ДСНС України є важливим елементом мовної політики та формування мовної ідентичності у професійному середовищі. Акцент на іноземні мови, зокрема англійську, дозволяє Україні ефективно інтегруватися у міжнародні структури цивільного захисту, виконувати стандарти НАТО та ЄС, а також забезпечувати рівний доступ до допомоги для всіх громадян та іноземців, які перебувають на території країни. Комплексний розвиток мовних компетенцій персоналу сприяє підвищенню оперативної ефективності, зміцненню міжнародної співпраці та довіри до служб екстреного реагування, що є одним із пріоритетних напрямів державної політики у сфері цивільного захисту [1–4].

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## **ПРАКТИЧНІ ПИТАННЯ ДОТРИМАННЯ ПРАВ ЛЮДИНИ ПІД ЧАС ЗАТРИМАННЯ ОСІБ НАЦІОНАЛЬНОЮ ПОЛІЦІЄЮ УКРАЇНИ У ВЗАЄМОДІЇ З ТЕРИТОРІАЛЬНИМИ ЦЕНТРАМИ КОМПЛЕКТУВАННЯ ТА СОЦІАЛЬНОЇ ПІДТРИМКИ**

У сучасних умовах повномасштабної збройної агресії проти України питання забезпечення обороноздатності держави набуває особливої актуальності. Одним із важливих елементів реалізації державної політики у сфері національної безпеки та оборони є проведення мобілізаційних заходів, до здійснення яких залучаються різні суб'єкти публічної влади. Серед них особливе місце займають територіальні центри комплектування та соціальної підтримки (далі – ТЦК та СП), а також підрозділи Національної поліції України, які у межах наданих повноважень забезпечують правопорядок, сприяють виконанню законодавства у сфері військового обов'язку та мобілізації.

Водночас практична реалізація повноважень поліції під час взаємодії з ТЦК та СП нерідко супроводжується низкою проблемних питань, пов'язаних із дотриманням прав і свобод людини під час затримання осіб. З огляду на це особливої ваги набуває забезпечення балансу між потребами держави у здійсненні мобілізаційних заходів та гарантіями конституційних прав громадян.

Правові засади діяльності Національної поліції України визначаються Конституцією України [1], Законом України «Про Національну поліцію» [2], Кодексом України про адміністративні правопорушення [3], Законом України «Про мобілізаційну підготовку та мобілізацію» [4], а також іншими нормативно-правовими актами. Відповідно до ст. 29 Конституції України кожна людина має право на свободу та особисту недоторканність, а затримання особи допускається лише на підставах і в порядку, встановлених законом [1].

Закон України «Про Національну поліцію» визначає, що поліція у своїй діяльності керується принципами верховенства права, законності, дотримання прав і свобод людини, а також відкритості та прозорості [2]. Це означає, що будь-які заходи примусу, у тому числі затримання особи, повинні здійснюватися виключно в межах визначених законом повноважень та із забезпеченням належних процесуальних гарантій.

В умовах воєнного стану та проведення мобілізації ТЦК та СП здійснюють облік військовозобов'язаних, організовують їх виклик та прибуття для уточнення облікових даних або проходження військово-лікарської комісії. У разі ухилення громадян від виконання обов'язків військового обліку законодавством передбачено можливість їх доставлення до відповідних органів.

У таких випадках працівники поліції можуть залучатися для сприяння посадовим особам ТЦК та СП у встановленні місця перебування осіб, перевірці документів або доставленні громадян у передбачених законом випадках.

Разом із тим у практичній діяльності виникають ситуації, коли дії працівників поліції та представників ТЦК та СП сприймаються громадянами як незаконне затримання або обмеження свободи пересування. Подібні ситуації можуть призводити до конфліктів, зниження рівня довіри населення до державних інституцій та формування негативного інформаційного резонансу у суспільстві.

Варто зазначити, що адміністративне затримання відповідно до положень Кодексу України про адміністративні правопорушення є винятковим заходом забезпечення провадження у справах про адміністративні правопорушення і може застосовуватися лише у випадках, прямо передбачених законом [3]. При цьому затриманій особі мають бути роз'яснені її права, зокрема право на правову допомогу, повідомлення родичів або інших осіб про факт затримання, а також право на оскарження дій посадових осіб.

Практика свідчить, що однією з ключових проблем у сфері взаємодії поліції з ТЦК та СП є недостатня визначеність алгоритмів спільних дій у ситуаціях, пов'язаних із доставленням громадян або перевіркою їхніх документів. У деяких випадках відсутність чітких процедурних механізмів може призводити до різного трактування повноважень посадових осіб та порушення принципу правової визначеності.

Не менш важливим аспектом є забезпечення належної комунікації з громадянами. Під час здійснення превентивних поліцейських заходів працівники поліції повинні чітко пояснювати підстави своїх дій, посилаючись на відповідні норми законодавства та діяти коректно й професійно. Такий підхід сприятиме зменшенню конфліктних ситуацій та підвищенню рівня довіри населення до правоохоронних органів.

Окрему увагу слід приділити питанням документування процесуальних дій. Належне оформлення матеріалів адміністративного затримання, складання відповідних протоколів, а також використання технічних засобів фіксації (зокрема нагрудних відеореєстраторів) сприяє забезпеченню прозорості діяльності поліції та захисту як прав громадян, так і самих поліцейських.

Крім того, важливим напрямом удосконалення правозастосовної практики є підвищення рівня професійної підготовки працівників поліції щодо стандартів дотримання прав людини. У цьому контексті доцільним є активне впровадження навчальних програм, спрямованих на вивчення міжнародних стандартів діяльності правоохоронних органів, зокрема положень Європейської конвенції про захист прав людини і основоположних свобод [4] та практики Європейського суду з прав людини.

Таким чином, дотримання прав людини під час затримання осіб у процесі взаємодії Національної поліції України з територіальними центрами комплектування та соціальної підтримки є важливою умовою забезпечення законності та ефективності правоохоронної діяльності. Забезпечення чіткої



правової регламентації процедур взаємодії, належної підготовки працівників поліції, а також відкритої комунікації з громадянами сприятиме підвищенню ефективності мобілізаційних заходів та зміцненню довіри суспільства до державних інституцій.

Узагальнюючи викладене, можна дійти висновку, що удосконалення механізмів взаємодії між підрозділами Національної поліції України та ТЦК та СП має відбуватися з урахуванням необхідності безумовного дотримання прав і свобод людини. Саме поєднання ефективності державної політики у сфері мобілізації з високими стандартами правозахисної діяльності здатне забезпечити належний баланс між інтересами держави та правами громадян.

1. Конституція України від 28.06.1996. Дата оновлення: 01.01.2020. URL: <https://zakon.rada.gov.ua/go/254%D0%BA/96-%D0%B2%D1%80> (дата звернення: 06.03.2026).

2. Про Національну поліцію: Закон України від 02.07.2015. № 580-VIII. Дата оновлення: 15.02.2026. URL: <https://zakon.rada.gov.ua/go/580-19> (дата звернення: 06.03.2026).

3. Кодекс України про адміністративні правопорушення від 07.12.1984 № 8073-X. Дата оновлення: 11.12.2025. URL: <https://zakon.rada.gov.ua/go/80732-10> (дата звернення: 06.03.2026).

4. Про мобілізаційну підготовку та мобілізацію: Закон України від 21.10.1993 № 3543-XII. Дата оновлення: 04.12.2025. URL: <https://zakon.rada.gov.ua/go/3543-12> (дата звернення: 06.03.2026).

5. Конвенція про захист прав людини і основоположних свобод: прийнята Радою Європи від 04.11.1950 р. Дата оновлення: 01.08.2021. URL: [https://zakon.rada.gov.ua/go/995\\_004](https://zakon.rada.gov.ua/go/995_004) (дата звернення: 06.03.2026).

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## **ГЕНДЕРНИЙ ВИМІР ПРАВОВОЇ КОМУНІКАЦІЇ: ВЕРБАЛЬНІ ТА НЕВЕРБАЛЬНІ ЗАСОБИ ВПЛИВУ НА СУСПІЛЬСТВО**

Організація ефективної діяльності та взаємодії людей у сучасному суспільстві неможлива без комунікації, яка виступає основним інструментом встановлення взаємозв'язків, координації спільної діяльності та досягнення взаєморозуміння.

У правовій сфері комунікація набуває специфічного характеру. Правова комунікація – це сукупність процесів і суб'єктів, які забезпечують

цілеспрямований обіг і поширення нормативно-правової інформації та правових знань у сучасному інформаційному просторі [4, с. 38].

Правова комунікація функціонує як інструмент взаємодії між державою, громадянами та громадянськими інституціями, що забезпечує правову інформованість, підвищує рівень правової культури та сприяє формуванню довіри до інститутів правосуддя. Для юриста важливо не лише володіти термінологічно точною правовою мовою, але й розуміти психологічні та невербальні аспекти взаємодії, які впливають на сприйняття, довіру та переконливість.

Досліджуючи гендерні особливості невербальної й вербальної комунікації, слід зазначити, що гендер виявляється на різних соціально обумовлених рівнях, але загалом формує комунікативну поведінку індивідууму. Осіпова Т. Ф. зазначає, що під комунікативною поведінкою розуміємо сукупність норм і традицій спілкування народу, вікової, професійної та ін. групи [5].

Уважається, що жінки в комунікації дотримуються переважно стилю співробітництва, чоловіки – конкуренції. Головною ж відмінністю вважають ставлення до зворотного зв'язку: існує думка, що жінка сприймає зворотне повідомлення не стільки як реакцію на повідомлення як таке, скільки як знак взаєморозуміння; чоловіки ж сприймають його як інформацію, що може не збігатися з їх розумінням, і тому як таке, що підлягає сумніву, а інколи – як помилкове [5].

Розрізняють відповідно й стилі мовлення чоловіка й жінки: мовлення чоловіка зазвичай пряме, тверде, дещо грубе, різке, вимогливе, прямолінійне, жінки – спокійне, м'яке, довірливе, мирне, дещо цнотливе, іноді наївне. Зазначають також, що чоловіки надають перевагу спілкуванню в групі, що сприяє реалізації можливостей до самопрезентації, натомість жінки тяжіють до спілкування в парах, міжособистісного спілкування [7, с. 32].

Учені зауважують, що сьогодні простежуємо значне послаблення поляризації гендерних ролей, взаємопроникнення жіночих та чоловічих компонентів, нівелювання відмінностей у складі гендерних стереотипів. Сучасні науковці стверджують, що гендерні особливості виявляються ще на ранніх етапах розвитку людини – в процесі засвоєння рідної мови. Розрізняють два типи засвоєння мови – референційний та експресивний. Перший визначається превалюванням такої мовної дії, як називання об'єктів, другий – регулювання власної діяльності та встановлення контакту з іншими [6].

Добре відомо, що парамовна невербальна поведінка жінок відрізняється від аналогічної поведінки чоловіків. Про це можна почитати у таких дослідників, як: Майо, Хенлі (1981) або книгу Кей (1996), особливо гл. «Nonverbal, extra-linguistic messages» [3].

Невербальна комунікація на гендерному рівні, як виявляється, є продуктом більш соціальним, оскільки пов'язана зі стереотиповими уявленнями щодо комунікативної поведінки чоловіка або жінки. Науку, що вивчає невербальні знаки, категорії та знакову поведінку, а також принципи і правила невербальної взаємодії, як відомо, номінують невербальною

семіотикою. Розподіл невербальних знаків на власне чоловічі або жіночі є некоректним, оскільки в певних комунікативних контекстах вони можуть бути використані обома статями. Інша справа, – як уважає Г. Крейлдін, – це стилі невербального спілкування, що зумовлені численними чинниками позамовної дійсності, зокрема природними, соціальними й культурними [5].

У юридичній практиці невербальні сигнали відіграють надзвичайно важливу роль у процесі професійної комунікації. Вони виконують функцію додаткових смислових маркерів, що уточнюють або підсилюють зміст вербального повідомлення, а в окремих випадках – стають самостійним інструментом впливу на комунікативного партнера. Суддя, адвокат чи слідчий мають володіти навичками інтерпретації невербальних проявів – міміки, пантоміміки, жестів, інтонації, пози, темпу мовлення, зорового контакту.

Врахування гендерного підходу у комунікації правника з громадськістю є ключовим чинником збільшення довіри громадян до органів влади. Вкрай важливо, щоб правник вмів розпізнавати гендерні стереотипи, візуалізував їх вплив на сприйняття, ставлення, поведінку, усвідомлював взаємозв'язок між гендерними стереотипами та забезпеченням права громадян на рівність перед законом.

Гендерні стереотипи – стійкі для суспільства в конкретний історичний період часу узагальнені уявлення про чоловіків і жінок, що стосуються прийнятності різноманітних ролей і видів діяльності для чоловіків і жінок, а також психологічних та поведінкових характеристик [8].

Негативна дія гендерних стереотипів виявляється в узагальненні, неврахуванні наявних у конкретної особи психологічних і поведінкових рис. Друга негативна дія гендерних стереотипів: акцентування уваги на відмінностях між жінками і чоловіками. Це явище ще називається гендерна поляризація, коли жінки і чоловіки уявляються абсолютно різними, ніби розташованими на протилежних полюсах, без щонайменшої подібності.

Відомий дослідник гендеру Майкл Кіммел жартома назвав таке розуміння розбіжностей, коли статі уявляються розділеними на дві цілковито різні групи, «міжпланетарною теорією гендерних відмінностей» [8].

Фокусування ж уваги на статевих відмінностях між жінками і чоловіками часто використовують для виправдання нерівного ставлення, нерівного розподілу ресурсів і влади. Так, гендерні стереотипи часто стають на заваді рівного доступу громадян до судочинства, перешкоджають неупередженій комунікації, справедливому розгляду справ, і на це звертається увага у ряді міжнародних документів.

Зокрема, у Загальній рекомендації № 33 щодо доступу жінок до правосуддя (Комітет ООН з ліквідації дискримінації щодо жінок, 2015 р.) підкреслюється шкідливий вплив гендерних стереотипів, які «спотворюють сприйняття», і, як результат, «призводить до прийняття рішень, заснованих на упередженнях і міфах»; «ставлять під загрозу неупередженість і сумлінність судової системи» [8].

З метою уникнення вказаного важливо наводити приклади успішного розгляду справ щодо дискримінації, в тому числі з практики ЄСПЛ (наприклад, справа Марії Морес за головування української судді Ганни Юдківської), поширювати інформацію про зарубіжний досвід, про суддів, які послідовно і результативно захищають у суді порушені права на рівність і недискримінацію, зокрема стосовно чоловіків (наприклад, про суддю Рут Гінзбург, яка виграла справи про незаконність ненадання чоловікам податкових пільг (справа Чарльза Моріца) і медичних послуг (справа Фронтієро), які гарантувалися жінкам) [8].

Отже, дотримання гендерних особливостей вербальних та невербальних форм комунікації дає чітке підґрунтя для ефективної взаємодії у правовій сфері. Вербальні засоби забезпечують точність і логічність передавання змісту, тоді як невербальні створюють емоційний фон, впливають на довіру та сприйняття інформації. Правова комунікація – це не лише обмін інформацією, а складний соціально-правовий процес, що формує відносини між суб'єктами права, забезпечує функціонування державних інститутів та сприяє зміцненню демократичних засад суспільства. Її ефективність сприяє визначенню універсальних ознак загальнолюдської взаємодії, а також формуванню мовної культури, етичних стандартів і здатності юристів забезпечувати соціальний компроміс.

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**ПОРЯДОК СПАДКУВАННЯ ЗА ЗАКОНОМ:  
ПОРІВНЯЛЬНА ХАРАКТЕРИСТИКА ЗА ПРОЕКТОМ  
ЦИВІЛЬНОГО КОДЕКСУ УКРАЇНИ  
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Інститут спадкування є одним із фундаментальних інститутів цивільного права, оскільки забезпечує безперервність майнових прав та стабільність приватноправових відносин після смерті особи. Його важливість важко переоцінити, адже норми щодо спадкування за законом гарантують захист майнових прав членів сім'ї та інших спадкоємців у випадках, коли, до прикладу, заповіт відсутній або визнаний недійсним. Особливої уваги процедура спадкування за законом потребує у зв'язку з можливим прийняттям проекту нового Цивільного кодексу України або Кодексу права приватного, який повинен удосконалити наявний порядок процедури спадкування за законом та адаптувати спадкування до реалій сучасного світу.

Відповідно до статті 1217 Цивільного кодексу України, спадкування здійснюється за заповітом або за законом [1]. Таке ж нормативне визначення міститься і у проекті Цивільного кодексу України (Кодексу права приватного). У статті 1258 Цивільного кодексу України зазначено, що спадкоємці за законом одержують право на спадкування по чергово. Кожна наступна черга спадкоємців за законом одержує право на спадкування у разі відсутності спадкоємців попередньої черги, усунення їх від права на спадкування, неприйняття ними спадщини або відмови від її прийняття, крім випадків, передбачених статтею 1259 Цивільного кодексу України. На даний момент, Цивільним кодексом України передбачено 5 черг спадкоємців за законом. Відповідно до статті 1261 Цивільного кодексу України у першу чергу право на спадкування за законом мають діти спадкодавця, у тому числі зачаті за життя спадкодавця та народжені після його смерті, той з подружжя, який його пережив, та батьки. Згідно з статтею 1262 Цивільного кодексу України, у другу чергу право на спадкування за законом мають рідні брати та сестри спадкодавця, його баба та дід як з боку батька, так і з боку матері. Стаття 1263 та стаття 1264 Цивільного кодексу України, відповідно, містять положення щодо третьої та четвертої черги спадкоємців за законом, а саме: у третю чергу право на спадкування за законом мають рідні дядько та тітка спадкодавця; у четверту чергу право на спадкування за законом мають особи, які проживали зі спадкодавцем однією сім'єю не менш як 5 років до часу відкриття спадщини. У статті 1265 Цивільного кодексу України підкреслено, що у п'яту чергу право на

спадкування за законом мають інші родичі спадкодавця до шостого ступеня споріднення включно, причому родичі ближчого ступеня споріднення усувають від права спадкування родичів подальшого ступеня споріднення. У п'яту чергу право на спадкування за законом одержують утриманці спадкодавця, які не були членами його сім'ї [1].

Проект нового Цивільного кодексу України (Кодексу права приватного) пропонує виокремлювати 6 черг спадкоємців за законом. У першу чергу право на спадкування за законом мають діти спадкодавця, у тому числі зачаті за життя спадкодавця та народжені після його смерті, той з подружжя, який його пережив, та батьки. У другу чергу право на спадкування за законом мають онуки спадкодавця, батьки яких є живими на час відкриття спадщини. У третю чергу право на спадкування за законом мають рідні брати і сестри спадкодавця, його баба та дід як з боку батька, так і з боку матері, а також жінка або чоловік, які проживали зі спадкодавцем у фактичному сімейному союзі. У четверту чергу право на спадкування за законом мають рідні дядько та тітка спадкодавця. У п'яту чергу право на спадкування за законом мають особи, які проживали зі спадкодавцем однією сім'єю не менше 5 років до часу відкриття спадщини, крім фактичного сімейного союзу. У шосту чергу право на спадкування за законом мають інші родичі спадкодавця до шостого ступеня споріднення включно, причому родичі ближчого ступеня споріднення усувають від права спадкування родичів подальшого ступеня споріднення, а також право на спадкування одержують утриманці спадкодавця, які не були членами його сім'ї. Тобто проект нового кодексу передбачає зміну кількості черг спадкоємців, із п'яти до шести [2].

Також варто звернути увагу на положення Статті 1723 проекту Цивільного кодексу України (Кодексу права приватного), яка пропонує новим об'єктом спадкування визнавати спадкування права на цифрову річ. До складу спадщини входять права на цифрові речі, що належали спадкодавцеві на момент відкриття спадщини, якщо іншого не встановлюють закон або умови використання таких речей. Дефініція «цифрова річ» міститься у статті 202. Цифрові речі, де зазначається, що це благо, що створене та наявне лише в цифровому середовищі і має майнову цінність.

До цифрових речей належать:

- 1) віртуальні активи;
- 2) цифровий контент, бази даних, зображення, 3D – моделі;
- 3) доменні імена та облікові записи в цифрових системах;
- 4) інші об'єкти відповідно до частини першої цієї статті.

3 частина статті 202 вказує, що особливості юридичного режиму цифрових речей визначає закон. До цифрових речей застосовують приписи цього Кодексу про речі, якщо інше не встановлено цим кодексом, іншим законом або не впливає з природи цифрової речі [2].

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## **ЗНАЧЕННЯ ЄВРОПЕЙСЬКОЇ СОЦІАЛЬНОЇ ХАРТІЇ ДЛЯ РОЗ- ВИТКУ СИСТЕМИ ПРАВ ЛЮДИНИ В УКРАЇНІ**

Процес становлення України як демократичної, соціальної та правової держави зумовлює потребу в модернізації соціальної політики, запровадженні нових моделей правового регулювання відносин у сфері соціального забезпечення. Все це стало можливим після проголошення незалежності в 1991 році та прийняття Основного документу держави – Конституції України в 1996 році, яка закріпила основоположні соціальні та трудові права відповідно до міжнародних та європейських стандартів, зокрема тих, що містяться в положеннях Європейської соціальної хартії від 1996 року.

Варто зазначити, що Європейська соціальна хартія (далі – Хартія) є ключовим міжнародним нормативним актом Ради Європи, який встановлює відповідні стандарти у сфері соціальних та трудових прав, а також допомагає країнам у розвитку ефективної соціально орієнтованої політики. Її розробка і прийняття є великим досягненням щодо встановлення міжнародно-правових стандартів захисту соціальних прав людини [1, с. 20].

Впровадження положень Хартії в Україні відіграє важливу роль формуванні системи соціальних прав та спрямоване на створення системи соціальної політики, яка забезпечує ефективну взаємодію між державними органами, роботодавцями та працівниками у питаннях організації праці та соціального захисту. Хартія закріплює широкий спектр соціально-економічних гарантій, серед яких, зокрема, право страхування на випадок безробіття, пенсійне забезпечення, право на соціальну допомогу та інше. Реалізація цих положень у національному законодавстві дозволяє Україні поступово наближатися до європейських стандартів соціального забезпечення та вдосконалювати систему соціальних прав [2, с. 196-197].

Імплементация положень Хартії також відіграє вагомий роль у вдосконаленні системи трудових прав. Відповідно до умов ратифікації Україна зобов'язалася гарантувати право на працю, справедливий винагорода, безпечні та здорові умови праці, право на відпочинок, рівні можливості та рівну оплату

праці жінок та чоловіків, захист від звільнення, професійну підготовку, охорону материнства та інші ключові права, визначені у Хартії [1, с. 19]. Крім того, Хартія передбачає взаємні зобов'язання між соціальними партнерами, що сприяє гармонізації інтересів роботодавців і працівників.

Важливим аспектом впливу Хартії на систему соціальних прав є акцент на взаємозалежності економічного розвитку та гарантування гідних умов життя. Хартія підкреслює, що ефективне забезпечення соціальних прав можливе лише за умови сталого розвитку та спроможності держави виконувати свої соціальні функції. Так, наприклад, стаття 1 проголошує право всіх осіб на працю, та відповідно отримання прибутку за неї, стаття 2 забезпечує безпечні й здорові умови праці, справедливу оплату та рівність прав чоловіків і жінок, стаття 30 гарантує право на захист від бідності та соціальну інтеграцію, та тим самим підтверджує, що соціальні програми можливі лише за наявності економічної спроможності держави [3].

Варто звернути увагу і на те, що в 2017 році Україна розширила перелік обов'язкових положень Хартії. Прийнята зміна до Закону про ратифікацію Хартії зобов'язала державу докладати зусилля для поступового підвищення рівня системи соціального забезпечення та забезпечення рівності прав громадян України та інших держав-учасниць Хартії у сфері соціального забезпечення [1, с. 20].

Однак попри значну кількість вже імplementованих норм, українське законодавство в деяких аспектах ще не повністю відповідає стандартам Хартії. Останні полягають у жорсткішому контролі за умовами праці, тоді коли в Україні механізми моніторингу ще потребують вдосконалення, а мінімальна заробітна плата не завжди забезпечує гідний рівень життя людини [2, с. 200].

Також варто наголосити на тому, що виконання зобов'язань, які Україна взяла на себе після ратифікації Європейської соціальної хартії стикається з низкою викликів. Насамперед проблеми пов'язані із бойовими діями, адже російська агресія та окупація територій значно ускладнюють можливість виконання соціальних зобов'язань. Не менш важливу роль відіграє економічна криза – реалізація соціальних прав обмежена через труднощі, які зумовлені соціально-економічними змінами, в тому числі змінами на ринку праці. Демографічні зміни, зокрема старіння населення, активні міграційні процеси, також створюють додаткове навантаження на систему соціального забезпечення [2, с. 200]. Для подолання таких викликів Україна повинна здійснювати комплексну адаптацію законодавства до нових умов, посилювати систему соціального забезпечення працівників та мінімізувати негативні наслідки трудової міграції.

Підсумовуючи викладене, слід зазначити, що Європейська соціальна хартія (переглянута) відіграє визначальну роль у формуванні системи соціальних прав в Україні, виступаючи ключовим орієнтиром для розвитку національного законодавства у сфері соціального та трудового захисту. Її положення закріплюють мінімальні європейські стандарти забезпечення права на працю, безпечні та здорові умови праці, соціальне забезпечення, пенсійне забезпечення та



соціальну допомогу, що відповідає конституційному принципу України як соціальної держави.

Ратифікація та подальша імплементація норм Хартії сприяли поступовій гармонізації українського законодавства з європейськими стандартами, зокрема у сфері соціального страхування та пенсійного забезпечення. Водночас аналіз чинного законодавства та практики його застосування свідчить, що реалізація положень Хартії в Україні залишається неповною. Серед основних проблем слід виокремити недостатній рівень ефективності механізмів контролю за дотриманням трудових і соціальних прав, обмежені фінансові можливості держави, а також вплив воєнних дій, демографічних змін і міграційних процесів на систему соціального забезпечення.

У зв'язку з цим, подальший розвиток системи соціальних прав в Україні потребує комплексного вдосконалення правового регулювання з урахуванням положень Європейської соціальної хартії, посилення інституційної спроможності органів державної влади у сфері соціального захисту та забезпечення реального, а не декларативного характеру соціальних гарантій. Лише за умови системної та послідовної імплементації європейських соціальних стандартів можливе досягнення належного рівня захисту соціальних прав людини та наближення України до моделей соціальної держави, притаманних країнам Європейського Союзу.

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## **DEERFAKE-ТЕХНОЛОГІЇ ЯК ВИКЛИК ДЛЯ КРИМІНАЛІСТИКИ ТА ПРАВООХРОННОЇ СИСТЕМИ УКРАЇНИ**

В умовах кіберзагроз та викликів інформаційного впливу війни гостро виникає питання щодо визначення та встановлення меж достовірності встановлення реальних подій та документування фактів кримінальних правопорушень, від фейків і підставних фотографій та відео. Критичним становищем оперує стрімкий розвиток штучного інтелекту та його нових версій і нейронних мереж загалом.

Технології deepfake, дозволяють створювати надзвичайно реалістичні підроблені відео- та аудіоматеріали. Застосування deepfake-технологій у злочинних цілях є різноманітним та несе значні загрози[1.с.501].

Щодо переліку ймовірних загроз, то ми цілком поділяємо думку авторів Авдєєвої, Коновалової та Соколенко які визначають наступне :

Дискредитація та шантаж: створення фейкових відео або аудіозаписів, що компрометують особистість, можуть використовуватися для шантажу, вимагання або підриву репутації.

Поширення хибних новин та дезінформації: Deepfake може бути інструментом для масового поширення неправдивої інформації, що здатне впливати на громадську думку, політичні процеси та національну безпеку;

Підрив довіри: зростання кількості та якості deepfake-контенту може призвести до загальної недовіри до будь-яких медіаматеріалів, ускладнюючи сприйняття об'єктивної інформації.

Злочини проти неповнолітніх: створення та розповсюдження фейкових зображень або відео за участю неповнолітніх є особливо небезпечним видом злочинної діяльності, у якій deepfake може відігравати ключову роль;

Введення в оману правосуддя: У кримінальних провадженнях deepfake може використовуватися для фальсифікації доказів, створення неправдивих алібі або дискредитації свідків[2].

Ми вважаємо за необхідне зауважити, що криміналістичний аналіз deepfake-контенту є складним та багатогранним процесом, що включає застосування різноманітних технічних та аналітичних методів. Основною метою експертизи полягає в ідентифікації ознак підробки та встановленні автентичності досліджуваних медіафайлів.

Основними методами аналізу та експертизи є:

Аналіз цифрових артефактів: вивчення метаданих файлів, слідів редагування, особливостей стиснення та інших цифрових характеристик, які можуть свідчити про маніпуляції;

Аналіз частоти кадрів та часових аномалій: виявлення невідповідностей у частоті кадрів відео, різких змін темпу або інших часових аномалій, що можуть виникати під час монтажу;

Вивчення візуальних невідповідностей: аналіз освітлення, тіней, відображень, кольорової гами та інших візуальних елементів на предмет їхньої узгодженості та реалістичності;

Виявлення асиметрії обличчя та аномалій міміки: Deepfake часто призводить до ледь помітної асиметрії обличчя або нетипової міміки, оскільки відтворити складні рухи м'язів обличчя з високою точністю є складним завданням[3].

Тож, дослідивши основні аспекти deep-fake технології, варто сказати, що є досить інтегрованим і новаційним деструктивним інструментом в інформаційному просторі. Протидія даній небезпеці потребує комплексного і інноваційного підходу. Криміналістична експертиза deepfake-контенту є ключовим аспектом у боротьбі з кіберзлочинністю та інформаційними маніпуляціями в цифрову епоху. Вона забезпечує об'єктивне і повне розслідування, особливо в умовах кіберзагроз та розвитку інформаційного полю.

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## **РОЛЬ ЦИВІЛЬНО-ВІЙСЬКОВОЇ КОМУНІКАЦІЇ У ЗАБЕЗПЕЧЕННІ ГУМАНІТАРНОЇ БЕЗПЕКИ**

Сучасні безпекові виклики, зокрема збройні конфлікти та гібридні загрози, значною мірою впливають на стан гуманітарної безпеки держави. У таких умовах важливого значення набуває ефективна взаємодія між військовими структурами, органами державної влади, місцевого самоврядування та цивільним населенням. Одним із ключових механізмів такої взаємодії виступає цивільно-військова комунікація, яка сприяє координації дій різних суб'єктів у сфері безпеки, забезпечує інформування населення та створює умови для підтримки стабільності в суспільстві.

У сучасних умовах цивільно-військова комунікація сприяє координації гуманітарної допомоги, підтримці внутрішньо переміщених осіб, організації евакуації цивільного населення, відновленню життєдіяльності постраждалих територій та стабілізації соціальної ситуації у регіонах, що зазнали впливу бойових дій. Саме тому дослідження ролі цивільно-військової комунікації у забезпеченні гуманітарної безпеки набуває особливої актуальності в контексті зміцнення національної безпеки та суспільної стійкості України.

Проблеми цивільно-військової комунікації, як важливого елементу забезпечення гуманітарної безпеки знайшла відображення у працях Г. П. Ситника, Н. Г. Клименко, С. В. Белая, В. О. Минька, Р. О. Кайдалова, О. Г. Бондаренка, Д. М. Павлова та інших дослідників. У своїх наукових роботах вони підкреслюють, що ефективна система цивільно-військового співробітництва сприяє формуванню партнерських відносин між військовими структурами та цивільним населенням, забезпечує координацію гуманітарної діяльності та підвищує рівень довіри до сектору безпеки і оборони [1, с. 8].

Автори наголошують, що цивільно-військова комунікація є важливим інструментом забезпечення захисту цивільного населення під час збройних конфліктів. Налагоджена взаємодія між військовими формуваннями, органами державної влади, місцевими громадами та гуманітарними організаціями дозволяє ефективно організовувати надання гуманітарної допомоги, підтримувати внутрішньо переміщених осіб, забезпечувати евакуацію населення з небезпечних районів та сприяти відновленню життєдіяльності постраждалих територій [2, с. 55].

Особливо важливого значення цивільно-військова комунікація набуває у регіонах, що зазнали впливу бойових дій або були звільнені від тимчасової окупації. У таких умовах налагодження взаємодії між військовими

підрозділами та місцевим населенням сприяє стабілізації соціально-політичної ситуації, відновленню функціонування органів державної влади та забезпеченню нормальних умов життєдіяльності громадян. Важливою складовою цієї діяльності є інформаційна підтримка населення, проведення роз'яснювальної роботи щодо безпекової ситуації, а також сприяння реалізації гуманітарних програм.

Нормативною основою організації цивільно-військової комунікації в Україні є Доктрина «Цивільно-військове співробітництво», яка визначає основні принципи, завдання та напрями взаємодії військових формувань із цивільним середовищем. Доктрина передбачає організацію співпраці з органами державної влади, органами місцевого самоврядування, громадськими та міжнародними організаціями з метою забезпечення гуманітарної підтримки населення та стабілізації ситуації у постраждалих регіонах [5].

Досягнення ефективної цивільно-військової комунікації потребує системного підходу, що передбачає налагодження постійної взаємодії між військовими формуваннями, органами державної влади, органами місцевого самоврядування та цивільним населенням. Важливим чинником такої взаємодії є створення стабільних каналів інформаційного обміну, які дозволяють своєчасно інформувати населення про безпекову ситуацію, гуманітарні потреби та заходи підтримки постраждалих регіонів. Налагодження відкритої комунікації сприяє підвищенню рівня довіри до військових структур і зменшує ризики виникнення соціальної напруги у суспільстві [2, с. 56].

Важливим напрямом підвищення ефективності цивільно-військової комунікації є розвиток інституційних механізмів цивільно-військового співробітництва. Зокрема, створення спеціалізованих підрозділів цивільно-військового співробітництва у військових формуваннях сприяє організації взаємодії з місцевими громадами, координації гуманітарної допомоги та забезпеченню оперативного реагування на гуманітарні виклики. Автори наголошують, що діяльність таких підрозділів дозволяє ефективно поєднувати військові та гуманітарні завдання, що є важливим елементом стабілізації ситуації у регіонах, які зазнали впливу бойових дій [3, с. 25].

Не менш важливою умовою ефективної цивільно-військової комунікації є інформаційна прозорість діяльності військових структур. Своєчасне та достовірне інформування населення щодо безпекової ситуації, проведення роз'яснювальної роботи та протидія дезінформації сприяють формуванню довіри між військовими формуваннями та цивільним населенням. Прозора інформаційна політика є важливим фактором забезпечення гуманітарної безпеки, оскільки вона дозволяє запобігати поширенню панічних настроїв та маніпуляцій у суспільстві [4, с. 18].

Крім того, ефективна цивільно-військова комунікація значною мірою залежить від підготовки фахівців, які безпосередньо здійснюють взаємодію з цивільним населенням. Важливим є розвиток професійної підготовки військовослужбовців у сфері комунікації, переговорів та взаємодії з громадськістю. Належна підготовка персоналу сприяє підвищенню

ефективності комунікаційних процесів, забезпечує більш ефективну координацію гуманітарної діяльності та дозволяє швидше реагувати на потреби цивільного населення у кризових ситуаціях [1, с. 84].

Важливим елементом ефективної цивільно-військової комунікації є також розвиток партнерської взаємодії з органами місцевого самоврядування та громадськими організаціями. Саме місцеві громади найкраще обізнані з потребами населення та особливостями соціально-економічної ситуації в регіоні, що дозволяє більш ефективно планувати гуманітарні заходи. Взаємодія військових підрозділів з представниками місцевої влади та громадськості сприяє оперативному вирішенню гуманітарних проблем, підвищує рівень довіри до військових формувань та забезпечує більш ефективну координацію допомоги постраждалому населенню [2, с. 59].

Не менш важливою умовою результативної цивільно-військової комунікації є використання сучасних інформаційно-комунікаційних технологій. Своєчасне інформування населення через офіційні інформаційні ресурси, соціальні мережі та інші канали комунікації дозволяє швидко поширювати важливу інформацію щодо безпекової ситуації, гуманітарних заходів та можливостей отримання допомоги. Використання таких інструментів сприяє підвищенню прозорості діяльності військових структур та зменшує ризики поширення недостовірної інформації [3, с. 29].

Крім того, ефективна цивільно-військова комунікація передбачає дотримання принципів гуманності, відкритості та взаємної поваги у взаємодії з цивільним населенням. Важливим є врахування соціально-культурних особливостей місцевих громад, потреб різних категорій населення та специфіки гуманітарної ситуації у регіоні. Такий підхід сприяє формуванню конструктивного діалогу між військовими та цивільним населенням, зміцненню суспільної довіри та підвищенню ефективності заходів, спрямованих на забезпечення гуманітарної безпеки [4, с. 21].

Таким чином, цивільно-військова комунікація є важливим елементом сучасної системи забезпечення гуманітарної безпеки держави. Її ефективне функціонування сприяє координації гуманітарної діяльності, підвищує рівень довіри між військовими структурами та населенням, забезпечує стабілізацію суспільної ситуації та створює передумови для відновлення постраждалих територій. У сучасних умовах розвитку безпекового середовища вдосконалення механізмів цивільно-військової комунікації є важливим напрямом зміцнення національної безпеки та гуманітарної стійкості України.

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## **КОМУНІКАЦІЙНІ ПРОЦЕСИ В ІНФОРМАЦІЙНОМУ СУСПІЛЬСТВІ: ВИКЛИКИ ТА МОЖЛИВОСТІ**

Інформаційне суспільство розглядається як новий етап розвитку цивілізації, у якому виробництво, обробка та поширення інформації стають визначальними чинниками соціально-економічного прогресу [5]. У таких умовах комунікаційні процеси набувають стратегічного значення, адже через них здійснюється передача знань, формуються суспільні цінності та забезпечується взаємодія між державою й громадянами. Сучасні інформаційно-комунікаційні технології кардинально трансформували способи комунікації, зробивши її глобальною, інтерактивною та швидкою. Разом із новими можливостями постають і суттєві виклики, що потребують належного правового регулювання та професійної підготовки фахівців у сфері права й безпеки.

Комунікація в інформаційному суспільстві виходить за межі традиційного міжособистісного спілкування та охоплює цифрові, масмедійні та мережеві форми взаємодії. Соціальні мережі, онлайн-платформи, електронні сервіси держави створюють новий простір публічного дискурсу, у якому кожен користувач може бути як споживачем, так і виробником інформації [3]. Така демократизація комунікації сприяє розвитку громадянського суспільства, підвищує прозорість діяльності органів влади та забезпечує ширший доступ до освітніх ресурсів і знань.

Водночас інтенсивність інформаційних потоків призводить до перевантаження інформацією та ускладнює її критичне осмислення. Низький рівень медіаграмотності сприяє поширенню маніпуляцій, фейкових новин і дезінформації. В умовах інформаційних протистоянь комунікація часто

використовується як інструмент впливу на суспільну свідомість, що вимагає формування критичного мислення та розвитку інформаційної культури громадян [6].

Особливу роль у комунікаційних процесах відіграє держава. Впровадження електронного урядування та цифрових адміністративних послуг створює нові можливості для підвищення прозорості, доступності та ефективності державного управління. В Україні активно розвиваються електронні сервіси, що спрощують доступ громадян до документів, реєстрів і державних послуг. Водночас цифровізація потребує надійного захисту персональних даних, належного рівня кібербезпеки та правового регулювання електронного документообігу [2].

Для правоохоронних органів сучасні комунікаційні технології мають подвійне значення. З одного боку, вони забезпечують оперативний обмін інформацією, аналітичну обробку даних і взаємодію між підрозділами. З іншого - сприяють виникненню нових видів правопорушень, зокрема кіберзлочинності та незаконного втручання в інформаційні системи. Ефективна протидія таким загрозам потребує міжнародної співпраці, належної професійної підготовки та розвитку стратегічних комунікацій [5].

Інформаційне суспільство також змінює характер міжособистісної взаємодії. Онлайн-спілкування часто витісняє безпосередній контакт, що впливає на соціальні навички та культуру поведінки. Анонімність у мережі може сприяти агресії, мові ворожнечі та кібербулінгу. У зв'язку з цим важливо формувати етичні стандарти цифрової комунікації та забезпечувати баланс між свободою слова й захистом честі, гідності та національної безпеки.

Виклики інформаційного суспільства також пов'язані з проблемою приватності. Використання великих масивів даних, алгоритмів штучного інтелекту та біометричних технологій ставить питання про межі втручання в особисте життя людини. Забезпечення права на захист персональних даних є необхідною умовою довіри громадян до цифрових сервісів [2].

Серед можливостей інформаційного суспільства важливе місце займає розвиток освіти та науки. Дистанційне навчання, електронні бібліотеки та відкриті онлайн-курси забезпечують доступ до знань незалежно від місця проживання, що є особливо актуальним у сучасних умовах. Інформаційні технології сприяють безперервності освітнього процесу та професійному розвитку фахівців.

Комунікаційні процеси також відіграють важливу роль у міжнародній співпраці. Глобальні мережі об'єднують держави, наукові установи та громадські організації, сприяючи обміну досвідом і спільному вирішенню глобальних проблем.

У сфері безпеки це проявляється у взаємодії правоохоронних органів різних країн у боротьбі з транснаціональною злочинністю та кіберзагрозами.

У сучасних умовах особливої актуальності набувають стратегічні комунікації - системна діяльність держави, спрямована на формування довіри, протидію дезінформації та забезпечення інформаційної стійкості суспільства



[3]. Відкритість і прозорість у комунікації сприяють зміцненню легітимності державних інституцій і консолідації суспільства.

Отже, комунікаційні процеси в інформаційному суспільстві є складним багатовимірним явищем, що поєднує технологічні, соціальні та правові аспекти. Вони відкривають широкі можливості для розвитку демократії, освіти та міжнародної співпраці, але водночас створюють нові ризики, зокрема дезінформацію, кіберзлочинність і загрози приватності. Подолання цих викликів потребує вдосконалення законодавства, розвитку цифрових компетентностей і формування культури відповідальної комунікації. Для майбутніх працівників системи внутрішніх справ ефективна комунікація є важливою складовою професійної діяльності та запорукою довіри громадян до правоохоронних органів.

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## **САМООРГАНІЗАЦІЯ ТА АКТИВНІСТЬ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА ПІД ЧАС ЗБРОЙНОГО КОНФЛІКТУ**

Громадянське суспільство – це комплекс організацій, ініціатив і громадських активностей, які функціонують поза межами державних структур і спрямовані на захист прав людини, надання допомоги тим, хто її потребує, та сприяння демократичним змінам у країні. В умовах повномасштабної війни Російської Федерації з Україною громадянське суспільство стало ключовим чинником національної стійкості, соціальної єдності та реальної підтримки людей у складних обставинах. Ця активність проявляється через низку численних ініціатив – від волонтерських штабів і благодійних організацій до шкільних акцій та молодіжних проєктів, які охоплюють усі регіони України [1]. За інформацією 2025 року, оприлюдненою на сайті Донецької обласної державної адміністрації 15 березня 2025 року, експерти Міністерства юстиції України повідомили, що в країні зареєстровано майже 126 000 громадських

об'єднань, що свідчить про активний розвиток третього сектору суспільства у воєнний період [1].

Однією з основних сфер діяльності громадянського суспільства є **волонтерська підтримка Збройних Сил України та цивільного населення**. Волонтери збирають продукти харчування, медикаменти, одяг, засоби гігієни, техніку та дрони, які передають на фронт. Ця допомога не обмежується лише великими містами, а охоплює також прифронтові та звільнені території [2]. Громадяни першими організовують допомогу там, де державні служби не можуть оперативно дістатися через бойові дії або складну логістику [3]. Волонтерські зусилля охоплюють як допомогу в тилу, так і підтримку безпосередньо на лінії фронту, що загалом підсилює національну оборону і безпеку країни [2].

Важлива допомога спрямована на **внутрішньо переміщених осіб**. Мільйони українців були змушені залишити свої домівки, і зокрема громадські організації створили мережу гуманітарних центрів, які допомагають людям знайти тимчасове житло, отримати продукти харчування, забезпечити дітей шкільним приладдям і знайти роботу [4]. Такі центри працюють у Києві, Львові, Чернівцях, Тернополі та інших містах України, приймаючи родини з тимчасово окупованих областей та зон активних бойових дій [5]. Ця допомога здійснюється за підтримки місцевих громад, благодійних фондів та волонтерських груп, що є прикладом солідарності у часи випробувань [2].

У сфері правозахисної діяльності громадянське суспільство відіграє надзвичайно важливу роль, особливо в умовах війни. Громадські та волонтерські організації документують воєнні злочини, фіксують порушення прав людини, збирають свідчення про насильство, мародерство, руйнування цивільної інфраструктури та обстріли житлових кварталів [6]. Вони також надають юридичну допомогу постраждалим – внутрішньо переміщеним особам, жителям прифронтових територій, родинам загиблих та поранених, допомагаючи відновити втрачені документи, скласти заяви до правоохоронних органів та підготувати позови для судових процесів [6].

Ця робота не обмежується допомогою окремим людям, вона формує фактичну базу доказів для міжнародних судових процесів, зокрема в Міжнародному кримінальному суді та трибуналах щодо порушень прав людини [6]. Наприклад, правозахисні організації збирають докази щодо насильницьких депортацій, руйнування житлових районів у Київській, Чернігівській, Харківській та інших областях, що потім використовується для документування злочинів та притягнення винних до відповідальності.

Такі ініціативи зміцнюють принцип верховенства права, допомагають відновити справедливість і довіру до правової системи, а також готують ґрунт для післявоєнного відновлення української правової та судової системи [6]. Водночас вони формують у суспільстві культуру правозахисної активності, виховують відповідальність і громадянську свідомість серед молоді та дорослих, що є важливим для довгострокового розвитку демократичного суспільства.

Особливо важливою є **інформаційна діяльність**, спрямована на боротьбу з дезінформацією та пропагандою, що активізувалися у воєнний час. Незалежні журналісти, блогери та громадські медіапроекти створюють платформи для перевірки фактів, систематичного інформування суспільства та протидії фейкам [3]. Це особливо актуально, оскільки інформаційний фронт є невід'ємним складником сучасної війни [3]. Така діяльність сприяє формуванню критичного мислення в суспільстві та зміцнює довіру до незалежних джерел інформації [3].

Актуальними є **освітні та молодіжні ініціативи**. Учні та здобувачі вищої освіти активно долучаються до волонтерських акцій допомоги [5]. Наприклад, Академічний ліцей №3 в Обухові організував збір цукерок, грілок, медикаментів, засобів гігієни, а також сотні дитячих малюнків і листівок для підтримки українських захисників [5]. Багато шкіл, коледжів та закладів вищої освіти України збирають гуманітарну допомогу і координують її передачу для внутрішньо переміщених осіб, евакуйованих із прифронтових територій, чи тих, хто постраждав від бойових дій [5]. Наведені ініціативи демонструють, що участь молоді у громадському житті не лише сприяє допомозі для тих, хто її потребує, але й формує цінності солідарності, відповідальності і громадянської активності серед нового покоління [5].

Через соціальні мережі і цифрові платформи громадянське суспільство координує дії на національному рівні, обмінюється інформацією про потреби в допомозі, розповідає історії підтримки та мотивує інших до участі [4]. Це створює ефект синергії, коли сотні тисяч людей об'єднують зусилля і ресурси для досягнення спільних цілей, формуючи потужний горизонтальний рух солідарності [4].

Важливо також зазначити, що держава не залишає цей процес поза увагою. Уряд схвалив концепцію Державної цільової соціальної програми з розвитку волонтерської діяльності до 2030 року. Це підтверджено офіційним розпорядженням Кабінету Міністрів України від 15 липня 2025 р. № 715-р, яким і запроваджено відповідну концепцію щодо офіційної підтримки волонтерства і громадських ініціатив, які відіграють важливу соціальну роль у воєнний і післявоєнний періоди [5].

Порівняно з історичними прикладами, роль громадянського суспільства під час сучасної війни нагадує рухи самоорганізації в часи Другої світової війни в Європі, коли мирні громадяни створювали рухи Опору для допомоги партизанам і цивільним, або, наприклад, рух Солідарність у Польщі в 1980-х роках, що об'єднав громадян у боротьбі за права і свободи [1]. Сьогодні українське громадянське суспільство також демонструє здатність до самоорганізації, підтримки інших і впливу на суспільні процеси навіть у складних і небезпечних умовах [1].

Отже, громадянське суспільство в Україні під час війни функціонує як низка взаємопов'язаних ініціатив і дій, що зміцнюють соціальну тканину нації, забезпечують допомогу тим, хто її потребує, і сприяють збереженню демократичних цінностей у надзвичайних умовах. Водночас цей процес сприяє

формуванню активної громадянської позиції серед молоді та дорослих, що є важливим для відбудови країни після війни та її майбутнього розвитку [6].

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## **ОСОБЛИВОСТІ МІЖНАРОДНОГО ЗАХИСТУ ПРАВ ЛЮДИНИ ПІД ЧАС ЗБРОЙНИХ КОНФЛІКТІВ**

Повномасштабна збройна агресія Російської Федерації проти України, що триває з 24 лютого 2022 року, супроводжується масовими порушеннями прав людини, атаками на цивільне населення та руйнуванням об'єктів цивільної інфраструктури. За таких умов особливого значення набуває ефективність

міжнародних механізмів захисту прав і свобод людини, передбачених як міжнародним правом прав людини, так і міжнародним гуманітарним правом. Міжнародна спільнота, зокрема Організація Об'єднаних Націй, Європейський Союз та НАТО, засуджують агресію та наголошують на необхідності дотримання міжнародно-правових стандартів навіть під час війни.

Збройні конфлікти сучасності демонструють, що наявність розвиненої системи міжнародних договорів не завжди гарантує належний рівень захисту цивільного населення та військовополонених. Особливу роль відіграють положення Конвенції про захист прав людини і основоположних свобод, а також Женевські конвенції та додаткові протоколи до них, які встановлюють базові стандарти гуманного поводження та захисту під час збройних конфліктів. У зв'язку з цим дослідження особливостей міжнародного захисту прав людини в умовах війни є необхідним для вдосконалення правових механізмів притягнення до відповідальності за воєнні злочини та забезпечення реального захисту постраждалих осіб.

Незалежно від того, чи перебуває держава у стані миру, чи функціонує в умовах збройного конфлікту, норми міжнародного права у сфері прав людини зберігають свою обов'язкову силу та значення. Їх призначення полягає у гарантуванні гідності особи та недопущенні свавільного втручання у сферу основоположних прав і свобод [1, с. 134]. Водночас війна як особливий правовий і фактичний стан зумовлює необхідність урахування специфіки застосування цих норм, адже не всі права можуть бути реалізовані в повному обсязі. Особливо це стосується права на життя, яке зазнає найбільшої загрози під час бойових дій. У кожному випадку порушення прав людини постає питання правової кваліфікації: чи йдеться про порушення норм міжнародного права прав людини, чи міжнародного гуманітарного права, або ж про їх одночасне застосування.

Під час збройного конфлікту пріоритетного значення набуває міжнародне гуманітарне право, яке спеціально створене для регулювання відносин у період війни. Саме воно визначає допустимі методи та засоби ведення бойових дій, встановлює обмеження щодо застосування сили та забезпечує захист осіб, які не беруть або припинили брати участь у воєнних діях. Водночас міжнародне право прав людини не припиняє своєї дії, а продовжує функціонувати паралельно, коригуючись з урахуванням умов надзвичайної ситуації. Таким чином, у період збройного конфлікту обидві галузі міжнародного права застосовуються комплексно, хоча й мають різні предмети регулювання та механізми реалізації.

Ключовим суб'єктом зобов'язань за міжнародним гуманітарним правом є держава як основний учасник міжнародних відносин. Сучасна система міжнародного права передбачає відповідальність держав за порушення законів і звичаїв війни, а також механізми притягнення до відповідальності конкретних осіб, винних у вчиненні міжнародних злочинів. Україна, виконуючи свої міжнародні зобов'язання, застосовує норми міжнародного гуманітарного права щодо захисту жертв війни, передусім цивільного населення, осіб, які

припинили участь у бойових діях, цивільних об'єктів, а також об'єктів, що становлять підвищену небезпеку чи мають культурну цінність [2, с. 142]. Міжнародна спільнота, у свою чергу, вимагає від держав приведення національного законодавства у відповідність до міжнародних стандартів.

Система захисту, передбачена міжнародним гуманітарним правом, поширюється на різні категорії осіб. До них належать комбатанти, які беруть участь у збройному конфлікті. Хоча вони є законною ціллю для нападу, право обмежує застосування засобів і методів війни, що можуть спричинити надмірні страждання або мати невивірковий характер. Окрему категорію становлять комбатанти *hors de combat* – поранені, хворі, особи, які зазнали корабельної аварії, – які підлягають особливому захисту [3, с. 47]. Військовополонені, тобто комбатанти, що здалися або були захоплені, користуються гарантіями гуманного поводження та захисту від насильства. Особливої уваги потребують цивільні особи, які перебувають під владою сторони конфлікту або на окупованій території.

Основу міжнародного гуманітарного права становлять Женевські конвенції 1949 року та Додаткові протоколи 1977 року. Вони закріплюють обов'язок сторін конфлікту розрізняти цивільних осіб і комбатантів, цивільні та військові об'єкти, дотримуватися принципів розрізнення, пропорційності та військової необхідності [4; 5]. Захист цивільного населення має подвійний характер. По-перше, у період активних бойових дій цивільні особи повинні бути захищені від прямих нападів і невивіркового застосування сили. По-друге, у випадку окупації чи перебування під контролем супротивника гарантується гуманне поводження, заборона колективних покарань, депортацій та інших форм насильства.

Значення міжнародного права прав людини зберігається навіть під час внутрішніх збройних конфліктів. Міжнародні договори у цій сфері розширюють стандарти захисту, закріплені гуманітарним правом, і надають додаткові механізми контролю за виконанням зобов'язань. Особливе місце серед універсальних актів посідає Загальна декларація прав людини, яка проголошує невід'ємність та рівність прав кожної людини. Право на життя визнається фундаментальним і має характер імперативної норми міжнародного права (*jus cogens*), від якої не допускаються відступи.

Водночас регіональні механізми захисту прав людини, зокрема діяльність Європейський суд з прав людини, демонструють особливий підхід до оцінки подій у зоні конфлікту. Суд розглядає питання порушення державою зобов'язань за Конвенцією, зосереджуючись на стандартах необхідності та пропорційності застосування сили. Хоча Суд не кваліфікує ситуації як збройний конфлікт у розумінні міжнародного гуманітарного права та не застосовує безпосередньо норми Женевські конвенції, його практика формує важливі орієнтири щодо оцінки правомірності летальної сили.

Суттєву роль у забезпеченні дотримання міжнародного гуманітарного права відіграє Міжнародний Комітет Червоного Хреста, який здійснює гуманітарні місії, контролює умови утримання військовополонених, сприяє

евакуації поранених і возз'єднанню сімей. Механізм притягнення до індивідуальної кримінальної відповідальності забезпечує Міжнародний кримінальний суд, уповноважений переслідувати осіб за геноцид, злочини проти людяності та воєнні злочини [6, с. 360]. Таким чином формується система як державної, так і персональної відповідальності.

Порівняльний аналіз міжнародного гуманітарного права та міжнародного права прав людини свідчить про наявність як спільних рис, так і принципових відмінностей. Гуманітарне право має на меті обмеження страждань у ході війни та є обов'язковим для всіх сторін конфлікту, включаючи недержавні збройні формування. Натомість право прав людини спрямоване на захист особи від свавілля державної влади та допускає можливість тимчасових відступів у разі надзвичайної загрози життю нації. Проте навіть за таких умов основні права, зокрема право на життя та заборона катувань, залишаються недоторканими.

Збройний конфлікт послаблює державні інститути та спричиняє масові порушення базових прав людини. Навіть втрата контролю над частиною територій не звільняє державу від міжнародних зобов'язань і обов'язку забезпечувати ефективний захист прав людини.

Таким чином, сучасні збройні конфлікти зумовлюють необхідність удосконалення механізмів міжнародно-правового реагування та посилення відповідальності за порушення норм міжнародного гуманітарного права і прав людини. Забезпечення гідності й безпеки людини можливе лише за наявності політичної волі держав та ефективного функціонування міжнародних інституцій.

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## **ПСИХОЛОГІЧНІ ЧИННИКИ ТА МЕХАНІЗМИ РОЗВИТКУ ПРОФЕСІЙНОЇ ДЕФОРМАЦІЇ ОСОБИСТОСТІ**

Сучасна професійна діяльність характеризується високою швидкістю змін, зростанням вимог до ефективності та постійним оновленням умов праці. Це створює складні психологічні умови, у яких людина часто зазнає тривалого стресу та емоційного навантаження. У таких умовах підвищується ймовірність розвитку явища, що в психології називають професійною деформацією особистості. Воно проявляється у зміні психічних, поведінкових і мотиваційних характеристик людини під впливом тривалого професійного навантаження. Професійна деформація може супроводжуватися емоційним виснаженням, зниженням продуктивності, відчуттям апатії, зміною ціннісних орієнтирів та соціально-психологічною ізоляцією від колег і оточення. Водночас це явище не завжди носить виключно негативний характер, адже у певних ситуаціях воно може сприяти розвитку нових навичок і підвищенню професійної компетентності.

Психологічні чинники відіграють ключову роль у формуванні та розвитку професійної деформації. Зокрема, особистісні характеристики людини визначають її схильність до перенапруження та швидкість психічного виснаження [2]. Так, високий рівень відповідальності та прагнення до досконалості можуть сприяти професійному стресу, а низька стресостійкість підвищує ризик емоційного вигорання. Індивіди з інтровертованими рисами часто відчують труднощі у соціальній взаємодії та не завжди ефективно звертаються за підтримкою, що посилює внутрішній дискомфорт [3].

Важливе значення мають також мотиваційні аспекти професійної діяльності. Відсутність внутрішньої мотивації або відчуття сенсу у роботі призводить до втрати задоволення від діяльності та появи психологічних конфліктів. Коли професійна діяльність суперечить особистісним цінностям, виникає внутрішнє напруження, яке може спричиняти поступове емоційне виснаження [1]. Не менш значущими є емоційні та когнітивні фактори: схильність до тривожності, надмірна самокритика та недостатній розвиток



навичок саморегуляції ускладнюють адаптацію до професійних вимог і підвищують ризик виникнення деформаційних змін.

Механізми розвитку професійної деформації формуються як під дією внутрішніх психологічних процесів, так і зовнішніх соціальних умов. Одним із центральних механізмів є емоційне виснаження, яке виникає внаслідок тривалого психоемоційного навантаження, недостатньої підтримки з боку колег та керівництва, а також конфліктів у професійному середовищі. У результаті людина відчуває «порожнечу», зниження мотивації та внутрішнє відчуття неефективності [2].

Деперсоналізація під час професійної деформації проявляється в утраті інтересу до колег і клієнтів, а також у формуванні холодного або відстороненого ставлення. Хоча це може виступати як захисна реакція психіки, одночасно вона посилює зміни в особистості [1]. Ще одним важливим проявом є зниження професійної ефективності: падає продуктивність, знижується внутрішня мотивація, з'являється відчуття власної некомпетентності, що підсилює стрес і невпевненість. Велику роль відіграє й соціальна ізоляція — обмеження контактів з колегами та уникнення командної роботи поглиблюють відчуття відчуженості та професійної невпевненості [2].

Виникненню професійної деформації сприяють як організаційні, так і особистісні фактори [3]. Перевантаження роботою, жорсткі дедлайни, низька автономія та недостатня підтримка керівництва створюють умови, в яких психіка працівника піддається високим навантаженням. Соціально-психологічне середовище, яке характеризується конфліктами, конкуренцією та недостатнім визнанням досягнень, підсилює ризик розвитку деформацій. Особисті ресурси індивіда, включно з умінням організувати відпочинок та відновлювати психічні ресурси, є визначальними для здатності протистояти професійним стресорам.

Профілактика професійної деформації передбачає комплекс заходів, спрямованих на збереження психічного здоров'я працівників та підтримку їхньої професійної ефективності [2]. Розвиток навичок емоційної саморегуляції, відновлення психічних ресурсів через активний відпочинок та хобі, підтримка соціальних зв'язків із колегами, усвідомлення сенсу власної діяльності та постановка реалістичних цілей сприяють зменшенню негативних наслідків професійного навантаження. Додатково ефективною стратегією є психологічне консультування та тренінги, що розвивають особистісні ресурси та навички подолання стресу.

Отже, професійна деформація особистості є складним явищем, яке формується під впливом поєднання внутрішніх психологічних особливостей та зовнішніх умов професійного середовища. Вона проявляється у вигляді емоційного виснаження, деперсоналізації, зниження продуктивності та соціальної ізоляції. Усвідомлення психологічних чинників і механізмів її розвитку дозволяє своєчасно виявляти ознаки деформації та впроваджувати ефективні профілактичні та корекційні заходи, що сприяють підтримці психологічної стійкості, підвищенню задоволеності працівників своєю

діяльністю та збереженню ефективності на роботі. Важливими умовами запобігання негативним наслідкам професійної деформації є своєчасна підтримка, розвиток особистісних ресурсів і збалансоване поєднання праці та відпочинку, що допомагає формувати стійку, адаптовану до професійних вимог особистість.

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## **ЗАБЕЗПЕЧЕННЯ ПРАВ ЛЮДИНИ В МІЖНАРОДНИХ ДОКУМЕНТАХ**

Права людини є базовою цінністю сьогодення та відіграють важливу роль в демократичному правовому просторі. Вони відображають рівень розвитку суспільства, держави та правової культури, враховуючи постійні зміни. У XX–XXI століттях питання прав людини набуло особливої актуальності у зв'язку зі зміненням світових поглядів війнами, міграцією, розвитком цифрових технологій та трансформацією міжнародного права.

Сучасний юридичний простір вирізняється поєднанням національних, регіональних і міжнародних механізмів захисту прав людини, що творять складну, багаторівневу систему правового унормування.

**Права людини** – це моральні принципи або норми, які визначають стандарти людської поведінки та життя людини й захищаються муніципальним та міжнародним правом. Людина має на них право від народження, незалежно від віку, етнічного походження, місцезнаходження, мови, релігії, етнічної приналежності чи будь-якого іншого статусу.

Основні ознаки прав людини:

природний характер – не надаються державою, а визнаються нею як тільки людина народжується;

універсальність – належать кожній людині незалежно від віку, статі, громадянства.

рівність – усі люди рівні у правах, кожен може розвивати свої здібності й досягати поставленої мети;

неподільність, взаємопов'язаність – громадянські, політичні, соціальні та інші права, які надаються людині задля її блага.

Правова сутність прав людини полягає в їх фіксації у нормах національного та міжнародного права, що надає їм юридичної сили та забезпечує захист. Такою нормою міжнародного права слугує Декларація прав людини і громадянина (1789) – історичний документ, прийнятий постановою Національних зборів 26 серпня 1789 року, документальне свідчення Французької революції [1].

Декларація містить загальні колективні та особисті права французьких громадян. Цей документ є основою конституційного права країни. Зокрема, в ній зазначено, що люди є вільними й рівними у правах від народження. Якщо існують певні суспільні відмінності, то лише задля суспільного блага.

Політичні об'єднання покликані захищати й підтримувати притаманні людині права, а саме – право на свободу, на власність, на особисту безпеку, на опір пригнобленню.

Нація є початком суверенітету. Закон визначає межі, згідно з якими людина може реалізувати свої природні права. Закон є однаковим для всіх членів суспільства. Законом заборонено те, що шкідливе для суспільства. Спільна воля всіх громадян суспільства виражена в законі і всі громадяни рівні перед законом.

Якщо людина не порушує громадський порядок, визначений законом, висловлюючи свої погляди, вона не повинна бути переслідувана законом.

Права людини та громадянина забезпечуються завдяки застосуванню публічної сили, встановленої задля спільного, а не приватного блага. Така сила утримується з загального податку, обов'язкового для усіх громадян.

Гарантії прав громадян та розподіл влад закріплюється в конституції. Представники влади звітують про їхню управлінську діяльність.

Право на власність є непорушним. Позбавлення власності можливе лише задля суспільної необхідності.

10 грудня 1948 р. Генеральною Асамблеєю ООН була прийнята Загальна декларація прав людини як результат досвіду Другої світової війни і стала вираженням прав притаманних усім людям [2]. Ця Декларація стала основою для наступних основоположних документів, в яких закріплені права людини.

У 1966 році Генеральна Асамблея прийняла два докладні договори, які завершують Міжнародний законопроект про права людини. В 1976 році, після ратифікації цих договорів, законопроект набув статусу міжнародного правового акту.

В реаліях сьогодення поняття прав людини набуває важливості, адже людина має розуміти не тільки свої права, а й усвідомлювати та виконувати свої обов'язки. Щоб права людини працювали необхідно поважати права інших людей, що нас оточують, розуміючи, що вони не чим не гірші за нас. Взаємоповага транслює власну гармонію в голові та елементарну вихованість особистості.

Боротьба за права була, є і буде невід'ємною частиною людського буття незалежно від століття, країни чи населення.

1. Декларація прав людини і громадянина 1789 р. Велика українська енциклопедія: вебсайт. URL: [https://vue.gov.ua/Декларація\\_прав\\_людини\\_і\\_громадянина\\_1789](https://vue.gov.ua/Декларація_прав_людини_і_громадянина_1789) (дата звернення: 17.02.2026).

2. Загальна декларація прав людини: прийнята і проголошена резолюцією Генеральної Асамблеї ООН від 10.12.1948 р. № 217 А (III). URL: [https://zakon.rada.gov.ua/laws/show/995\\_015#Text](https://zakon.rada.gov.ua/laws/show/995_015#Text) (дата звернення: 17.02.2026).

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## **АДАПТАЦІЯ МІЖНАРОДНОЇ ТЕРМІНОЛОГІЇ У ПЕРЕКЛАДІ СТАНДАРТІВ ЦИВІЛЬНОГО ЗАХИСТУ**

Значна частина сучасних підходів до управління ризиками та реагування на надзвичайні ситуації формується на основі міжнародних стандартів. Ці документи регламентують правила організації роботи служб цивільного захисту, методи оцінювання ризиків та процедури реагування на кризові ситуації. Оскільки більшість таких стандартів розробляється англійською мовою, виникає необхідність їх перекладу та адаптації до національних умов.

Особливу роль у цьому процесі відіграє термінологія. Точність перекладу спеціалізованих термінів має вирішальне значення для правильного розуміння змісту нормативних документів. Неправильний переклад може призвести до різночитань, що у сфері цивільного захисту може спричинити серйозні наслідки під час ліквідації надзвичайних ситуацій.

Проблема адаптації міжнародної термінології полягає у тому, що різні країни мають власні правові системи, адміністративні структури та професійну лексику. Тому прямий переклад не завжди є можливим або доречним. У таких випадках необхідно застосовувати різні перекладацькі стратегії, які дозволяють зберегти зміст поняття та водночас адаптувати його до національної мовної системи [3].

Актуальність теми дослідження зумовлена необхідністю удосконалення перекладу міжнародних стандартів цивільного захисту, що сприятиме підвищенню ефективності діяльності служб реагування та розвитку міжнародної співпраці.

Отже нам слід розглянути сутність міжнародної термінології у сфері

цивільного захисту; проаналізувати роль міжнародних стандартів; визначити основні труднощі перекладу спеціалізованих термінів; дослідити методи адаптації термінології; визначити проблеми гармонізації термінів у національних документах.

Міжнародні стандарти відіграють важливу роль у розвитку системи цивільного захисту. Вони визначають загальні принципи управління ризиками, організації реагування на надзвичайні ситуації та координації дій між різними службами.

У більшості стандартів передбачено спеціальний розділ «Терміни та визначення», який містить перелік основних понять та їх пояснення. Саме цей розділ формує основу термінологічної системи галузі. Наприклад, у міжнародних документах використовуються такі поняття:

1. disaster risk reduction
2. emergency management
3. incident response
4. early warning system.

Під час перекладу цих термінів важливо зберегти їх зміст та забезпечити відповідність національним нормативним документам. Міжнародні стандарти також сприяють уніфікації підходів до управління надзвичайними ситуаціями у різних країнах. Завдяки цьому підвищується ефективність міжнародної співпраці та координації дій під час великих катастроф [5].

Адаптація термінології передбачає пристосування іншомовних понять до мовної та нормативної системи держави. Вона може здійснюватися кількома способами:

1. перекладом;
2. запозиченням;
3. створенням нових термінів.

Важливим етапом цього процесу є узгодження нових термінів із вже існуючою термінологічною системою. Ось на цьому етапі і виникає проблема гармонізації термінології. Основною проблемою гармонізації є використання різних перекладів одного й того ж терміна у різних документах. Це може призводити до непорозумінь між фахівцями.

Ще однією проблемою є недостатня стандартизація термінів. Не всі поняття мають офіційно затверджені визначення, що ускладнює їх використання у нормативних документах. Для вирішення цих проблем необхідно створювати спеціалізовані термінологічні словники та проводити експертизу перекладів. У результаті проведеного дослідження можна зробити висновок, що адаптація міжнародної термінології у перекладі стандартів цивільного захисту є складним і багатогранним процесом.

Удосконалення перекладу міжнародних стандартів потребує створення єдиної термінологічної бази, розвитку наукових досліджень у цій сфері та тісної співпраці між перекладачами і фахівцями цивільного захисту.

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## **РЕАЛІЗАЦІЯ ПРАВА ДИТИНИ НА СІМ'Ю ЯК ОДНОГО З ФУНДАМЕНТАЛЬНИХ ПРАВ ЛЮДИНИ В СУЧАСНОМУ ПРАВОВОМУ ПРОСТОРІ**

Право дитини на сім'ю в сучасному сімейному праві України розглядається не лише як юридично закріплене суб'єктивне право, а як комплексне соціально-правове явище. Право дитини на сім'ю охоплює можливість проживати та виховуватися в сімейному середовищі, отримувати батьківську турботу, виховання та моральну підтримку, які є необхідними умовами повноцінного розвитку особистості дитини. Сім'я виступає первинним соціальним інститутом, у межах якого забезпечується реалізація інших прав дитини, зокрема права на розвиток, повагу до гідності та соціальну адаптацію [1, с. 43–44]. Саме сім'я формує перші соціальні навички дитини та впливає на її цінності й світогляд. Без належного сімейного середовища реалізація інших прав дитини значно ускладнюється. Тому держава має приділяти особливу увагу захисту цього права.

Право дитини на сім'ю має міжгалузевий характер, оскільки реалізується через норми сімейного, цивільного та соціального законодавства, але саме сімейне право відіграє ключову роль у його забезпеченні. Відсутність належного сімейного виховання негативно впливає на соціалізацію дитини та зумовлює необхідність активної участі держави у захисті цього права шляхом створення ефективних правових механізмів [1, с. 45–46].

Реалізація права дитини на сім'ю в українському сімейному праві, за висновками здійснюється насамперед через спеціальні сімейно-правові інститути, зокрема усиновлення, опіку, піклування та патронат. Зазначені форми сімейного влаштування мають спільну мету - забезпечення дитині стабільного сімейного середовища у випадках, коли біологічна сім'я не може виконувати своїх виховних функцій [2, с. 32].

Усиновлення є пріоритетною формою реалізації права дитини на сім'ю, оскільки воно максимально наближене за своїм правовим змістом до природних сімейних відносин між батьками та дітьми. Опіка, піклування та патронат, у свою чергу, розглядаються як альтернативні, переважно тимчасові механізми захисту прав дитини, які застосовуються з урахуванням принципу найкращих інтересів дитини. При цьому є необхідність вдосконалення законодавчого регулювання цих інститутів, зокрема шляхом усунення прогалин у правовому статусі дитини та підвищення ролі органів опіки та піклування у забезпеченні її сімейних прав [2, с. 33-35]. Усиновлення, опіка та патронат відіграють ключову роль у забезпеченні стабільного середовища для дитини. Особливо важливим є дотримання принципу найкращих інтересів дитини при виборі форми сімейного влаштування.

В умовах воєнного стану реалізація права дитини на сім'ю набуває особливої складності, що зумовлено масовим переміщенням населення, загибеллю батьків та зростанням кількості дітей, позбавлених батьківського піклування. Інститути опіки та піклування в сучасних умовах відіграють провідну роль у забезпеченні права дитини на сімейну турботу, оскільки дозволяють оперативно влаштувати дитину в сімейне середовище та гарантувати їй належний рівень захисту [3, с. 463-464]. Воєнний стан створює ситуації, у яких дитина потребує швидкого та ефективного захисту з боку держави. Саме тому інститути опіки та піклування стають надзвичайно важливими.

Ефективна реалізація права дитини на сім'ю нерозривно пов'язана з належними механізмами правового захисту її прав та інтересів. Захист прав дитини має комплексний характер і здійснюється не лише в межах сімейного, а й цивільного права, що зумовлено необхідністю застосування різних юридичних засобів залежно від характеру порушення. Ключову роль у цьому процесі відіграє судовий захист, який забезпечує відновлення порушених прав дитини та гарантує дотримання принципу її інтересів [4, с. 156–157]. Захист прав дитини не може обмежуватися лише нормами сімейного права. Комплексний підхід дозволяє більш ефективно реагувати на порушення прав дитини. Особлива роль при цьому належить батькам та законним представникам. Саме їхня правосвідома поведінка є запорукою належної реалізації сімейних прав дитини.

Отже, право дитини на сім'ю є фундаментальним правом людини, що займає центральне місце в системі сімейного права України. Його реалізація забезпечується через комплекс сімейно-правових інститутів, зокрема усиновлення, опіку, піклування та патронат, які мають застосовуватися з урахуванням принципу найкращих інтересів дитини. В умовах воєнного стану актуалізується необхідність адаптації правових механізмів до надзвичайних обставин та посилення ролі держави у забезпеченні сімейного виховання дітей, позбавлених батьківського піклування.

Ефективний захист права дитини на сім'ю можливий лише за умови узгодженої взаємодії норм сімейного й цивільного права, активної ролі судів та

належного виконання батьками і законними представниками своїх обов'язків. Подальше вдосконалення законодавства та правозастосовної практики має бути спрямоване на створення стабільних правових гарантій, які забезпечать кожній дитині право зростати у безпечному та сприятливому сімейному середовищі.

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## **ФОРМИ МІЖНАРОДНОЇ ПРАВОВОЇ ВІДПОВІДАЛЬНОСТІ: ІСТОРІЯ І ПРАКТИКА**

У сучасній доктрині міжнародного права інститут відповідальності держав розглядається як основний принцип забезпечення глобального правопорядку. Будь-яке правопорушення, вчинене суб'єктом міжнародного права, тягне за собою обов'язок повного відшкодування завданої шкоди – як матеріальної, так і моральної [1]. Нижче проаналізуємо основні форми відповідальності крізь призму історичних прецедентів та актуальних викликів сучасності.

Репарація становить загальну правову категорію відшкодування шкоди. Однією з первинних та найбільш пріоритетних форм репарації є реституція – відновлення юридичного та фактичного стану, який існував до моменту



вчинення правопорушення. Згідно з нормами міжнародного права, держава зобов'язана здійснити реституцію за умови, що вона не є матеріально неможливою та не покладає на сторону-порушника тягар, що є абсолютно непропорційним вигоді від отримання реституції замість компенсації [1].

Особливого значення реституція набуває у сфері повернення культурних цінностей. Класичним прецедентом є повернення у 2006 році художнього полотна Густава Клімта «Портрет Аделі Блох-Бауер І», яке було незаконно конфісковане нацистським режимом у 1938 році під час аншлюсу Австрії. Цей кейс став символом відновлення історичної справедливості щодо спадкоємців жертв Голокосту [2].

У сучасній практиці спостерігається інтенсифікація процесів деколонізації мистецьких фондів. Яскравим прикладом є повернення «Бенінської бронзи» Нігерії низкою західних країн (Нідерланди, США, Велика Британія) [3, 4]. Аналогічні процеси реституції об'єктів культурної спадщини тривають щодо Шрі-Ланки, Індонезії та В'єтнаму, що свідчить про формування стійкого міжнародно-правового звичаю повернення незаконно вивезених артефактів [5, 6, 7].

Реституція може стосуватися і нерухомого майна, як це було продемонстровано на прикладі повернення замку Штернберк у Чехії його законним власникам у 1992 році [8]. Крім того, інститут реституції еволюціонував до масштабів земельної реституції корінним народам. Знаковими актами у цій сфері є Закон про земельні права аборигенів Австралії (1976 р.) [9] та створення автономної території Нунавут у Канаді (1999 р.), що стало найбільшим за масштабами актом повернення територіальних прав у Північній Америці [10].

У випадках, коли реституція в натурі є технічно або фактично неможливою (наприклад, через знищення об'єкта), застосовується субституція – передача предметів, що є рівноцінними за своєю цінністю та характеристиками втраченим. Показовим прикладом є Стаття 247 Версальського договору, яка зобов'язала Німеччину компенсувати знищення в 1914 році під час Першої світової війни університетської бібліотеки в Лувені шляхом передачі Бельгії еквівалентної кількості рідкісних книг та інкунабул [11].

Компенсація застосовується як субсидіарна або самостійна форма відповідальності у випадках, коли шкода не може бути повноцінно відшкодована шляхом реституції. Історично репараційні виплати часто мали характер суворого економічного обтяження. Версальський договір 1919 року встановив для Німеччини репарації у сумі 132 мільярди золотих марок, зобов'язання за якими держава виконувала протягом майже століття, завершивши виплати лише у 2010 році [11]. Виплати мали на меті відшкодувати збитки, завдані Франції, Бельгії та іншим країнам Антанти, і здійснювалися грошима, вугіллям, сталлю та іншим майном.

Важливим судовим прецедентом є справа про інцидент у протоці Корфу (1946 р.), де Міжнародний суд ООН чітко артикулював обов'язок держави

(Албанії) виплатити грошову компенсацію за шкоду, завдану військовим кораблям Великої Британії внаслідок недотримання правил безпеки судноплавства [13].

Найбільш структурованим сучасним механізмом стала Компенсаційна комісія ООН (UNCC), створена після агресії Іраку проти Кувейту. Згідно з Резолюцією РБ ООН № 687 (1991 р.), Ірак протягом 31 року спрямовував відсоток від експорту нафти до спеціального фонду, виплативши загалом 52,4 мільярда доларів США для відшкодування збитків понад 1,5 мільйонам заявників.

Сатисфакція спрямована на відшкодування нематеріальної (моральної) шкоди, завданої престижу або гідності держави. Вона може реалізовуватися через офіційне визнання правопорушення, вираження жалю або офіційне вибачення. Прикладом такої практики є заяви вищого керівництва Японії щодо актів агресії під час Другої світової війни [12], а також рішення у справі канадського фрегату «I'm Alone», де сатисфакція була визнана необхідною формою відшкодування за неправомірне потоплення судна береговою охороною США [14].

Критично важливим аспектом сатисфакції є покарання винних осіб. Це було чітко продемонстровано у справі про підлив судна «Rainbow Warrior» (1986 р.), де домовленість між Новою Зеландією та Францією передбачала ув'язнення агентів спецслужб, які вчинили підлив судна [15]. Аналогічно, у справі про вбивство посередника ООН графа Бернадотта (1948 р.), міжнародна спільнота наполягала на притягненні до відповідальності безпосередніх виконавців злочину – агентів ізраїльських спецслужб [16].

Окремою формою відповідальності є гарантії неповторення протиправного діяння. У справі братів Лагранд (2001 р.), після того, як у США судили та стратили двох громадян Німеччини за збройне пограбування, не повідомивши їм про право на консульську допомогу, Міжнародний суд ООН зобов'язав США вжити заходів для зміни адміністративної та судової практики, щоб гарантувати дотримання прав іноземних громадян на консульське сповіщення у майбутньому [17].

Таким чином, репресалії становлять примусові дії держави, що здійснюються у відповідь на протиправні акти іншої держави з метою припинення правопорушення. У сучасному міжнародному праві цей інститут трансформувався у скоординовану систему колективних санкцій.

Історія санкцій пройшла шлях від повної економічної блокади держав до санкцій, що застосовуються до конкретних осіб.

Одними із перших санкцій, запроваджених у новітній історії, були санкції проти Італії у 1935 році. Після вторгнення Італії в Ефіопію, Ліга Націй ввела санкції – заборону на експорт зброї та обмеження кредитів. Але ці санкції виявилися неефективними, адже не включали нафту та вугілля (ключові види палива), а Суецький канал залишився відкритим для італійських кораблів. Це продемонструвало слабкість Ліги Націй перед агресорами [18].

Повна економічна блокада Родезії у 1966 році стала першим випадком в історії, коли ООН запровадила обов'язкові всеосяжні економічні санкції проти держави. У відповідь на проголошення незалежності Родезією (нині Зімбабве) режимом білої меншості Яна Сміта, ООН ввела повне торговельне ембарго. Повна ізоляція тривала 13 років. Незважаючи на підтримку ПАР, санкції зрештою підірвали економіку, змусивши режим капітулювати і передати владу більшості (утворення Зімбабве) [19, 20].

Ще одним успішним прикладом санкцій, введених проти держави з метою глобального тиску на режим расової сегрегації стали санкції проти ПАР. Перша резолюція Ради безпеки ООН про ембарго постачання зброї в ПАР була прийнята в 1977 році, що поклало початок масштабних санкцій проти ПАР. В подальшому санкції не обмежувалися тільки економічними (ембарго на зброю та нафту, вихід інвесторів, тощо) але й застосовувалися також в культурній, спортивній та політичній сферах (заборона на участь у міжнародних спортивних змаганнях, в тому числі на Олімпіадах, бойкот артистів, тощо) [21, 22, 23, 24]. Санкції проти ПАР скасовували поступово (1991-1994 рр.) після падіння режиму апартеїда.

Після гуманітарної катастрофи в Іраку в 1990-х, коли від загальних санкцій страждало мирне населення, світ перейшов до адресних заходів [25]. Акт Магнітського, прийнятий у 2012 році в США, змінив парадигму санкцій. Замість покарання цілих країн, санкції вводяться персонально проти конкретних осіб (заморожування активів, заборона в'їзду, тощо) [26, 27].

Санкції проти Росії після повномасштабного вторгнення в Україну в 2022 році стали наймасштабнішим випадком економічного тиску на велику економіку та ядерну державу в історії. Санкції проти росії також різнонаправлені: економічні, культурні, спортивні, політичні.

До економічної та фінансової складових відносяться заморожування активів рф, відключення від міжнародної платіжної системи SWIFT, встановлення стелі цін на нафту, заборона експорту високотехнологічного обладнання подвійного призначення [28].

До культурної складової можна віднести заборону на участь в деяких міжнародних культурних заходах (наприклад на участь в міжнародному пісенному конкурсі Євробачення) [29].

До спортивної складової відносяться заборони на участь рф у міжнародних спортивних змаганнях, які проводяться під егідою міжнародних спортивних організацій, у тому числі в Олімпійських іграх [30].

До політичної складової відноситься виключення росії з деяких міжнародних політичних організацій (G7, Ради Європи, тощо) [31].

Таким чином, метою санкцій проти рф є не просто покарання, а також намагання позбавити агресора ресурсів для ведення війни.

Отже, механізми міжнародно-правової відповідальності продовжують динамічно вдосконалюватися, адаптуючись до складних викликів безпеці, з метою забезпечення невідворотності правових наслідків за будь-яке порушення світового порядку.

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## **ПРЕВЕНТИВНА МОДЕЛЬ ПРОТИДІЇ ГЕНДЕРНО ЗУМОВЛЕНОМУ НАСИЛЬСТВУ**

Гендерно зумовлене насильство є одним з найбільш серйозних порушень прав людини, але містить прогалини в українському та міжнародному законодавстві та ускладнює кваліфікацію й рішення судової практики,

незважаючи на те, що розвиток гендерного законодавства відбувається досить швидко. Гендерно зумовлене насильство передбачає дії насильницького характеру, що вчиняються через стать або гендер людини та спричиняють фізичну, психологічну, сексуальну чи економічну шкоду. Однак воно рідко починається з фізичного насильства, а часто є результатом спотвореного сприйняття, публічного мовчання та нерівності, яка роками вважалася нормальною. Саме тому це явище відображається не лише в приватній сфері, а й у соціальних інститутах, правових механізмах та повсякденній практиці. Ключовим є подолання сприйняття гендерно зумовленого насильства як системної проблеми та реалізація принципу рівності та людської гідності. Ігнорування гендерно зумовленого насильства підриває принцип рівності перед законом, підриває довіру до інституцій влади та створює умови для системної підзвітності. Тому боротьба з гендерно зумовленим насильством виходить за межі особистої сфери та розглядається як один з ключових викликів для сучасних правових та безпекових систем.

Серед науковців є різні погляди на визначення поняття гендерно зумовленого насильства. Гендерно зумовлене насильство, як визначає В. Попіль, – це суспільно-небезпечна поведінка як чоловіка так і жінки, стосовно осіб протилежної статі, що виявляється в спричиненні страждань як фізичних, сексуальних, морально-психічних та інших, так і в погрозі їх застосувань [1, с. 17]. Більш детально розглядає визначення поняття І. Грицай, яка розширює зміст поняття, пояснюючи його як діями так і бездіяльністю, та включає до поняття не лише дії однієї особи, але й групи осіб [2, с. 121].

Стосовно видів гендерно зумовленого насильства наявні також різні класифікації. Зокрема, М. Качинська виділяє основні види гендерно зумовленого насильства: загальне або публічне та сімейне або родинне. Загальне вчиняється над особою в публічній сфері: на роботі, громадських місцях тощо. Родинне збігається з поняттям домашнього насильства та обмежене сімейними стосунками [3, с. 28].

В Україні базові стандарти протидії визначені, зокрема, в Законі України «Про запобігання та протидію домашньому насильству» та Конвенції Ради Європи про запобігання насильству стосовно жінок і домашньому насильству, шляхом ратифікації Верховною Радою України Стамбульської конвенції. Стамбульська конвенція стала першим юридичним документом у Європі, а також комплексним міжнародним документом щодо правового регулювання у сфері профілактики насильства та боротьби з ним, особливо щодо жінок. Ця Конвенція містить цілу низку визначень, а саме: «насильство стосовно жінок», «насильство стосовно жінок за гендерною ознакою», «домашнє насильство». Щодо визначення домашнього насильства, то воно за цією Конвенцією трактується як «всі акти фізичного, психологічного, економічного або сексуального насильства, які відбуваються в межах сім'ї чи в межах місця проживання, між колишніми або теперішніми членами подружжям або партнерами, незважаючи на проживання правопорушника разом із жертвою».

Насильство, нажаль, є невід'ємним елементом усіх сфер суспільного життя. Воно може мати різний характер, може торкнутися різних сфер життя. Такими сферами можуть бути і політика, і економіка, і сімейне життя, і навіть духовна сфера. Об'єктом може бути будь-яка фізична особа, яка страждає від насильства. Генеральна Асамблея ООН у 1999 році проголосила 25 листопада Міжнародним днем боротьби за ліквідацію насильства щодо жінок. У резолюції йдеться, що всі уряди, міжнародній неурядові організації мають проводити в цей день заходи, спрямовані на привернення уваги громадськості до цієї проблеми. ООН зазначає, що жінки і дівчатка піддаються насильству як у мирний час, так і під час збройних конфліктів [4, с. 80].

На сьогодні в Україні політика протидії гендерно зумовленому насильству спрямована на впровадження превентивної моделі роботи та реалізацію комплексної програми допомоги постраждалим від насильства. Положення законів, постанов і розпоряджень Кабінету Міністрів України, указів Президента України, низки відомчих наказів кореспондують з переважною більшістю положень Стамбульської Конвенції в частині профілактики гендерно зумовленого насильства та підтримки жертв насильства (статті 12–24). Забезпечуючи виконання цих положень, українська нормативна база передбачає заходи, спрямовані на увесь спектр гендерно зумовленого насильства: домашнє насильство, насильство за ознакою статі, сексуальні злочини та сексуальні домагання, торгівля людьми. Одночасно як суб'єкти профілактики та підтримки розглядаються не лише жінки та чоловіки, а також діти, особи з інвалідністю, вагітні жінки, недієздатні особи, особи похилого віку, ВПО, учасники АТО / ООС та члени їх сімей [5, с. 229].

Повертаючись до питання впровадження превентивної моделі допомоги постраждалим від насильства особам, хочемо зосередити увагу на рівнях профілактики гендерно зумовленого насильства. До виникнення ризиків варто застосовувати первинну профілактику, яка включатиме в себе: освітні програми з гендерної рівності та ненасильницької комунікації; інформаційні кампанії (плакати, соцмережі, зустрічі); формування нульової толерантності до сексизму та дискримінації; навчання батьків і педагогів щодо ранніх ознак насильства. При ранньому виявленні фактів та реагуванні на них доцільно застосовувати вторинну профілактику, а саме: чіткі алгоритми повідомлення про випадки ГЗН; підготовку «довірених осіб» (психологів, соціальних педагогів); анонімні канали звернення; психологічну підтримку постраждалих. Третинна профілактика можлива в процесі роботи над наслідками і включає в себе комплексну допомогу (медичну, психологічну, правову), реабілітаційні програми та роботу з кривдниками (корекційні програми).

Українське законодавство за останні роки досягло значного прогресу в боротьбі з гендерно зумовленим насильством та наблизилося до міжнародних стандартів у сфері забезпечення прав людини. Запровадження спеціальних механізмів правового захисту, розширення форм юридичної відповідальності та посилення ролі державних інституцій свідчать про перехід від декларативного підходу до моделі комплексного реагування. Водночас, певні правові

невідповідності, проблеми з правоохоронною діяльністю та недостатня інституційна спроможність уповноважених органів вимагають подальшого вдосконалення нормативно-правової бази. Ефективного запобігання гендерно зумовленому насильству в Україні можна досягти лише шляхом системної правової узгодженості, належного виконання міжнародних зобов'язань та забезпечення реального захисту прав та гідності жертв.

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## **ПРАВО НА СВОБОДУ ДУМКИ І СЛОВА В СИСТЕМІ КОНСТИТУЦІЙНИХ ОСОБИСТИХ ПРАВ І СВОБОД ЛЮДИНИ Й ГРОМАДЯНИНА**

Одним із найважливіших конституційних прав є право на свободу думки та слова, виражене у частині 3 статті 29 Конституції України в такому вираженні: «Ніхто не може бути примушений до висловлювання своїх думок та переконань чи відмови від них».

Розглянемо поняття «свобода думки» і «свобода слова» докладніше. Свобода думки – це природний стан людини, пов'язаний з визначенням



людиною свого ставлення до всього, що оточує, з вільним формуванням власних переконань щодо всього, що відбувається; це основа духовного життя людини, можливість здійснювати роботу власної свідомості та підсвідомості без зовнішнього контролю та впливу з боку держави, суспільства та окремих осіб. Свобода думки тісно пов'язана із ідеологічною свободою. У громадянському суспільстві, заснованому на свободі ідеологій, ніхто не може нав'язувати людині будь-які думки і бажання без її волі.

Важливу роль для забезпечення права на свободу думки і слова відіграють ЗМІ та журналісти, які активно займаються збором інформації про різні події, які відбуваються у світі [1, с. 425]. Свобода думки є природною природженою властивістю людини, пов'язаної з визначенням свого ставлення до предметів, явищ, подій навколишнього світу, з вільним формуванням власних переконань щодо всього, що відбувається. Суб'єктивне ставлення людини до зовнішнього світу, його переконання є невід'ємною частиною її способу життя, своєрідності та неповторності цієї особистості. Свобода думки є процесом внутрішньої психологічної, соціокультурної, політичної, етичної та інших характеристик людини.

Гідність як властивість людини та джерело її основних прав вимагає забезпечення однакового значення усіх її можливостей, що, у свою чергу, підсилює положення про їх неподільність як характерну рису сучасного інституту прав людини [2, с. 31].

Думка як результат, продукт мислення людини відображає пізнання їм навколишнього світу і самої себе в цьому світі і втілюється в його уявленнях, поглядах, думках та переконаннях. Думка не може виявлятися вільно, якщо неможливо її вільно висловити. Якщо свобода думки може бути обмежена жодними законними методами, деякі обмеження свободи слова допускаються у сфері охорони конституційного ладу, захисту права і свободи людини і громадянина. Примуси до висловлювання своїх думок і переконань чи відмови від них спрямовані на підрив стабільності держави, грубі порушення прав і свобод людини та громадянина, тому вони тягнуть за собою кримінальну та іншу відповідальність. Деякі обмеження свободи слова, встановлені кримінальним та адміністративним законодавством, полягають у неприпустимості публічних закликів до насильницького захоплення влади, насильницького утримання влади чи насильницької зміни конституційного ладу, порушення національної, расової чи релігійної ворожнечі, закликів до розв'язання агресивної війни. Кримінальна відповідальність також може наступити заклеп та образу, адміністративна – за дрібне хуліганство, яке виявилось у нецензурній боротьбі у громадському місці.

Виникає цілком слушне питання: чим можна гарантувати свободу думки? Насамперед, наявністю демократичного режиму в країні, що виключає цілеспрямований вплив на свідомість і підсвідомість людини, недопущення монополії на інформацію, ідеологічного пресингу на людину. Крім того, свобода думки повинна гарантуватися суворою правовою регламентацією використання технічних засобів (наприклад, детектора брехні) або інших

способів (наприклад, гіпнозу), здатних проникнути в розумові процеси та впливати на них. Заборона примусу висловлювати свої думки і переконання і відмовитися від них – приватний прояв права кожного на свободу слова. Українське законодавство не допускає ні прямого примусу, ні непрямого, що полягає у наданні пільг та переваг чи встановленні обмежень залежно від переконань людини. Кожна людина може мати ті чи інші переконання і вільна в їхньому вираженні усно, письмово або через засоби масової інформації.

Дану свободу людини і громадянина слід розглядати як можливості реалізувати, здійснити свої задуми та бажання без будь-якого втручання держави та її органів [3, с. 7].

Свобода слова відповідно до ч. 1 ст. 29 Конституції України є найважливішим із конституційних прав людини. Багатство та різноманітність економічних, моральних, політичних ідей сприяє впровадженню у життя суспільства фундаментальних демократичних принципів.

Свобода слова складається з кількох елементів: свобода кожної людини публічно висловлювати свої думки, ідеї, судження; свобода друку та інших засобів масової інформації як свобода від цензури; право отримання інформації, свобода доступу до джерел інформації.

Українське законодавство встановило, що свобода особистості найбільше затверджується та підтверджується свободою друку та слова. Таким чином, свобода думки та слова – є суттєвим чинником розкриття людської індивідуальності, утвердження унікальності кожної особи.

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## **МОРАЛЬНО-ЕТИЧНА ХАРАКТЕРИСТИКА ОКРЕМИХ ЗАСАД КРИМІНАЛЬНОГО ПРОВАДЖЕННЯ**

Морально-етичні засади кримінального провадження є невід'ємною складовою справедливості та легітимності правоохоронної діяльності. Відповідно до ст. 3 Конституції України людина, її життя і здоров'я, честь і гідність, недоторканість і безпека визнаються в Україні найвищою соціальною цінністю, а захист прав і свобод громадян є головним обов'язком держави [1]. Манько Д. Г. та Матвеєв О. В. підкреслюють, що законодавчі й моральні норми не суперечать, а взаємодіють утворюючи цілісне поле правозастосування [2]. Дотримання лише закону без врахування морального змісту може призвести до несправедливого рішення. Поряд із формальними правилами велику цінність мають загальнолюдські етичні принципи, що гарантують довіру суспільства до кримінального судочинства.

Принцип справедливості вважається фундаментом правової оцінки будь-яких дій у суді. Відповідно до ст. 9 Кримінально-процесуального кодексу України прокурор та слідчий зобов'язані всебічно, повно і неупереджено дослідити обставини кримінального провадження та забезпечити законні і неупереджені процесуальні рішення [3]. Це підкреслює, що справедливість ґрунтується на відкритості та всебічному підході. В Україні, як і в багатьох інших державах, справедливість співвідноситься з рівністю перед законом та врахуванням всіх обставин справи. Як було зазначено в науковій літературі, що дотримання справедливості є першочерговим завданням для легітимності правосуддя.

Не менш важливим є принцип добросовісності. Він вимагає від учасників процесу сумлінності та виконання покладених на них обов'язків. Як відзначав Манько Д. Г., принцип добросовісності передбачає відповідальне та щире ставлення до процесуальних функцій [1]. Також Верховний Суд у своїй практиці підкреслює, що на осіб, які беруть участь у справі, покладається обов'язок добросовісно здійснювати свої процесуальні права і виконувати процесуальні обов'язки [4], тобто діяти в межах закону, не порушуючи прав інших і не зловживаючи наданими функціями. Кодекс професійної етики та поведінки прокурорів вказує як мету професійного розвитку відповідальність, відданість справі, додержання загальнолюдських моральних цінностей [5]. Таким чином, добросовісність пронизує все кримінальне провадження, тільки відповідальна позиція прокурора забезпечує баланс між державним інтересом і правам підозрюваного.

Неупередженість та незалежність це парні принципи, які забезпечують об'єктивність та автономію правосуддя. Законність та об'єктивність мають вираз у вимозі неприпустимості будь-яких упереджень. Відповідно до ст. 9 Кримінально-процесуального кодексу України, прокурор, слідчий тощо мають виявити і обставини, що виправдовують особу, а не лише ті, що обтяжують [3]. У контексті прокурорської діяльності незалежність означає можливість виконувати обов'язки без страху чи прихильності, не піддаючись тиску з боку органів влади, їх посадових осіб чи інших суб'єктів. Як зазначав Бисага Ю. М., якість роботи прокуратури залежить від повноцінної реалізації її незалежності [6].

На етичну складову кримінального провадження також впливають і сучасні виклики. Із цифровою епохою зростають ризики зловживань, серед них є конфлікт інтересів, небезпека пов'язана із використанням новітніх технологій у сфері доказування, суспільний або інформаційний тиск. Національне агентство з питань запобігання корупції зафіксували випадок, коли прокурор перебував у реальному конфлікті інтересів і підтримував державне обвинувачення проти особи, з якою мав близькі стосунки. Дана ситуація загрожує ходу слідства, а також нівелюванням принципу справедливості

Узагальнюючи викладене, можна констатувати, що морально-етичні засади – це центральний стрижень кримінального процесу. Без їх дотримання юридичні акти втрачають силу переконання, а правосуддя може стати формалізмом. Ефективне функціонування системи кримінального правосуддя неможливе без морального стрижня професійної діяльності учасників. Принципи справедливості, добросовісності, поваги до гідності, неупередженості та незалежності мають бути невід'ємним елементом професійної ідентичності прокурорів і суддів. Лише тоді рішення суду та дії слідчого будуть сприйматися не як просто формальне виконання закону, а як справжній захист справедливості та прав людини.

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## **МОВНА ПОЛІТИКА ТА ПРОБЛЕМА ДВОМОВНОСТІ В СУЧАСНОМУ СУСПІЛЬСТВІ**

У сучасному світі мова остаточно перестала бути лише засобом комунікації чи побутового обміну інформацією. Для України вона трансформувалася в фундаментальний елемент національної безпеки, дієвий інструмент деколонізації та ключовий чинник державної цілісності [1]. Історичний контекст, позначений тривалими періодами насильницької русифікації, системного лінгвоциду та штучного витіснення української мови на периферію, створив специфічну та складну соціолінгвістичну ситуацію – масову двомовність. Сьогодні державна мовна політика спрямована не просто на формальне утвердження української мови як єдиної державної, а на формування цілісного, самодостатнього україномовного простору, що здатний ефективно протистояти зовнішнім культурним, інформаційним та політичним загрозам.

Фундаментом цієї масштабної трансформації є Державна цільова національно-культурна програма до 2030 року, офіційно ухвалена у березні 2024 року. Це стратегічний документ нового зразка, який нарешті переводить питання мови з площини емоційних дискусій та політичних спекуляцій у площину чіткого державного планування та фінансової звітності. Програма передбачає глибоке інституційне утвердження: від розбудови широкої мережі безкоштовних мовних курсів для дорослих у кожній громаді до прямої підтримки вітчизняного книговидання та грантового стимулювання україномовного контенту в цифровій сфері. Стратегія охоплює всі без винятку сфери суспільного буття, інтегруючи державну мову в корпоративну культуру бізнесу, сферу високих технологій, технічну документацію та ІТ-сектор. Головний акцент робиться на концепції «лагідної, але неухильної українізації»: держава створює умови, за яких використання української стає ознакою престижу, професійного успіху та природною потребою, паралельно забезпечуючи поступове витіснення російської мови з публічного та ділового простору.

Проблема двомовності в Україні має глибокий соціокультурний та політичний підтекст і не може розглядатися як звичайна лінгвістична особливість [3], [5]. Вона має асиметричний характер через десятиліття штучного домінування російської мови в індустріальних центрах Сходу та Півдня, що призвело до деформації національної ідентичності мільйонів громадян. Наявність двох паралельних мовних ареалів десятиліттями використовувалася агресивними зовнішніми силами для штучного розколу українського суспільства за регіональною ознакою. Постійне перебування в російськомовному інформаційному полі робило значну частину населення вразливою до маніпуляцій та психологічних операцій країни-агресора. Саме тому офіційна позиція держави наразі є безкомпромісною: двомовність визнається виключно як перехідний історичний етап, а не кінцева мета. Пріоритетом визначено «українсько-центричну» модель суспільства, де державна мова є єдиною домінантою у всіх публічних актах, законодавчих процесах та соціальних комунікаціях.

На початку 2026 року мовна політика отримала новий стратегічний імпульс через реєстрацію постанови № 14334, що ознаменувало перехід від кількісних показників до етапу «якісного очищення» мовного середовища [6]. Цей етап включає не лише боротьбу з русизмами та суржилом, а й поступове повернення до автентичних мовних норм і правописних традицій, які були цілеспрямовано нівельовані в радянський період задля штучного наближення української мови до російської. Питання «цифрової гігієни» також виходить на перший план: впроваджуються стандарти для алгоритмів соціальних мереж та медіа-платформ, де держава стимулює авторів створювати контент високої літературної якості. Важливим вектором стала інклюзивність, зокрема офіційне визнання та інтеграція української жестової мови, що робить мовну політику доступною для людей з порушенням слуху та розширює кордони національної солідарності.

Попри очевидну позитивну динаміку, шлях до 2030 року залишається сповнений серйозних викликів. Мовна інтеграція деокупованих територій та регіонів із тривалою традицією російськомовності вимагає максимальної делікатності, психологічного супроводу та індивідуального підходу, щоб уникнути штучного відчуття відчуження у громадян. Крім того, «сіра зона» інтернету – YouTube, TikTok та Telegram-канали – залишається простором жорсткої конкуренції, де український продукт має перемагати не лише за формою, а й за якістю сенсів. Окремо стоїть проблема кадрового голоду: країні необхідна нова генерація викладачів, здатних навчати мови дорослу аудиторію за новітніми андрагогічними методиками, відходячи від застарілих шкільних шаблонів.

У контексті євроінтеграційних прагнень українська мова стає потужним інструментом «м'якої сили» (soft power) на міжнародній арені. Популяризація української як іноземної в академічних колах світу формує мережу лояльних інтелектуальних еліт, які стають амбасадорами нашої культури. Разом із цим держава активно інвестує у технологічний суверенітет, розробляючи

україномовні датасети для навчання штучного інтелекту [4]. Це стратегічний крок, що дозволяє уникнути «цифрової колонізації» та гарантує, що українська мова буде повноцінно представлена в архітектурі майбутнього. Економічний ефект від цих процесів також є значним: україномовне середовище в бізнесі стає синонімом етичності та відповідальності, стимулюючи транснаціональні корпорації до глибокої локалізації своїх продуктів саме під українського споживача.

Ключовою складовою стратегії є подолання колективної «мовної травми» та психологічна реінтеграція суспільства. Держава бере на себе роль фасилітатора, створюючи безпечне середовище, де перехід на українську мову сприймається як акт особистого звільнення, самоповаги та повернення до власного коріння. Кінцева мета до 2030 року – це не просто сухі статистичні звіти про кількість осіб, що володіють мовою, а докорінна зміна мовної поведінки нації. Очікувані результати включають 100% україномовну освіту на всіх рівнях (від дошкілля до PhD) [2], повне панування державної мови в медіапросторі та закріплення її статусу як мови інновацій, успішного бізнесу та глобального прогресу. Це дозволить сформувати монолітне суспільство, де єдиний мовний простір стане надійним щитом проти будь-яких зовнішніх посягань і назавжди зніме питання «мовного поділу» з порядку денного.

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## ПРАВА ЛЮДИНИ В СУЧАСНОМУ ПРАВОВОМУ ПРОСТОРІ

Людська гідність, як невідчужувана властивість кожного індивіда, становить аксіологічне підґрунтя всієї системи прав і свобод, що склалася

упродовж останніх століть. Стаття 3 Конституції України проголошує людину, її життя і здоров'я, честь і гідність, недоторканність і безпека найвищою соціальною цінністю, що зобов'язує державу утверджувати та забезпечувати права і свободи як головний обов'язок публічної влади [1]. Зазначена норма кореспондує міжнародним стандартам, закріпленим у Загальній декларації прав людини 1948 року, яка вперше на глобальному рівні визнала гідність властивою всім членам людської сім'ї та проголосила рівність і невід'ємність прав основою свободи, справедливості та загального миру [2].

Дослідження генези прав людини засвідчує складний еволюційний шлях від античних уявлень про природне право до сучасних концепцій, що охоплюють чотири покоління правових гарантій. С.Ю. Іванов слушно зауважує, що перші концепції прав і свобод розвинули видатні філософи та мислителі Давньої Греції й Риму, отримали подальше розроблення в період середньовіччя та нового часу й остаточно утвердилися у XX–XXI століттях [3]. Юристи Римської імперії, зокрема Ульпіан та Модестін, сформулювали положення про суб'єкт права, правовий статус людей, що випливає з природного права їх свободи, а також з'ясували характер взаємовідносин між індивідом і державою.

Актуальність обраної теми зумовлена кількома чинниками: по-перше, триваюча російська агресія проти України загострила проблематику дотримання міжнародного гуманітарного права та захисту прав цивільного населення в умовах збройного конфлікту; по-друге, глобалізаційні процеси та цифровізація суспільних відносин породжують нові виклики для традиційних механізмів правового захисту; по-третє, формується четверте покоління прав людини, що потребує належного нормативного регулювання на міжнародному та національному рівнях.

Верховенство права виступає фундаментальним принципом, що пронизує всю систему захисту прав людини. Як слушно зазначає О.В. Цувіна, верховенство права є основою складовою міжнародних правових актів, які регламентують права людини та основоположні свободи, однак у національному законодавстві України поняття «верховенство права» не розкрито у повному обсязі [4]. Конституційний Суд України у своїй практиці тлумачить верховенство права як механізм забезпечення контролю над використанням влади державою та захисту людини від свавільних дій державної влади [5].

Європейський суд з прав людини відіграє ключову роль у практичному забезпеченні дотримання Конвенції про захист прав людини і основоположних свобод 1950 року. Фахівці з міжнародного права визнають ЄСПЛ найефективнішим міжнародним судом з прав людини у світі [6]. Судова практика ЄСПЛ виступає об'єктивним критерієм оцінки правової системи кожної держави-учасниці Конвенції. Україна, будучи державою, що орієнтується на європейський досвід, імплементувала практику ЄСПЛ як джерело права відповідно до Закону України «Про виконання рішень та застосування практики Європейського суду з прав людини» від 23 лютого 2006 року.



Рішення ЄСПЛ від 25 червня 2024 року у справі «Україна проти Росії (щодо Криму)» засвідчило масові та систематичні порушення Російською Федерацією прав людини на тимчасово окупованій території Автономної Республіки Крим та міста Севастополь [7]. Уряд України надав вичерпні докази, які ефективно та поза всяким сумнівом продемонстрували порушення прав та свобод, що захищаються Конвенцією. Зазначене рішення становить важливий прецедент для подальшого притягнення держави-агресора до міжнародно-правової відповідальності.

Глобалізаційні процеси суттєво впливають на трансформацію змісту прав людини. І.В. Захарчук відзначає, що на тлі науково-технічного прогресу формується концепція четвертого покоління прав людини, до яких належать право на доступ до інтернету, право на захист персональних даних, право на цифрову ідентичність, право на екологічно безпечне довкілля, а також права, пов'язані з використанням біо- та нанотехнологій [8]. Проблема полягає у тому, що міжнародне право наразі не має усталеної концепції четвертого покоління прав людини, що зумовлює правову невизначеність та фрагментарність їхнього визнання у різних регіональних системах.

О. Балинська та співавтори акцентують увагу на тому, що права людини вийшли за межі взаємовідносин особистості з державою, перетворилися на конструктивний елемент державно-правових систем та сприяють інтеграції суспільних і правових відносин [9]. Зазначене призводить до виникнення раніше невідомих прав людини, що потребує розвитку юридичного уявлення про них з урахуванням сучасних реалій.

Конституційний Суд України у рішенні від 11 лютого 2024 року у справі щодо гарантування захисту прав і свобод особи за рішенням ЄСПЛ визнав неконституційними приписи пункту 2 частини другої та частини третьої статті 321 Господарського процесуального кодексу України, що унеможливлювали подання заяви про перегляд судового рішення після спливу десятирічного строку [11]. Конституційний Суд України виходив із того, що ефективне забезпечення права на судовий захист є однією з гарантій реалізації інших конституційних прав і свобод, їх утвердження й захисту, зокрема у спосіб відновлення в разі їх порушення.

Підсумовуючи викладене, слід констатувати, що права людини у сучасному правовому просторі зазнають суттєвої трансформації під впливом глобалізаційних процесів, технологічного розвитку та нових безпекових викликів. Механізми захисту прав людини потребують постійного вдосконалення з урахуванням практики ЄСПЛ та інших міжнародних судових інституцій. Україна, попри складні умови воєнного стану, демонструє прихильність до європейських стандартів захисту прав людини та поступово інтегрується до правового простору Європейського Союзу. Подальші наукові дослідження доцільно спрямувати на розробку концептуальних засад четвертого покоління прав людини та механізмів їх імплементації у національне законодавство.

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## **ФОРМУВАННЯ ІНСТИТУТУ ВІЙСЬКОВОГО ОМБУДСМАНА В УКРАЇНІ: ІНСТИТУЦІЙНИЙ АСПЕКТ**

Процес формування інституту військового омбудсмана в Україні є відображенням тривалого процесу державотворення та поступового розвитку системи захисту з прав і свобод військовослужбовців. Формування сучасного інституту військового омбудсмана в Україні пройшло через кілька етапів, кожен з яких характеризувався пошуком оптимального балансу між швидкістю реагування та інституційним впливом. Зазначений процес бере свій початок у конституційному закріпленні захисту прав і свобод людини і громадянина, що в подальшому знайшло своє відображення у створенні інституту Уповноваженого Верховної Ради України з прав людини та на сучасному етапі знайшло своє завершення у запровадженні інституту Військового омбудсмана.

Конституційне закріплення положення про те, що людина, її життя і здоров'я, честь і гідність, недоторканність і безпека визнаються в Україні найвищою соціальною цінністю (ст. 3 Конституції України) створило правову основу для формування системи захисту прав і свобод людини в Україні [1]. Зазначена норма має загальний характер і поширюється на

військовослужбовців, попри їх правовий статус, що обумовлений особливостями проходження військової служби.

Важливим етапом інституційного розвитку системи захисту прав і свобод людини в Україні стало запровадження парламентського контролю за дотриманням конституційних прав і свобод людини і громадянина шляхом створення інституту Уповноваженого Верховної Ради України з прав людини (далі – Уповноважений). Правові засади його статусу були закріплені у статті 101 Конституції України, а згодом деталізовані у Законі України “Про Уповноваженого Верховної Ради України з прав людини” від 23 грудня 1997 року [2]. Відповідно до Закону Уповноважений наділений повноваженнями розглядати звернення громадян, зокрема й військовослужбовців, а також здійснювати парламентський контроль за дотриманням конституційних прав і свобод людини і громадянина. Водночас універсальний характер компетенції цього інституту орієнтований на захист прав усіх категорій осіб без урахування специфіки проходження військової служби, з самого початку зумовив обмежену ефективність такого механізму у сфері оборони.

Суттєва трансформація системи захисту прав військовослужбовців відбулася після початку збройної агресії проти України у 2014 році, коли значне збільшення чисельності особового складу Збройних Сил України та інтенсивність залучення громадян до виконання військового обов’язку із захисту територіальної цілісності держави актуалізували потребу у спеціалізованому моніторингу дотримання їх прав. У відповідь на ці виклики у структурі Секретаріату Уповноваженого Верховної Ради України з прав людини було створено Департамент моніторингу дотримання прав у секторі оборони та прав ветеранів і військовослужбовців, полонених та членів їх родин, діяльність якого спрямована на здійснення системного моніторингу правового становища зазначених категорій осіб та реагування на їх порушення [3]. Інституціоналізація такого підрозділу засвідчила перехід від універсального парламентського контролю до функціонально спеціалізованого механізму захисту прав у військовій сфері.

Важливим доповненням до подальшого формування нормативних засад забезпечення прав військовослужбовців стало прийняття у 2018 році Закону України “Про національну безпеку України”, який визначив основи та принципи національної безпеки і оборони відповідно до яких сектор безпеки і оборони підлягає демократичному цивільному контролю [4]. У межах цієї концепції права військовослужбовці розглядаються як невід’ємна складова ефективності оборонної системи держави, що зумовлює необхідність існування незалежних механізмів їх гарантування.

Паралельно із розвитком парламентських механізмів формувалася система внутрішньовідомчого захисту прав військовослужбовців. У 2024 році у структурі Міністерства оборони України було створено Центральне управління захисту прав військовослужбовців, на яке покладено завдання щодо моніторингу дотримання прав особового складу, аналізу причин їх порушення та реалізації заходів заходи щодо відновлення порушених прав і соціальних

гарантій військовослужбовців [5]. Створення та функціонування цього підрозділу ознаменували перехід від фрагментарного реагування на порушення прав до формування комплексної підходу до забезпечення прав військовослужбовців у секторі безпеки і оборони.

Накопичений досвід діяльності парламентських і відомчих інституцій засвідчив, що існуючі механізми, хоча і забезпечують окремі функції контролю та реагування, не спроможні повною мірою виконувати роль незалежного спеціалізованого суб'єкта захисту прав військовослужбовців. Це обумовило необхідність створення інституції, здатної інтегрувати функції моніторингу, аналізу, реагування та вироблення рекомендацій у межах єдиного правозахисного механізму. Таким логічним завершенням інституційної еволюції стало запровадження інституту військового омбудсмена, що отримав нормативне закріплення у Законі України “Про Військового омбудсмена” від 17 вересня 2025 року № 4603-IX [6].

Таким чином, створення інституту військового омбудсмена стало результатом послідовного розвитку системи забезпечення прав військовослужбовців, що еволюціонувала від загальних конституційних гарантій і парламентського контролю до спеціалізованих інституцій у межах Секретаріату Уповноваженого Верховної Ради України з прав людини та Міністерства оборони України. Саме їх поєднання сформувало нормативну та організаційну основу для появи незалежного механізму контролю у військовій сфері, який відповідає сучасним стандартам демократичного цивільного контролю над сектором безпеки і оборони.

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1. Конституція України: Закон України 28.06.1996 № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254к/96-вр> (дата звернення: 05.03.2026).

2. Про Уповноваженого Верховної Ради України з прав людини: Закон України від 23.12.1997 № 776/97-ВР. URL: <https://zakon.rada.gov.ua/laws/show/776/97-вр> (дата звернення: 05.03.2026).

3. Секретаріату Уповноваженого Верховної Ради України з прав людини. URL: <https://ombudsman.gov.ua/uk/sekretariat-upovnovazhenogo> (дата звернення: 05.03.2026).

4. Про національну безпеку України: Закон України від 21.06.2018 № 2469-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2469-19> (дата звернення: 05.03.2026).

5. Захист прав військовослужбовців / Міністерство оборони України. URL: <https://mod.gov.ua/zahist-prav-vijskovih> (дата звернення: 05.03.2026).

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## **МІЖНАРОДНО-ПРАВОВІ МЕХАНІЗМИ ЗАПОБІГАННЯ РОЗПОВСЮДЖЕННЯ ЯДЕРНОЇ ЗБРОЇ: ПРОБЛЕМИ ЕФЕКТИВНОСТІ**

Складовою частиною міжнародно-правового режиму запобігання розповсюдження ядерної зброї є Договори про зони, вільні від ядерної зброї, відповідно до яких держави-підписанти беруть на себе зобов'язання не розробляти, не набувати та не володіти ядерною зброєю, не дозволяти її розміщення або розгортання на своїй території в межах визначених географічних регіонів. Ключову роль в даному контексті відіграють Договір про заборону випробувань ядерної зброї в атмосфері, космічному просторі й під водою 1963 року та Договір про принципи діяльності держав по дослідженню і використанню космічного простору, включаючи Місяць та інші небесні тіла 1967 року, який у статтею 4 зобов'язує держави-учасниці не виводити на орбіту навколо Землі будь-які об'єкти з ядерною зброєю або будь-якими іншими видами зброї масового знищення, не встановлювати таку зброю на небесних тілах і не розміщувати її в космічному просторі будь-яким чином [1]. Задля запобігання розповсюдження ядерної зброї в усіх його аспектах, процесу ядерного роззброєння, а тим самим і зміцнення міжнародного миру та безпеки у 1996 році підписано Договір про всеосяжну заборону ядерних випробувань, згідно із яким кожна держава-учасниця зобов'язується не проводити будь-який випробувальний вибух ядерної зброї та будь-який інший ядерний вибух, заборонити та запобігати будь-якому такому ядерному вибуху в будь-якому місці, що знаходиться під її юрисдикцією чи контролем, а також утримуватися від спонукання, заохочення або будь-якої участі у проведенні будь-якого випробувального вибуху ядерної зброї або будь-якого іншого ядерного вибуху [2].

На тлі розвитку міжнародного режиму нерозповсюдження ядерної зброї та формування системи гарантій МАГАТЕ, особливе значення набули двосторонні угоди про роззброєння між державами, що володіють ядерним арсеналом. Найвідомішим прикладом таких домовленостей стали переговори та укладення договорів між США та СРСР, а згодом – із росією, що спрямовані на обмеження стратегічних озброєнь, скорочення арсеналів ядерної зброї та запобігання гонці озброєнь. Сюди відносяться, зокрема, Договір про скорочення стратегічних наступальних озброєнь між СРСР і США 1991 року (START I), Договір про подальше скорочення і обмеження стратегічних і наступальних озброєнь, укладений між росією і США у 1993 році (START II), Американо-російський договір про скорочення стратегічних наступальних

потенціалів 2002 року (SORT / Treaty of moscow), Договір про заходи щодо подальшого скорочення та обмеження стратегічних наступальних озброєнь 2010 року (NEW START), який набрав чинності у 2011 році та був продовжений на п'ять років у 2021 році та інші. Слід зауважити, що у 2023 році росія призупинила свою участь у останньому договорі, посиляючись на «агресію Заходу».

Вони мали безпосередній вплив й на інші країни світу, серед яких, Україна, Казахстан й Білорусь. Лісабонським протоколом 1992 року до START I передбачено, що перелічені держави приєднуються до НРТ як держави-учасники, що не володіють ядерною зброєю, і негайно приймають усі необхідні дії з цією метою у відповідності з їхньою конституційною практикою [3]. Логічним продовженням цього процесу стало приєднання Україною у 1994 році до НРТ та згодом – підписання між Україною, російською федерацією, Сполученим Королівством Великої Британії та Північної Ірландії і США горезвісного Меморандуму про гарантії безпеки у зв'язку з приєднанням України до Договору про нерозповсюдження ядерної зброї від 05.12.1994 р. (так званий Будапештський меморандум), відповідно до якого Україні взамін на відмову від одного із найбільших ядерних арсеналів у світі надавалися політичні запевнення щодо її суверенітету, територіальної цілісності та безпеки [4]. Повномасштабне вторгнення російської федерації на територію незалежної й суверенної держави України у 2022 році засвідчило цілковиту неефективність положень меморандуму та його несправедливість, що очевидно свідчить про вади міжнародно-правового підходу у сфері ядерного роззброєння та гарантування безпеки держав, які здійснили таке роззброєння добровільно.

Варто згадати також і про Конвенцію про фізичний захист ядерного матеріалу та ядерних установок 1979 року, як один із міжнародних інструментів боротьби з міжнародним тероризмом [5]. Її було прийнято після низки захоплень літаків та інших терористичних актів, внаслідок яких держави почали турбуватися про можливе викрадення і використання ядерного матеріалу терористичними організаціями. У 2005 році до неї вносилися поправки, яка набрала чинності аж у 2016 році через низькі темпи її ратифікації державами-учасниками. Вона розширювала сферу дії конвенції, включивши фізичний захист ядерного матеріалу під час внутрішнього використання, зберігання та транспортування, а також ядерних об'єктів, й запроваджувала нові заходи обміну інформацією та криміналізацію окремих дій, як-от саботаж чи незаконний обіг ядерних матеріалів [6, с. 1, 2].

Міжнародно-правове регулювання використання ядерної енергії відіграє вагомий роль у забезпеченні глобальної безпеки та запобіганні розповсюдженню ядерної зброї. Відповідне регулювання розрізнене та не систематизоване належним чином, а досягнення державами консенсусу щодо окремих питань для їх опосередкування на міжнародному правовому рівні відбувається або дуже довго, або взагалі не відбувається. До того ж, окремі існуючі правові механізми демонструють свою неспроможність гарантувати реальну безпеку (йдеться насамперед про Будапештський меморандум).

1. Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, signed at Moscow, London and Washington on 27 January 1967. URL: <https://treaties.un.org/doc/Publication/UNTS/volume%20610/volume-610-I-8843-English.pdf>
2. Comprehensive Nuclear-Test-Ban Treaty, adopted by the United Nations General Assembly on 10 September 1996. URL: [https://www.ctbto.org/sites/default/files/Documents/treaty\\_text.pdf](https://www.ctbto.org/sites/default/files/Documents/treaty_text.pdf)
3. Протокол до Договору між Союзом Радянських Соціалістичних Республік і Сполученими Штатами Америки про скорочення й обмеження стратегічних наступальних озброєнь від 23.05.1992 року. URL: [https://zakon.rada.gov.ua/laws/show/998\\_070#Text](https://zakon.rada.gov.ua/laws/show/998_070#Text)
4. Меморандум про гарантії безпеки у зв'язку з приєднанням України до Договору про нерозповсюдження ядерної зброї від 05.12.1994 р. URL: [https://zakon.rada.gov.ua/laws/show/en/998\\_158/conv#o1](https://zakon.rada.gov.ua/laws/show/en/998_158/conv#o1)
5. Convention on the Physical Protection of Nuclear Material, adopted on 26 October 1979. URL: <https://www.iaea.org/sites/default/files/infocirc274.pdf>
6. Bufford J. Convention on the Physical Protection of Nuclear Material and the 2005 Amendment: Past, present, and future. *Nuclear Threat Initiative (NTI)*. 2022. P. 1-3. URL: <https://www.nti.org/wp-content/uploads/2022/01/01.-History-and-Development-of-CPPNM-and-A.pdf>

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## **ДОМІЦИД У МІЖНАРОДНОМУ ПРАВІ В КОНТЕКСТІ ЗБРОЙНОЇ АГРЕСІЇ РОСІЇ ПРОТИ УКРАЇНИ**

Доміцид, як явище **систематичного та масового знищення житла і життєвого простору цивільного населення під час збройного конфлікту**, внаслідок чого особа або спільнота позбавляється дому як фізичного, соціального й символічного середовища існування, постає однією з найтяжчих форм порушень норм міжнародного права. Незважаючи на відсутність чіткого нормативного визначення терміна «доміцид» у сучасних міжнародно-правових актах, його змістовне наповнення за своїми об'єктивними та суб'єктивними ознаками корелює з характеристиками геноциду, воєнних злочинів і злочинів проти людяності, закріплених у Конвенції про запобігання злочину геноциду та покарання за нього 1948 р. [1] та Римському статуті Міжнародного



кримінального суду 1998 р. [2] У цьому контексті доміцид може розглядатися як крайній прояв порушення принципів гуманності та норм *jus cogens*, [3, с. 17] що становлять фундамент міжнародної правової системи та спрямовані на захист життя, гідності й базових прав цивільного населення.

Збройна агресія російської федерації проти України, розпочата у 2014 р. та суттєво ескалована повномасштабним вторгненням 24 лютого 2022 р., характеризується не лише масовими вбивствами, катуваннями, примусовими депортаціями та насильницьким переміщенням дітей, а й **цілеспрямованим і системним руйнуванням житлових будинків та цивільної інфраструктури**, що формує ознаки доміциду як самостійного феномену збройного насильства. Такі дії спрямовані на позбавлення цивільного населення можливості безпечного існування у власному життєвому просторі, руйнування соціальних зв'язків та викорінення звичного середовища проживання, що дозволяє кваліфікувати їх як прояв доміциду – крайньої форми посягання на цивільне населення в умовах міжнародного збройного конфлікту. Документовані факти навмисних убивств мирних мешканців, обстрілів житлових кварталів, знищення цілих населених пунктів, насильницьких депортацій на територію рф та інших форм жорстокого поводження свідчать про наявність ознак злочинів, передбачених нормами міжнародного гуманітарного та міжнародного кримінального права.

Відповідно до статті II Конвенції про запобігання злочину геноциду та покарання за нього 1948 р. [1], геноцид визначається як дії, вчинені з наміром знищити національну, етнічну, расову або релігійну групу як таку, повністю або частково. До них, зокрема, належать умисне вбивство членів групи, заподіяння серйозних тілесних або психічних ушкоджень, а також **створення таких умов життя, які розраховані на фізичне знищення групи**. Саме цей елемент дозволяє розглядати доміцид як інструмент реалізації геноцидних практик, оскільки системне знищення житла та середовища існування безпосередньо формує умови, несумісні з виживанням цивільного населення. Римський статут Міжнародного кримінального суду 1998 р. [2] у статті 6 підтверджує зазначені положення та встановлює міжнародно-кримінальну юрисдикцію щодо переслідування осіб, винних у вчиненні геноциду. Ключовим елементом складу злочину при цьому залишається спеціальний намір (*dolus specialis*), доведення якого є необхідною передумовою відповідної юридичної кваліфікації. [4]

У контексті російсько-української війни доміцид проявляється у **широкомасштабних і систематичних атаках на житлову забудову та цивільну інфраструктуру**, що підтверджується матеріалами міжнародних моніторингових місій, правозахисних організацій та українських державних інституцій. Масові вбивства цивільних осіб у Бучі, Ірпені, Маріуполі та інших населених пунктах, а також насильницькі депортації та примусове переміщення дітей супроводжувалися майже повним знищенням житлового фонду, що **свідчить про наявність ознак дій**, передбачених Конвенцією про запобігання злочину геноциду та покарання за нього 1948 р. [1]. Водночас складність

доведення спеціального наміру знищення групи як такої залишається однією з ключових проблем правової кваліфікації зазначених діянь. [4]

Доміцид не може розглядатися ізольовано, оскільки його правова природа тісно пов'язана з воєнними злочинами та злочинами проти людяності. Його відмінність полягає не лише у масштабності та системності руйнування життєвого простору цивільного населення, а й у спрямованості на **позбавлення групи умов існування як соціальної спільноти**, що наближає його до геноцидних практик і надає характеру «злочину злочинів». Це зумовлює необхідність застосування механізмів міжнародної кримінальної відповідальності, зокрема через діяльність Міжнародного кримінального суду та спеціальних трибуналів, уповноважених розслідувати злочини агресії та пов'язані з ними міжнародні злочини. [5, с. 204–216].

Наукова доктрина підкреслює, що правова кваліфікація доміциду як геноциду не лише юридично значима, а й морально обґрунтована, оскільки вона дозволяє чітко визначити відповідальних осіб та держави за тяжкі порушення міжнародного гуманітарного права. Визначення та документування фактів доміциду створюють правову основу для міжнародного переслідування та покарання, а також формують прецеденти для розвитку міжнародного кримінального та гуманітарного права. Системне застосування цих принципів у контексті російської агресії проти України є критично важливим для забезпечення ефективного правосуддя, відновлення справедливості та запобігання подібним порушенням у майбутньому.

Таким чином, доміцид у міжнародному праві є явищем, що інтегрує складові геноциду, воєнних злочинів та злочинів проти людяності, і його правова кваліфікація у випадку російської агресії проти України покликана забезпечити притягнення до відповідальності як держави, так і конкретних осіб. Застосування норм Конвенції про запобігання злочину геноциду та покарання за нього 1948 р. [1] та Римського статуту Міжнародного кримінального суду 1998 р. [2], разом із доказовою базою міжнародних спостережних організацій, створює можливості для реалізації принципу справедливості на міжнародному рівні та підкреслює універсальний характер заборони масового насильства над цивільним населенням.

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## **НЕДОПУСТИМІСТЬ ДОКАЗІВ В КРИМІНАЛЬНОМУ ПРОВАДЖЕННІ**

Проблематика визнання доказів недопустимими у кримінальному провадженні залишається однією з найбільш дискусійних у сучасній кримінальній процесуальній науці. Доцільним є аналіз підстав недопустимості не лише через призму чинного кримінального процесуального законодавства, але й з урахуванням доктринальних підходів та практики правозастосування. Це дозволяє об'єктивно оцінити існуючі нормативні положення та визначити оптимальний рівень деталізації підстав, закріплених у Кримінальному процесуальному кодексі України (далі - КПК України).

Законодавче визначення недопустимих доказів міститься у ч. 2 ст. 86 та ч. 1 ст. 87 КПК України. Відповідно до цих норм, недопустимими визнаються докази, отримані внаслідок істотного порушення прав і свобод людини, гарантованих Конституцією України, законами та міжнародними договорами. Такі відомості не можуть використовуватися судом при ухваленні процесуальних рішень, а також не можуть бути покладені в основу вироку чи іншого рішення [1].

Водночас В. В. Вапнярчук критикує законодавчий підхід, зазначаючи, що інформація, здобута з порушенням процедури, взагалі не повинна визнаватися доказом. Науковець пропонує змінити формулювання КПК України, підкресливши, що такі фактичні дані не можуть набувати статусу доказів у кримінальному провадженні [2, с. 275].

Основною підставою визнання доказів недопустимими у кримінальному провадженні є істотне порушення прав і свобод людини. Саме цей критерій визначений законодавцем як ключовий, оскільки забезпечує дотримання конституційних гарантій під час здійснення досудового розслідування та

судового розгляду. Перелік таких порушень міститься у ч. 2 та ч. 3 ст. 87 КПК України, де зазначено випадки, за яких докази втрачають свою юридичну силу та не можуть використовуватися стороною обвинувачення чи судом, зокрема: 1) здійснення процесуальних дій, які потребують попереднього дозволу суду, без такого дозволу або з порушенням його суттєвих умов; 2) отримання доказів внаслідок катування, жорстокого, нелюдського або такого, що принижує гідність особи, поводження або погрози застосування такого поводження; 3) порушення права особи на захист; 4) отримання показань чи пояснень від особи, яка не була повідомлена про своє право відмовитися від давання показань та не відповідати на запитання, або їх отримання з порушенням цього права; 5) порушення права на перехресний допит; 6) отримання показань від свідка, який надалі буде визнаний підозрюваним чи обвинуваченим у цьому кримінальному провадженні[1].

Важливим також є розмежування поняття істотного порушення процесуального законодавства. Так, А. В. Панова відносить до таких порушень проведення слідчих дій поза межами строків досудового розслідування, невиконання вимог щодо відкриття матеріалів кримінального провадження відповідно до ст. 290 КПК, а також отримання доказів шляхом провокації особи до вчинення кримінального правопорушення [3, с. 10]. Подібні порушення ставлять під сумнів законність доказової бази та можуть призвести до її виключення із процесу.

У теорії кримінального процесу недопустимі докази часто класифікують залежно від характеру порушення. Зокрема, виділяють ситуації, коли доказ отримано неналежним суб'єктом, із неналежного джерела або внаслідок проведення процесуальної дії з порушенням встановленого порядку. Деякі дослідники пропонують ще ширшу класифікацію, включаючи критерії перевірки походження фактичних даних, точності їх фіксації, а також дотримання загальних правил доказування.

Таким чином, питання визначення рівня нормативної деталізації підстав недопустимості доказів залишається відкритим. З одного боку, відсутність чітких критеріїв може призвести до надмірного розширення дискреційних повноважень суду. З іншого боку, надмірний формалізм не здатний охопити всі життєві ситуації та може ускладнити роботу правоохоронних органів. У зв'язку з цим актуальним є пошук оптимального балансу між законодавчою визначеністю та гнучкістю правозастосування.

Звертаючись до положень КПК України, зокрема статей 87-89, слід зазначити, що законодавець не сформував чітко впорядкованої системи недопустимих доказів. Це зумовлює необхідність їх подальшої класифікації в теорії кримінального процесу. Так, В. Тютюнник, аналізуючи відповідні статті кодексу, виокремлює три основні види недопустимих доказів.

Перший вид - це безумовно недопустимі докази, які прямо визначені КПК України як такі, що не можуть використовуватися за жодних умов. Прикладом можуть бути протоколи слідчих дій, складені після завершення строків

досудового розслідування, за винятком випадків, коли такі дії здійснюються за дорученням суду.

Другий вид - умовно недопустимі докази, допустимість яких залежить від конкретних обставин кримінального провадження. Наприклад, протокол обшуку може визнаватися недопустимим, якщо поняті формально були присутні, однак фактично не перебували безперервно на місці проведення слідчої дії.

Третій вид - очевидно недопустимі докази, які згадуються у ч. 2 ст. 89 КПК України. Проблема полягає в тому, що законодавець не визначає чітких критеріїв, які дозволяють однозначно віднести доказ до категорії «очевидно недопустимого», що створює неоднозначність у правозастосуванні [4, с. 137].

Аналізуючи ст. 87 КПК України, можна зробити висновок, що безумовно та умовно недопустимі докази пов'язані з істотним порушенням прав і свобод людини, гарантованих Конституцією України та міжнародними договорами. Очевидно недопустимі докази, натомість, є результатом оцінки судом доказової бази в межах конкретного провадження.

Прикладом безумовної недопустимості є отримання доказів до внесення відомостей про кримінальне правопорушення до Єдиного реєстру досудових розслідувань (ЄРДР). Так, у постанові Верховного Суду від 07.08.2019 у справі № 607/14707/17 суд визнав недопустимим відеозапис, який був вилучений оперативним працівником поліції до початку офіційного досудового розслідування. Верховний Суд підкреслив, що оперативний працівник без доручення слідчого не є уповноваженою особою для здійснення таких процесуальних дій, а отже доказ було здобуто з порушенням вимог КПК України[5].

Разом із тим у постанові Верховного Суду від 30.04.2020 у справі № 640/19897/16-к суд дійшов іншого висновку щодо допустимості відеозаписів, які стали підставою для внесення відомостей до ЄРДР. Суд наголосив, що заявник має право подати документи чи речі для підтвердження повідомлення про злочин навіть до початку розслідування, а тому такі матеріали можуть бути використані як докази за умови подальшого процесуального оформлення [6]. Таким чином, судова практика демонструє, що питання допустимості доказів значною мірою залежить від суб'єкта отримання інформації та процедури її фіксації.

Щодо умовно недопустимих доказів, прикладом може бути ситуація, передбачена ч. 4 ст. 271 КПК України, коли контроль за вчиненням злочину завершується відкритим фіксуванням та складанням протоколу в присутності особи. Однак на практиці протоколи часто оформлюються із запізненням і без участі відповідної особи, що може ставити під сумнів допустимість таких доказів.

У практиці Європейського суду з прав людини (далі - ЄСПЛ) не встановлено жорстких правил щодо допустимості доказів, оскільки це прерогатива національного права. ЄСПЛ оцінює, чи був судовий процес «справедливим загалом» згідно зі ст. 6 Європейської конвенції з прав людини

(далі ЄКПЛ). Ключовим критерієм є те, чи мав обвинувачений можливість ефективно оскаржити докази та заперечити проти них.

У своїх рішеннях ЄСПЛ зазначає, якщо первинне джерело доказу отримане з порушенням закону, то всі наступні докази, отримані на його основі, також стають недопустимими (справа «Яллоґ проти Німеччини») [7]; будь-які докази (включаючи речові), отримані внаслідок катувань або нелюдського поводження (порушення ст. 3 ЄКПЛ), автоматично роблять судовий розгляд несправедливим («Нечипорук і Йонкало проти України») [8]; докази, отримані без участі адвоката, коли така участь була обов'язковою або коли особа не була належним чином попереджена про свої права, часто визнаються недопустимими («Яременко проти України») [9]; якщо докази отримані з порушенням права на приватне життя (ст. 8 ЄКПЛ) без належної судової санкції, це може призвести до їх недопустимості, хоча ЄСПЛ оцінює кожен випадок індивідуально.

Отже, інститут недопустимості доказів є важливим елементом кримінального процесу, який виконує функцію захисту прав людини та забезпечення законності під час збирання й фіксації доказів. Визнання доказів недопустимими застосовується як процесуальний засіб реагування на істотні порушення кримінального процесуального закону.

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## **РОЛЬ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА У ЗАБЕЗПЕЧЕННІ ТРУДОВИХ ПРАВ ПРАЦІВНИКІВ В УМОВАХ ВОЄННОГО СТАНУ В УКРАЇНІ**

Запровадження воєнного стану в Україні створило нові умови для функціонування трудових відносин та організації праці, що вимагає як швидкої адаптації законодавства, так і комплексного підходу з боку роботодавців, державних органів та інститутів громадянського суспільства. В умовах війни працівники опиняються у вразливому становищі через вимушене переміщення, мобілізацію, скорочення виборчих можливостей підприємств, обмеження доходів та втрату робочих місць. Тому правове регулювання трудових відносин має забезпечувати не лише безперервність діяльності підприємств, але й соціальний захист, дотримання трудових прав та підтримку соціальної стабільності.

Важливу роль у цьому процесі відіграє громадянське суспільство, яке функціонує як сукупність недержавних інститутів, здатних представляти інтереси працівників, здійснювати контроль за дотриманням трудового законодавства, надавати правову гуманітарну підтримку. Громадянське суспільство у сфері праці включає професійні спілки, громадські правозахисні організації, благодійні фонди, волонтерські об'єднання та експертно-аналітичні центри, які забезпечують правовий супровід, соціальну допомогу, моніторинг дотримання трудових прав і підвищення правової культури працівників. [1–8]

Громадянське суспільство є невід'ємною складовою демократичної держави і виступає одним із ключових механізмів захисту прав людини, включаючи права працівників. Вона формується на принципах добровільності, самоврядування, рівності та відповідальності, забезпечуючи громадянам можливість взаємодіяти між собою та з державними органами, представляти власні інтереси, контролювати діяльність роботодавців і сприяти реалізації соціальної справедливості. [1; 2]

У сфері трудових відносин громадянське суспільство виконує комплекс функцій. Професійні спілки представляють інтереси працівників у колективних переговорах, укладенні колективних договорів та соціальному партнерстві. Громадські правозахисні організації здійснюють правовий моніторинг, консультують працівників та супроводжують справи у судових і державних органах, що особливо важливо в умовах обмеженої правової доступності під час воєнного стану. Благодійні волонтерські об'єднання надають гуманітарну та психологічну допомогу, підтримують внутрішньо переміщених працівників і

сім'ї, що постраждали від війни. Експертні та аналітичні центри забезпечують підготовку практичних рекомендацій для державних органів, роботодавців і громадських організацій щодо розвитку соціальної політики та удосконалення трудових відносин. [4; 7]

Особливо важливою є компенсаторна функція громадянського суспільства в умовах воєнного стану, коли працівників стають вразливими через мобілізацію, евакуацію або втрату робочих місць. Інститути громадянського суспільства забезпечують правовий супровід мобілізованих, сприяють працевлаштуванню внутрішньо переміщених осіб, захищають соціальні та трудові права, а також сприяють підтримці стабільності та довіри між громадянами і державою. Діяльність громадянського суспільства відповідає міжнародним стандартам соціального партнерства та нормам International Labour Organization, що регулюють права працівників навіть у кризових умовах.[8]

В умовах воєнного стану правове регулювання трудових відносин спрямоване на забезпечення балансу між економічними потребами підприємств, безпекою держави та соціальними гарантіями працівників. Основну цього регулювання становлять Конституція України, Кодекс законів про працю України, Закони України «Про громадські об'єднання», «Про професійні спілки», «Про соціальний діалог», а також Закони України «Про організацію трудових відносин в умовах воєнного стану», який встановлюється особливості організації праці, захисту трудових прав та соціальних гарантій у надзвичайних умовах.

Цей закон передбачає, що роботодавці можуть тимчасово змінювати умови трудових договорів, запроваджувати гнучкі графіки роботи, суміщення змін, скорочення або продовження робочого часу відповідно до потреб виробництва та безпекових обставин. При цьому працівники зберігають право на оплату праці під час простою або часткової непрацездатності підприємства, що забезпечують мінімальний рівень соціальної захищеності навіть у кризових умовах.[2; 6; 7].

Правове регулювання також передбачає тимчасові обмеження прав працівників, зокрема заборону на страйки, що пояснюється необхідністю забезпечення безперервного функціонування критично важливих підприємств та інфраструктури. Водночас базові трудові права, закріплені Конституцією та міжнародними стандартами, залишаються чинними. [2; 6; 8].

Організація трудових відносин в умовах війни включає комплекс заходів, спрямованих на забезпечення стабільності функціонування підприємств та соціальної захищеності працівників. Вона передбачає гнучкість у режимі роботи, адаптацію трудових договорів, контроль за оплатою праці, участь профспілок і громадських організацій у соціальному партнерстві, а також правовий супровід мобілізованих працівників та внутрішньо переміщених осіб. Профспілки та громадянське суспільство контролюють дотримання колективних договорів, здійснюють моніторинг трудових прав і сприяють підвищенню правової культури працівників.



Комплексне поєднання цих заходів дозволяє підтримувати ефективну організацію праці, соціальний захист та стабільність трудових відносин навіть у складних умовах воєнного стану. Водночас діяльність громадянського суспільства і профспілок компенсує обмеженість державних ресурсів і сприяє реалізації міжнародних стандартів соціальної справедливості та прав людини. [1–8]

Отже, громадянське суспільство у сфері праці виступає ключовим механізмом захисту прав працівників та підтримки соціальної стабільності. Правове регулювання та організація трудових відносин в умовах воєнного стану, включаючи Закону України «Про організацію трудових відносин в умовах воєнного стану», забезпечують гнучкість трудових договорів, адаптацію режиму праці, збереження соціальних гарантій та активну участь профспілок і громадянського суспільства. Такий комплекс заходів дозволяє підтримувати стабільність трудових відносин, забезпечувати соціальну захищеність працівників та реалізовувати принципи соціальної справедливості навіть у складних кризових умовах.

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## **РОЛЬ ПОЛІЦІЇ У СИСТЕМІ РЕАГУВАННЯ ДОМАШНЬОГО НАСИЛЬСТВА: СУЧАСНІ ПІДХОДИ ТА ВИКЛИКИ**

Проблематика реагування на домашнє насильство набуває особливої гостроти в умовах соціальної нестабільності, воєнного стану та зростання психологічного навантаження в сімейному середовищі, що зумовлює підвищені вимоги до діяльності органів публічної безпеки. Поліція виступає первинною ланкою державного механізму захисту постраждалих осіб, реалізуючи повноваження щодо припинення правопорушень, застосування термінових заборонних приписів, документування фактів насильства та взаємодії з іншими суб'єктами системи протидії. Сучасні підходи орієнтовані на міжвідомчу координацію, ризик-орієнтовану модель оцінки загроз, цифровізацію обліку випадків та впровадження стандартів, що відповідають міжнародним зобов'язанням України. Водночас існують виклики, пов'язані з латентністю правопорушень, повторністю насильства, недостатнім рівнем довіри до інституцій та потребою в спеціалізованій підготовці поліцейських, що обумовлює необхідність ґрунтовного наукового аналізу ролі поліції у цій сфері.

Правдюк А. Л. зазначає, що домашнє насильство слід розглядати як складний і багатогранний соціальний феномен, який проявляється у систематичних і навмисних діях або бездіяльності, спрямованих на порушення особистої автономії члена сім'ї з метою встановлення контролю, домінування чи підкорення. Ці дії не лише завдають фізичної та психологічної шкоди, а й порушують базові принципи взаємоповаги, особистої недоторканності й індивідуальності, що є фундаментом для гармонійного функціонування сімейних відносин. Такий підхід вимагає міждисциплінарного розгляду причин, динаміки та наслідків домашнього насильства, а також розробки ефективних механізмів профілактики й реагування, орієнтованих на забезпечення захисту прав і свобод кожного члена сім'ї [1].

Національна поліція України відіграє важливу роль у протидії домашньому насильству, адже саме вона здійснює оперативне реагування на заяви про такі випадки, забезпечуючи захист постраждалих та притягнення кривдників до відповідальності. Одним із основних напрямів роботи поліції є виявлення і припинення актів насильства, що включає як прийняття заяв і повідомлень, так і реалізацію заходів негайного реагування, таких як винесення термінових заборонних приписів для мінімізації ризиків для постраждалих осіб. Ефективна робота поліції забезпечується її здатністю діяти у кризових умовах. Наприклад, впровадження мобільних груп реагування, до складу яких входять

спеціально підготовлені співробітники, дозволяє швидко вирушати на місце події, фіксувати обставини правопорушення, документувати факти та забезпечувати первинну підтримку постраждалим [2, с. 235].

Під час оформлення справ про вчинення домашнього насильства, поліцейські часто допускають типові помилки, які можуть впливати на ефективність правопорушення та отримання допомоги постраждалими особами. Однією з найпоширеніших помилок є використання термінології, яка не відповідає чинному законодавству. Замість уживання терміну «домашнє насильство», може використовуватися термінологія, така як «насильство в сім'ї», «побутова сварка», чи «сімейний конфлікт». Це може ускладнити притягнення кривдника до відповідальності та отримання допомоги потерпілими. Також важливо враховувати, що не завжди правопорушення коректно описане у фабулі протоколу. Наприклад, для кваліфікації психологічного насильства необхідно враховувати не лише встановлення самого діяння, але й наслідків, які воно спричинило у постраждалої особи. Неправильно вказані дії та форма домашнього насильства можуть призвести до некоректної кваліфікації правопорушення. Іншою помилкою є відсутність повного опису об'єктивної сторони вчиненого правопорушення. Наприклад, поліцейські можуть не враховувати всіх форм домашнього насильства, або не зазначати ступінь споріднення між постраждалою особою та кривдником. Відсутність цієї інформації може ускладнити визначення відповідальності. Неналежне оформлення протоколу та матеріалів справ про адміністративне правопорушення, особливо в контексті домашнього насильства, може суттєво ускладнити подальше розслідування [3, с. 48].

Національна поліція України застосовує також низку інноваційних підходів для запобігання та реагування на домашнє насильство. Перш за все звернемо увагу на створення та запуск спеціальних мобільних додатків, зокрема WhiteRibbonUA, презентований МВС України. Цей додаток дозволяє жертвам повідомляти про насильство, отримувати інформацію про види та форми насильства, доступні сервіси поблизу та викликати поліцію через спеціальну кнопку. По-друге, діють цілодобові гарячі лінії, які забезпечують консультації та підтримку в будь-який час. Інформація про ці лінії поширюється через офіційні сайти МВС, чат-боти, профілактичні бесіди, а також через номер 102 для виклику поліції. По-третє, важливим елементом є професійна підготовка поліцейських, які проходять як тестування на стресостійкість і співбесіди, щоб відповідати вимогам служби в таких групах, так і спеціалізовані тренінги з виявлення та реагування на домашнє насильство. Ці тренінги включають розвиток психологічної стійкості, комунікаційних навичок і емпатії, що необхідно для роботи з жертвами. Важливим завданням є також розробка програм для працівників поліції щодо профілактичної роботи з кривдниками з метою запобігання повторним правопорушенням. А комплексний підхід потребує мережі забезпечення доступності до сервісів допомоги постраждалим особам для мешканців невеликих чи віддалених громад і населених пунктів, де вони зможуть отримати належну підтримку.

Посилення співпраці з соціальними службами, медичними установами та громадськими організаціями забезпечить комплексний підхід до вирішення проблеми [4, с. 215].

Висновки. Отже, ефективність реагування на домашнє насильство безпосередньо залежить від своєчасності поліцейського втручання, належного застосування превентивних і примусових заходів, якісної фіксації доказів та міжвідомчої взаємодії із соціальними службами, органами опіки й судом. Сучасна модель діяльності поліції у цій сфері поступово трансформується від формального реагування на заяву до комплексного підходу, що ґрунтується на оцінці ризиків, орієнтації на безпеку постраждалої особи та попередженні повторних випадків насильства. Водночас зберігаються системні проблеми, пов'язані з латентністю правопорушень, кадровим навантаженням, що зумовлює необхідність подальшого вдосконалення нормативного регулювання та організаційних механізмів реагування.

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## **РІВЕНЬ СУСПІЛЬНОЇ ДОВІРИ ДО ДПСУ ЯК ІНДИКАТОР ЕФЕКТИВНОСТІ СЛУЖБОВО-БОЙОВОЇ ДІЯЛЬНОСТІ**

В умовах повномасштабної збройної агресії Російської Федерації проти України питання національної безпеки набувають екзистенційного значення, а діяльність сектору безпеки і оборони піддається безпрецедентним випробуванням, що вимагає перегляду підходів до оцінки ефективності військових формувань [5]. Державна прикордонна служба України (ДПСУ), як невід’ємна складова Сил оборони, виконує широкий спектр завдань: від безпосередньої участі у бойових діях на лінії зіткнення до забезпечення режиму на державному кордоні та пропуску через нього відповідно до чинного законодавства [2]. У цьому контексті ефективність виконання службово-бойових завдань не може вимірюватися виключно кількісними показниками, такими як кількість затриманих порушників, обсяг вилученої контрабанди чи знищеної техніки ворога. Важливим якісним критерієм, що відображає реальний стан функціонування відомства та його інтеграцію в систему національного спротиву, стає рівень суспільної довіри. Актуальність дослідження цієї проблематики зумовлена необхідністю переосмислення взаємодії між військовими формуваннями та громадянським суспільством, де довіра виступає не просто іміджевим бонусом, а стратегічним ресурсом, що безпосередньо впливає на обороноздатність держави.

Суспільна довіра до правоохоронного та військового органу – це складний соціально-психологічний конструкт, який базується на впевненості громадян у тому, що дії даної інституції є законними, справедливими, компетентними та спрямованими на захист спільних інтересів [6]. Для ДПСУ цей показник є прямим індикатором легітимності її дій в очах населення. Високий рівень довіри свідчить про те, що суспільство сприймає прикордонників як надійних захисників, професіоналів та носіїв державних цінностей. У свою чергу, зниження цього рівня може сигналізувати про системні проблеми: від корупційних ризиків до комунікаційних провалів або неналежного виконання обов’язків. Таким чином, моніторинг суспільної думки стає важливим інструментом діагностики стану справ у відомстві, дозволяючи виявляти "больові точки" раніше, ніж вони переростуть у критичні загрози для національної безпеки [7].

Зв’язок між рівнем довіри та ефективністю службово-бойової діяльності є двостороннім та діалектичним. З одного боку, реальні успіхи на полі бою та на

кордоні формують довіру. Героїзм прикордонників у перші дні вторгнення, оборона Маріуполя, стійкість на Бахмутському та інших напрямках стали потужним фундаментом для зростання авторитету служби. Громадяни бачать конкретні результати: відсіч ворогу, звільнення полонених, надійний заслін диверсійним групам. Це формує кредит довіри, який, однак, потребує постійного підтвердження. З іншого боку, саме наявність довіри підвищує ефективність виконання завдань. У прикордонних районах, особливо на деокупованих територіях чи в зонах активних бойових дій, місцеве населення стає найважливішим джерелом інформації. Якщо громадяни довіряють прикордонникам, вони охоче йдуть на співпрацю: повідомляють про підозрілих осіб, рух ворожої техніки, прольоти безпілотних літальних апаратів чи спроби порушення кордону. Така синергія між військовими та цивільними, що базується на довірі, створює щільну систему безпеки, яку неможливо забезпечити виключно технічними засобами чи збільшенням кількості нарядів.

Окремим аспектом, де рівень довіри виступає критичним індикатором, є боротьба з корупцією та доброчесність персоналу. Специфіка роботи ДПСУ, пов'язана з контрольними функціями на кордоні, створює об'єктивні корупційні ризики, які потребують постійного моніторингу та превенції [1]. У суспільній свідомості образ прикордонника часто є дуалістичним: це і герой-захисник, і чиновник, що має владу "пропустити чи не пропустити". Будь-які прояви недоброчесності, хабарництва чи зловживання службовим становищем миттєво руйнують довіру, здобуту кров'ю на фронті. Тому соціологічні опитування, що фіксують ставлення громадян до корупції в органах ДПСУ, є прямим відображенням ефективності роботи підрозділів внутрішньої безпеки та кадрового менеджменту. Якщо суспільство сигналізує про проблеми на пунктах пропуску, це означає, що механізми антикорупційного контролю не спрацьовують належним чином, а отже, загальна ефективність системи знижується через внутрішню ерозію.

В умовах гібридної війни рівень довіри також є індикатором стійкості до інформаційно-психологічних операцій (ІПСО) противника [4]. Ворог постійно намагається дискредитувати українських військових, поширюючи фейки про "звірства", "побори" на кордоні чи "незаконну мобілізацію". Мета таких операцій – розірвати зв'язок між армією та народом, посіяти паніку та недовіру. Якщо рівень довіри до ДПСУ залишається стабільно високим, це свідчить про ефективність системи стратегічних комунікацій відомства та високий рівень медіаграмотності населення. У цьому контексті здатність прикордонного відомства оперативно, правдиво та відкрито комунікувати з суспільством, роз'яснювати складні питання (наприклад, щодо правил перетину кордону чоловіками призовного віку) є частиною службово-бойової діяльності в інформаційному просторі.

Також варто зазначити, що індикатор довіри корелює з морально-психологічним станом самого персоналу. Як зазначають дослідники психології діяльності в особливих умовах, військовослужбовці є частиною соціуму, і ставлення громадян до їхньої служби безпосередньо впливає на їхню

мотивацію [3]. Відчуття підтримки, поваги та вдячності з боку суспільства є потужним мотивуючим фактором, що спонукає до самовідданого виконання обов'язків. Натомість, атмосфера недовіри та ворожості призводить до професійного вигорання, зниження пильності та, як наслідок, погіршення результатів служби. Тому роботу з підвищення іміджу ДПСУ не можна розглядати як відокремлену PR-діяльність; це інтегральна складова бойової підготовки та виховної роботи, спрямована на підтримку високого бойового духу.

Аналіз динаміки суспільної довіри дозволяє керівництву відомства приймати обґрунтовані управлінські рішення. Наприклад, якщо моніторинг фіксує зниження довіри у конкретному регіоні або стосовно конкретного напрямку діяльності (наприклад, пропуск гуманітарних вантажів), це є сигналом для проведення службових розслідувань, ротації кадрів або зміни алгоритмів роботи. Ігнорування цих сигналів призводить до відчуження відомства від суспільства, що в умовах війни є неприпустимим. Більше того, прозорість діяльності ДПСУ та відкритість до діалогу з громадськими організаціями та волонтерським рухом сприяють залученню додаткових матеріально-технічних ресурсів для потреб фронту, що також є показником ефективного менеджменту [7].

Підсумовуючи викладене, можна стверджувати, що рівень суспільної довіри до Державної прикордонної служби України не є абстрактною категорією, а виступає конкретним, вимірюваним індикатором ефективності її службово-бойової діяльності. Висока довіра конвертується у реальну оперативну перевагу: вона забезпечує підтримку населення, покращує якість розвідувальної інформації, зміцнює тил та підвищує мотивацію особового складу. Водночас, вона слугує запобіжником проти внутрішніх загроз та зовнішніх інформаційних атак. Тому завдання щодо формування, підтримання та зміцнення довіри громадян має бути пріоритетним у стратегії розвитку відомства. Це вимагає від кожного прикордонника – від курсанта до генерала – усвідомлення того, що їхні дії формують не лише безпеку кордону, а й фундамент суспільної злагоди та національної єдності, без яких перемога у війні є неможливою.

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## **ПРАВА ЛЮДИНИ В УМОВАХ ВОЄННОГО СТАНУ ЯК СОЦІАЛЬНИЙ ВИКЛИК СУЧАСНОСТІ**

Права людини є фундаментальною цінністю сучасної цивілізації та невід’ємним елементом правової держави. Вони належать кожній особі від моменту народження незалежно від громадянства, статі чи соціального статусу. Їх природа має морально-правовий характер, оскільки ґрунтується на визнанні людської гідності як найвищої соціальної цінності [1]. Вимога дотримання прав людини означає насамперед обов’язок держави утримуватися від неправомірного втручання у приватну сферу особи та створювати належні умови для реалізації її свобод.

У системі права, права людини виконують системоутворюючу функцію. Вони визначають межі діяльності органів державної влади, формують зміст законодавства та слугують критерієм оцінки правомірності рішень і дій посадових осіб. Будь-яка діяльність державних інституцій, що посягає на обсяг або якість природних прав людини, визнається протиправною. Таким чином, права людини становлять основу правової реальності сучасного суспільства та гарантію стабільності соціального порядку.

Сучасний етап розвитку суспільства характеризується активним розширенням каталогу прав і свобод. Поряд із громадянськими, політичними, соціальними та культурними правами формується так зване «четверте



покоління» прав людини, пов'язане з розвитком інформаційних технологій, біоетики та екологічної безпеки. Це зумовлює нові дискусії щодо меж правового регулювання та співвідношення прав людини і публічних інтересів.

Особливої актуальності проблема набуває в умовах воєнного стану. Збройна агресія проти України та запровадження особливого правового режиму зумовили необхідність поєднання завдань національної безпеки з дотриманням конституційних гарантій. Відповідно до положень Конституція України, права і свободи людини і громадянина можуть бути обмежені лише у випадках, передбачених Основним Законом, і виключно в умовах воєнного або надзвичайного стану [2].

Україна як держава – учасниця Рада Європи забезпечує дотримання положень Конвенція про захист прав людини і основоположних свобод [5]. Стаття 15 Конвенції передбачає можливість тимчасового відступу від окремих зобов'язань у разі війни або іншої суспільної небезпеки, що загрожує життю нації. Водночас такі заходи повинні бути пропорційними та не суперечити іншим міжнародним зобов'язанням держави.

Після початку повномасштабного вторгнення Україна скористалася процедурою дерогації, офіційно повідомивши про це міжнародні інституції [4]. Такий крок відповідає усталеній міжнародній практиці та свідчить про дотримання державою правових механізмів навіть в умовах воєнного часу.

Разом із тим існує перелік прав, які не можуть бути обмежені навіть за умов воєнного стану. До них належать право на життя, повага до гідності, заборона катувань, презумпція невинуватості, право на справедливий суд, заборона рабства і примусової праці [3, 4]. Ці права мають абсолютний характер і становлять основу правового статусу особи.

Соціальний виклик сучасності полягає у необхідності забезпечення балансу між інтересами державної безпеки та свободами людини. Надмірні обмеження можуть призвести до зниження довіри до державних інституцій і порушення принципу верховенства права. Водночас недостатність безпекових заходів створює загрозу життю громадян і функціонуванню держави. Саме тому реалізація прав людини в умовах воєнного стану потребує чіткої правової регламентації, ефективного судового контролю та прозорості діяльності органів влади.

У перехідний період розвитку українського суспільства особливого значення набуває формування правової культури та відповідальності громадян. Кожна особа має право на вільний розвиток своєї особистості, якщо при цьому не порушуються права інших, що передбачає взаємозв'язок прав і обов'язків [4]. Усвідомлення цього принципу є необхідною умовою стабільності та демократичного розвитку держави.

Отже, права людини в умовах воєнного стану виступають складним соціально-правовим феноменом, який поєднує гарантії свободи та вимоги безпеки. Їх ефективний захист є визначальним чинником збереження демократичних цінностей і подолання сучасних соціальних викликів.

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2. Конституція України: Закон України від 28.06.1996 № 254к/96-ВР.
3. Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) від 04.11.1950 р.
4. Про правовий режим воєнного стану: Закон України від 12.05.2015 № 389-VIII.

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## **ПРОЦЕСУАЛЬНІ ОСОБЛИВОСТІ НАКЛАДЕННЯ АРЕШТУ НА ВІРТУАЛЬНІ АКТИВИ У КРИМІНАЛЬНОМУ ПРОВАДЖЕННІ**

Стрімка цифровізація світової економіки та поява віртуальних активів кардинально змінила фінансовий ландшафт, створивши новий вид цифрового майна, який не має фізичного втілення. Головною особливістю цього об'єкта є його нематеріальна природа, транскордонність, анонімність та технічна складність доступу, що в свою чергу зумовлює невідповідність традиційних інструментів Кримінального процесуального кодексу України потребам сучасної правоохоронної системи. В Україні, яка стабільно входить до лідерів за рівнем використання крипто валют населенням, питання правового регулювання цього сектору набуло особливої гостроти. Оскільки поряд із легітимним використанням, віртуальні активи дедалі частіше стають інструментом вчинення кіберзлочинів, легалізації (відмивання) доходів, одержаних злочинним шляхом, та фінансування тероризму. Своєрідною правовою аномалією є те, що правове регулювання віртуальних активів в Україні перебуває у стані «відкладеної чинності». Оскільки Закон України «Про віртуальні активи» прямо залежить від реформування податкового законодавства (Законопроект №10225-д), це створює колізію у цивільно-правовому обігу. Правоохоронні органи при накладенні арешту фактично наділяють віртуальні активи властивостями майна в межах Кримінального процесуального кодексу, хоч де-юре в цивільному обороті ці активи ще не мають легалізованої форми. Таким чином держава отримує інструменти для вилучення та обмеження прав на об'єкт, який вона офіційно ще не визнала в податковому та фінансовому полі. Окремі країни, такі як Північна Корея, мають кібервійська, завданням яких є злам бірж та викрадення криптовалюти та її подальший обмін і продаж з метою обходу міжнародних санкцій з метою

фінансування правлячого режиму. Водночас до цього часу немає жодних роз'яснень щодо того, як слідчому, кіберполіцейському, детективу чи прокурору вилучити криптовалюту, яка є предметом злочину або здобута злочинним шляхом, де і в який спосіб її зберігати, а також як така криптовалюта має бути конфіскована за рішенням суду і зрештою, яким чином вона може бути потім реалізована з тим, щоб грошові кошти від її продажу надійшли до державного бюджету. Так, у Кримінальному кодексі України не передбачено прямої кримінальної відповідальності за незаконне заволодіння криптовалютою, а норми Кримінального процесуального кодексу України не пристосовані до розслідування кримінальних правопорушень у сфері криптовалют і так само не передбачають порядку та процедури вилучення, зберігання і конфіскації крипто валюти. Наразі лише ч. 10 ст. 170 КПК України передбачає можливість накладення арешту на віртуальні активи [4].

Особливої уваги у контексті досліджуваної проблеми заслуговує кримінальне провадження стосовно діяльності Назарія Гусакова, яке стало лакмусовим папірцем для української правоохоронної системи у 2024-2025 роках. Суть прецеденту полягає у виявленні масштабних фінансових потоків (понад 5,1 млн доларів США), що проходили через криптогаманці фігуранта на централізованих біржах Binance та FTX під виглядом збору коштів на лікування[5]. З одного боку, правоохоронці успішно провели масштабну аналітичну роботу: ідентифікували тисячі транзакцій на суму понад 100 млн грн та допитали сотні потерпілих, що свідчить про високу якість збору доказової бази в цифровому середовищі. З іншого боку, втеча підозрюваного за кордон разом із накопиченими активами підсвітила головну проблему: відсутність механізмів миттєвого превентивного блокування криптогаманців на етапі досудового розслідування. Для виявлення та відслідковування незаконної діяльності у мережах технології «блокчейн» використовуються спеціальні знання та відповідно спеціальне програмне забезпечення. У зв'язку із цим під час розслідування кримінальних правопорушень, пов'язаних з використанням криптовалют, рекомендується використовувати допомогу спеціалістів. Процесуальні дії, які планується проводити, мають бути попередньо сплановані, слідчому не зайвим буде проконсультуватися з відповідними спеціалістами, вирішити питання про їх залучення до слідчих (розшукових) дій, «прорахувати» можливі слідчі ситуації у зв'язку з контактуванням із особою, щодо якої здійснюватиметься захід. Очевидно, що спеціалістами у цій категорії справ можуть бути фахівці у сфері інформаційних технологій (ІТ), а також інші особи, які, наприклад мають сертифікати чи свідоцтва про проходження тренінгів або навчальних курсів у сфері криптовалют та блокчейну. Консультації із спеціалістом слід здійснювати ще на етапі планування та підготовки до проведення вилучення криптовалют, а не безпосередньо під час її вилучення. Також до С(Р)Д можна залучати фахівців Національного агентства України з питань виявлення, розшуку та управління активами, одержаними від корупційних та інших злочинів (АРМА). Використання спеціальних знань і навичок спеціаліста фіксується у протоколі С(Р)Д, додатках

до нього. Можлива й підготовка довідок спеціаліста у сфері криптовалюти як окремого процесуального документа. У такій довідці особа, маючи відповідні спеціальні знання, може зазначити всі транзакції з криптовалютою в електронному гаманці підозрюваного, описати особливості виду криптовалюти, вказати спеціальне програмне забезпечення, яке було застосовано спеціалістом та ін. Ця довідка буде вважатися документом, яка відповідно до ст. 99 КПК України, є джерелом доказів [6].

На основі аналізу сучасних прецедентів, можемо спостерігати ситуацію, де цифрова швидкість злочину значно перевищує процесуальну швидкість держави. Ефективне накладення арешту на віртуальні активи можливе лише за умови переходу від паперових ухвал до реального технічного контролю над криптогаманцями ще на початкових етапах слідства. Хоча правоохоронні органи демонструють високу якість аналітичної роботи у відстеженні транзакцій, відсутність механізмів миттєвого технічного блокування активів нівелює результати розслідувань. Як зазначають науковці, без чітко визначеного правового статусу віртуальних активів в законодавстві, можливість реального притягнення до відповідальності залишається безуспішним.

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## РОЛЬ МЕТАФОР У МОВІ ПРОФЕСІЙНОЇ КОМУНІКАЦІЇ (НА ПРИКЛАДІ ЮРИДИЧНОЇ ТЕРМІНОЛОГІЇ)

Наявність великої кількості мов професійної комунікації пов'язана з різноманітністю сфер професійної діяльності в суспільстві: економіка, медицина, промисловість, політика, торгівля, право тощо. Але в цьому випадку це не мови окремої спеціальності, а саме професійні мови, які охоплюють комплекс різноманітних мовних засобів, які обслуговують певну професійну галузь. Одним із них є метафора. «Мова пристосовується до нових умов комунікації, а метафора в цьому разі допомагає мові адаптуватися до мінливої дійсності» [1, с. 29].

Професійна сфера постійно розширюється й зазнає суттєвих змін, а метафора виступає в ролі специфічного ментального об'єднання предметів із різних сфер, що сприяє появі нових термінів. Деякі терміни є суто авторським засобом образного розкриття поняття, а інші набувають сталості й стають новими термінами. Наприклад, терміни в галузі математики – *спадна функція*, *зворотний оператор*; в електротехніці – *напівпровідник*; в архітектурі – *агресивні балкони*, *багата ліпнина*, *експресія будівлі*; в медицині – *водолюбний сорбітол*, *дозрівання фурункула* тощо. Як бачимо, у різних професійних сферах діяльності функціонують метафори, які допомагають розкрити сутність нового об'єкта на підставі його схожості з іншим, вже відомим в іншій галузі знання.

Специфіка метафори, як мовного явища, дозволяє фіксувати нові наукові результати й позначати їх у мові, оскільки вже наявні мовні засоби не дозволяють досліднику висловити те нове, що він відкрив. Отже, метафора є своєрідним «провідником» у спілкуванні. Автор дослідження може образно виразити свою думку, піддавши її когнітивному та чуттєвому оцінюванню. Когнітивний потенціал метафори в професійній комунікації полягає в тому, що вона дає можливість сформулювати нове відкриття або описати об'єкт, і відповідно, зрозуміти щось нове. «Процес метафоризації відбувається за тими самими принципами, що й у загальнонародній мові, на початкових етапах терміноодиниці зберігають образність, і лише згодом образно-оцінне забарвлення відходить на другий план, а метафоричний термін носії мови вже не сприймають як метафору» [2, с. 38].

Асоціативний характер процесу пізнання – це попередні уявлення про вже відоме, і як наслідок, формується образність терміна.

У професійній мові метафора допомагає знайти аналоги предметів, а також допомагає осмислити складні об'єкти і явища, описуючи їх більш яскраво й викликаючи певні асоціації. Це особливо помітно в праві, оскільки правові категорії за своєю природою абстрактні, як-от: *вина, відповідальність, право, обов'язок*.

Метафора в юридичній термінології дозволяє структурувати ці категорії, спираючись на просторові, природні та антропоморфні схеми. Наприклад: *правове поле, межі компетенції, межі юрисдикції, джерело права, норма впливає, правовий потік, гілки влади, органи державної влади*. Подібні терміни демонструють багатогранність юридичного мислення.

Зараз розвиток людини та її професійних якостей відбувається в специфічному й динамічному культурному та соціальному середовищі, що значно впливає на способи її сприйняття. Однак метафори в юридичній галузі можуть сприйматися лише особами, які мають професійні знання й володіють мовою професійної комунікації. Тому відбір, оброблення та презентація в мовленні професійної інформації здійснюється з обов'язковим урахуванням людського фактора.

Мова професійної комунікації – це обмін інтелектуальною інформацією й засіб спілкування. У цьому випадку загальний набір певних знань і комунікативних навичок у галузі права загалом і в юридичній термінології зокрема повинен бути рівноцінним як у мовця, так і в слухача.

Прикладом використання метафори в суто юридичній термінології є поняття *прогалина в законодавстві*. Спочатку слово *прогалина* означало відсутність заповнення у фізичному просторі. У праві його використовують для позначення неможливості нормативного регулювання. Аналогічно функціонують терміни *буква закону* і *дух закону*, де тексту надаються характеристики живого носія значення.

Таким чином, метафора в мові професійної правової комунікації – це не випадковий елемент, оскільки вона виконує кілька важливих функцій: спрощує сприйняття складних юридичних конструкцій, забезпечує компактність та інформативність номінації, формує певну картину правової реальності. Однак метафоричність у юридичній термінології повинна бути суворо обмежена вимогами точності й однозначності. Оскільки з часом образність юридичних термінів втрачається, вони набувають статусу нейтральних, мінімізуючи ризик інтерпретаційної невизначеності, особливо небезпечної в праві.

Отже, ідентифікація метафори в мові будь-якої професійної комунікації тісно пов'язана з розвиненою уявою, творчим мисленням та особистим досвідом у професійній сфері. А метафора в юридичній термінології – це закономірний інструмент концептуалізації та категоризації правової дійсності, а не випадковий елемент мови.

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## **ПРОБЛЕМНІ ПИТАННЯ ТА ШЛЯХИ ПІДВИЩЕННЯ ЕФЕКТИВНОСТІ ВИКОРИСТАННЯ КРИМІНАЛІСТИЧНИХ ОБЛІКІВ У ДОСУДОВОМУ РОЗСЛІДУВАННІ**

Криміналістичні обліки є невід'ємною складовою сучасного досудового розслідування, які слугують потужним інструментом для оперативного збору та аналізу інформації, пов'язаної зі злочинами. Вони створюються із метою використання їх для запобігання і розслідування кримінальних та інших правопорушень при здійсненні оперативно-розшукової діяльності та досудового слідства, а також з метою підвищення рівня інформаційного забезпечення проведення експертних досліджень. Облікова інформація у розслідуванні кримінальних правопорушень може бути використана для вирішення низки завдань - від установлення конкретних фактів при доказуванні до прийняття рішення в рамках реалізації матеріалів оперативно-розшукової діяльності [1, с.212]. Криміналістичні обліки охоплюють різноманітні бази даних, такі як дактилоскопічні відбитки пальців, профілі ДНК, балістичні зразки куль і гільз, реєстри викрадених транспортних засобів, бази даних про підроблені документи та багато інших елементів. Ці обліки дозволяють швидко ідентифікувати підозрюваних, встановлювати зв'язки між серійними злочинами, відновлювати хронологію подій і збирати переконливі докази для суду. Наприклад, у випадках серійних крадіжок чи вбивств, порівняльний аналіз ДНК з бази може допомогти виявити злочинця за лічені години, що значно прискорює процес розслідування. Однак, попри їхню потенційну ефективність, використання криміналістичних обліків у практиці стикається з багатьма проблемними питаннями, які знижують загальну продуктивність системи правосуддя і призводять до порушення строків справ [2, с. 97].

Однією з головних проблем є недостатня інтеграція баз даних між різними правоохоронними органами та відомствами. В Україні, наприклад, Міністерство внутрішніх справ, Служба безпеки та Державна прикордонна служба часто мають окремі системи, що не синхронізуються в реальному часі. Це призводить до дублювання інформації, витрат часу на повторний збір даних і навіть до пропусків важливих зв'язків між злочинами. Наприклад, уявимо ситуацію, коли дані про підозрюваного в одному регіоні не доступні для слідчих в іншому, що дозволяє злочинцю уникнути покарання. Крім того, технічні проблеми, такі як застаріле програмне забезпечення, низька швидкість обробки запитів чи відсутність мобільних додатків для доступу до обліків у польових умовах, ускладнюють роботу оперативників. У регіональних підрозділах, де фінансування обмежене, обладнання може бути несумісним з сучасними стандартами, що призводить до частих збоїв і втрати даних [3, с. 183].

Ще одним критичним аспектом є низька якість даних у криміналістичних обліках. Помилки при внесенні інформації – від неточних описів об'єктів до неповних профілів ДНК – часто виникають через відсутність єдиних стандартів збору зразків. Наприклад, якщо відбитки пальців зняті неякісно або без використання цифрових сканерів, їх порівняння стає неможливим. Неповні записи, коли відсутні ключові деталі як дата злочину чи характеристики речових доказів, роблять обліки менш корисними. До цього додається проблема застарілих даних: бази не завжди оновлюються вчасно, що призводить до використання неактуальної інформації. Крім того, недостатня кількість систематичного аудиту призводить до накопичення "сміттєвих" даних, які засмічують бази і уповільнюють пошуки [4, с. 181].

Значною перешкодою є також недостатня підготовка кадрів. Багато слідчих та оперативних працівників не проходять спеціалізованого навчання з використання криміналістичних обліків, адже обмежуються базовими навичками. Вони можуть не володіти знаннями, як формулювати запити для пошуку, трактувати результати аналізу чи об'єднувати дані з іншими джерелами, такими як камери спостереження чи соціальні мережі. Це призводить до недооцінки потенціалу обліків і покладання на традиційні методи розслідування, такі як опитування свідків, які менш ефективні. Правові аспекти також відіграють негативну роль: суворі вимоги до конфіденційності даних, бюрократичні процедури на отримання доступу та обмеження на обмін інформацією з міжнародними партнерами часто уповільнюють оперативність. Наприклад, у випадках транскордонної злочинності, таких як торгівля людьми чи контрабанда, затримки в обміні даними з INTERPOL можуть дозволити злочинцям зникнути.

Для того, щоб покращити ефективність використання криміналістичних обліків у досудовому розслідуванні потрібен комплексний підхід, що поєднує технологічні, організаційні та правові заходи. Насамперед, модернізація технічної інфраструктури: створення єдиної національної платформи, яка об'єднує всі види обліків і забезпечує захищений доступ через хмарні



технології. Це дозволить уникнути дублювання, прискорити пошуки та забезпечити сумісність з мобільними пристроями. Впровадження ШІ та алгоритмів машинного навчання може революціонізувати процес: автоматизований аналіз патернів злочинів, прогнозування рецидивів чи розпізнавання облич з баз даних. Наприклад, системи на кшталт AFIS (автоматизованої системи ідентифікації відбитків) з елементами AI вже успішно застосовуються в розвинених країнах, скорочуючи час ідентифікації з днів до хвилин [5, с. 112].

Отже, для оцінки ефективності варто впроваджувати моніторинг та аудит використання обліків, з фокусом на ключові показники, як-от швидкість обробки запитів чи кількість розкритих злочинів завдяки даним. Це дозволить виявляти слабкі місця та коригувати стратегії. Загалом, системний підхід до вирішення проблемних питань – від технологій до людського фактора – може суттєво підвищити роль криміналістичних обліків у забезпеченні справедливого та оперативного досудового розслідування, сприяючи зниженню рівня злочинності.

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## **ПРАВОВА КОМУНІКАЦІЯ ЯК ЗАСІБ ЗАБЕЗПЕЧЕННЯ ПРАВ ЛЮДИНИ**

У сучасному демократичному суспільстві одним із пріоритетів держави є гарантування прав і свобод людини. Виконання цього завдання вимагає налагодженої та результативної кооперації між державними інститутами, інститутами громадянського суспільства та окремими громадянами. В цьому контексті істотну роль відіграє правова комунікація, яка забезпечує поширення правової інформації, сприяє формуванню правосвідомості й створює передумови для реалізації прав людини. Саме через механізми правової комунікації відбувається взаємодія суб'єктів правових відносин, що дозволяє впроваджувати правові норми в практичну діяльність [1, с. 15].

Правова комунікація є комплексним соціально-правовим феноменом, що охоплює обмін правовою інформацією між державою, суспільством та громадянами. Вона включає процеси передачі, сприйняття й тлумачення правових норм, судових рішень та правових позицій. У цій системі взаємодіють різні суб'єкти: громадяни, органи державної влади, суди, правоохоронні органи, адвокати, правозахисні організації та інші учасники правової системи. Завдяки такій взаємодії забезпечується регулювання суспільних відносин і ефективне функціонування правової системи [2, с. 42].

Однією з ключових функцій правової комунікації є інформування громадян про їхні права та обов'язки. Людина може повною мірою реалізувати свої права лише за умови знання про їхнє існування та механізми захисту. Отже, держава повинна забезпечити доступність правової інформації для всіх громадян. Це досягається через нормативно-правові акти, офіційні повідомлення органів влади, засоби масової інформації, освітні програми та електронні державні ресурси. У процесі інформування значну роль виконують також правоохоронні органи, які безпосередньо контактують із громадянами й надають роз'яснення щодо застосування правових норм [3, с. 67].

Особливу вагу правова комунікація має у діяльності органів державної влади та правоохоронних структур. Виконуючи посадові обов'язки, їхні працівники постійно взаємодіють із громадянами, розглядають звернення, надають правові консультації та роз'яснення щодо застосування законодавства. Якість такої комунікації визначає ефективність захисту прав людини та рівень довіри населення до державних інституцій. Налагоджена правова комунікація сприяє підвищенню правової культури громадян і зміцненню правопорядку в державі.

Не менш важливим є забезпечення відкритості й прозорості діяльності органів державної влади. У демократичних умовах громадяни мають право на отримання інформації про діяльність державних інституцій, участь у прийнятті рішень і контроль за роботою влади. Правова комунікація створює підґрунтя для такого публічного діалогу між державою та суспільством, що сприяє розвитку демократичних інституцій і закріпленню принципу верховенства права [4, с. 18].

Правова комунікація також істотно впливає на формування правової культури суспільства. Під правовою культурою розуміють знання законодавства, повагу до правових норм і готовність їх дотримуватися. Високий рівень правової культури сприяє стабільності суспільних відносин, зменшенню кількості правопорушень і підвищенню правосвідомості громадян. Формуванню правової культури сприяють система освіти, правове інформування та діяльність державних органів.

У контексті становлення інформаційного суспільства можливості правової комунікації значно розширилися. Використання інформаційно-комунікаційних технологій забезпечує оперативний доступ громадян до правової інформації, подання електронних звернень, отримання консультацій та користування державними сервісами. Електронні платформи державних органів, офіційні веб-сайти та інші цифрові ресурси істотно полегшують взаємодію між громадянами й державою.

Водночас існують певні виклики в сфері правової комунікації. Серед них – недостатній рівень правової обізнаності населення: значна частина громадян не має інформації про свої права або не розуміє засад їхнього захисту. Додатковою перешкодою є складність юридичної мови й процедур, що ускладнює сприйняття правової інформації. Отже, важливим завданням держави є підвищення рівня правової освіти населення, спрощення доступу до правової інформації та вдосконалення механізмів взаємодії громадян із органами влади.

Отже, правова комунікація є необхідним елементом функціонування правової системи та одним із ключових засобів забезпечення прав людини. Вона сприяє ефективному обміну правовою інформацією між державою й громадянами, формуванню правової культури суспільства та підвищенню довіри до державних інституцій. Розвиток дієвої правової комунікації є передумовою становлення демократичної правової держави, у якій права й свободи людини визнаються найвищою соціальною цінністю.

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## **ВПРОВАДЖЕННЯ ЦИФРОВИХ ТЕХНОЛОГІЙ У ДОСУДОВЕ РОЗСЛІДУВАННЯ: ПРАВОВІ ВИКЛИКИ**

В умовах розвитку суспільства цифровізація стала невід'ємною складовою всіх сфер суспільного життя, серед іншого й кримінального провадження. В Україні процес цифрової трансформації досудового розслідування отримав законодавче підґрунтя після прийняття Закону № 1498-ІХ від 01.06.2021, який запровадив можливість використання інформаційно-телекомунікаційних систем у кримінальному процесі. Водночас швидкість технологічного прогресу значно випереджає темпи адаптації правових норм, що створює суттєві правові виклики. Відсутність чітких правил роботи з електронними доказами, недостатня підготовка кадрів та прогалини у технічному забезпеченні призводять до того, що значна частина матеріалів, отриманих сучасними засобами, не визнається судом належними та допустимими. Це суттєво знижує ефективність розслідування, особливо у справах про кіберзлочини, воєнні злочини та інші правопорушення, де доказова база має переважно цифровий характер [1, с. 75].

Зокрема, застосування безпілотних літальних апаратів під час огляду місця події набуло особливого значення в умовах воєнного стану. Дрони дозволяють проводити дистанційну фото- та відеофіксацію, створювати тривимірні моделі місцевості, виявляти приховані об'єкти та документувати наслідки обстрілів без ризику для життя слідчо-оперативної групи. Проте відсутність єдиних технічних стандартів та чіткого порядку визнання матеріалів, отриманих за допомогою БПЛА, належними та допустимими доказами залишається серйозною проблемою. Питання захисту даних, автентичності зображень та відповідності отриманих матеріалів вимогам ст. 99–100 КПК України потребують негайного нормативного врегулювання [2].

Також варто зазначити, що використання «розумних» технологій та систем штучного інтелекту (далі – ШІ) відкриває принципово нові можливості для органів досудового розслідування: автоматизований аналіз великих масивів інформації, розпізнавання осіб і транспортних засобів, прогнозна аналітика, автоматичне виявлення підозрілих патернів поведінки. Водночас результати роботи ШІ наразі не мають визначеного процесуального статусу, що ускладнює

їх використання як доказів та створює ризик порушення принципу безпосередності дослідження доказів. Відсутність критеріїв оцінки надійності алгоритмів, прозорості їх роботи та механізмів оскарження автоматизованих рішень гальмує широке впровадження таких технологій у практику [3, с. 108].

У контексті досліджуваного питання зауважимо, що в умовах повномасштабної війни кардинально змінилися вимоги до підготовки кадрів для органів досудового розслідування. Традиційні програми навчання вже не здатні сформувати необхідні компетентності для роботи з цифровими доказами, сучасними технічними засобами та інформаційно-телекомунікаційними системами. Виникає нагальна потреба у створенні спеціалізованих навчальних модулів з цифрової криміналістики, кібербезпеки, роботи з електронними доказами та використання новітніх технічних засобів під час огляду місця події та проведення інших слідчих дій. Без системного оновлення криміналістичної дидактики ефективність цифрової трансформації залишатиметься низькою [4, с. 131].

Впровадження БПЛА та систем ШІ у досудове розслідування в умовах війни в Україні є вкрай актуальним, оскільки ці технології сприяють оперативному й безпечному документуванню місця події. Однак відсутність уніфікованих стандартів і нормативного регулювання щодо визнання таких матеріалів доказами створює значні ризики для подальшого судового провадження. Крім того, недосконалість критеріїв надійності та механізмів оскарження рішень ШІ може призвести до порушення прав людини. Вважається доцільним створення національної системи сертифікації цифрових інструментів і алгоритмів, а також оновлення програм підготовки кадрів для забезпечення відповідності сучасним викликам цифрової трансформації кримінального процесу.

Тому важливо використовувати зарубіжний досвід у сфері впровадження цифрових технологій у досудове розслідування. Водночас підкреслимо, що, хоча таке використання безперечно є важливим і доцільним, однак потребує виваженого підходу. Закордонні практики, зокрема у країнах ЄС, США та Ізраїлі, вже довели свою ефективність у питаннях автоматизації аналізу великих масивів даних, створення єдиних цифрових баз доказів та використання інноваційних інструментів для фіксації й захисту електронних слідів. Проте сліпе копіювання або пряме імплементація таких рішень в українське законодавство та слідчу практику може призвести до низки суттєвих проблем. По-перше, правові традиції, структура кримінального процесу і система гарантій прав людини в Україні мають свої особливості, які часто не співпадають із зарубіжними моделями. Без належної адаптації іноземних технологій можливе порушення засад презумпції невинуватості, змагальності сторін або визнання доказів недопустимими через невідповідність національним вимогам. По-друге, важливо враховувати відмінності у технічній інфраструктурі, рівні підготовки кадрів та ресурсному забезпеченні, що може вплинути на ефективність і безпеку цифрових рішень. Найбільш доречною є поступова інтеграція окремих елементів зарубіжного досвіду – наприклад,

модульної побудови інформаційних систем, технологій ізоляції та перевірки цілісності доказів, сучасних методів навчання слідчих із використанням симуляторів. Успішна імплементація можлива лише за умови попереднього пілотного тестування, законодавчого закріплення порядку застосування новітніх технологій та їх гармонізації з існуючими українськими правовими нормами [4, с. 132; 5, с. 154].

Не менш важливим є питання захисту ланцюга поводження з цифровими доказами (digital chain of custody). Сьогодні в Україні відсутня єдина обов'язкова технологія, яка б гарантувала незмінність файлів від моменту їх отримання до пред'явлення в суді. Застосування криптографічних хеш-функцій, часових міток та технологій розподіленого реєстру могло б повністю виключити можливість маніпуляцій, але потребує внесення відповідних змін до КПК України та створення національного стандарту фіксації цифрових доказів. Без такого стандарту суди вимушені покладатися виключно на пояснення слідчого чи експерта, що суттєво послаблює доказову силу матеріалів. З огляду на що перспективним є впровадження технологій розподілених реєстрів (blockchain) для фіксації всього ланцюга поводження з цифровими доказами. Такий підхід гарантує неможливість несанкціонованих змін, забезпечує прозорість кожного етапу роботи з матеріалом та дозволяє суду в режимі реального часу перевірити автентичність і цілісність файлів. Науковці наголошують, що саме поєднання класичних криміналістичних методик з сучасними цифровими інструментами має стати основою нової гібридної парадигми розслідування злочинів у XXI столітті [6, с. 335].

Важливим елементом цифрової трансформації є поступовий перехід до повністю електронного кримінального провадження. Такий формат дозволив би усунути паперовий документообіг, прискорити обмін матеріалами між учасниками провадження та мінімізувати ризик втрати або підробки документів. Проте реалізація потребує не лише технічного забезпечення, а й внесення змін до норм КПК України щодо порядку ознайомлення з матеріалами, підписання процесуальних документів кваліфікованим електронним підписом та визнання юридичної сили електронної копії. Більше за все, подальший розвиток цифрової трансформації має відбуватися паралельно з посиленням механізмів судового контролю за використанням новітніх технологій. Слідчий суддя повинен мати можливість перевіряти не лише законність отримання доказів, а й коректність роботи алгоритмів, прозорість їх навчання та відсутність упередженості.

Отже, цифрова трансформація досудового розслідування в Україні перебуває на етапі активного становлення. Подолання наявних правових викликів можливе за умови поєднання законодавчих змін, технічного переоснащення, кадрового забезпечення та постійного наукового супроводу. У такому разі цифрові технології стануть не джерелом додаткових ризиків, а надійним інструментом швидкого, повного та неупередженого досудового розслідування кримінальних правопорушень.

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## **ЗАБЕЗПЕЧЕННЯ ПРАВ ПОТЕРПІЛИХ ВІД СЕКСУАЛЬНОГО НАСИЛЬСТВА У КРИМІНАЛЬНОМУ ПРОЦЕСІ**

Захист прав осіб, які постраждали від сексуального насильства, у кримінальному процесі є ключовим показником гуманності та дієвості системи правосуддя. У нинішніх реаліях, зокрема зумовлених повномасштабною агресією проти України, ця проблема стає особливо актуальною, оскільки сексуальне насильство залишає не лише фізичні, а й значні психологічні травми. Потерпілі нерідко зіштовхуються із недовірою суспільства, стигматизацією та повторною травматизацією під час проведення слідчих (розшукових) дій і судового розгляду. Саме тому кримінальне провадження має бути організоване так, щоб

забезпечити не лише притягнення винних до відповідальності, але й повноцінний захист прав, свобод і законних інтересів, зокрема повагу до гідності, постраждалої особи.

Ефективні механізми правового захисту сприяють відновленню довіри до держави та її інституцій [1]. Правовий статус потерпілих у рамках кримінального провадження визначає спектр їх процесуальних прав і наданих гарантій. Особа, яка пережила сексуальне насильство, повинна мати доступ до правосуддя, гарантії безпеки, право на повагу до честі та гідності, а також на компенсацію завданої шкоди. Критично важливим є забезпечення своєчасного інформування про перебіг кримінального провадження та можливість участі в процесуальних діях. Ігнорування цих гарантій може призводити до додаткової віктимізації постраждалого.

Одним із найважливіших аспектів є охорона права постраждалих на приватність. Розголошення відомостей про особисте життя чи обставини злочину може поглибити психологічну шкоду. Закриті судові засідання у кримінальних провадженнях щодо сексуальних злочинів виступають одним із ефективних інструментів для захисту приватності. Додатково до цього, доцільними є заходи обмеження доступу до персональних даних в матеріалах провадження. Такий підхід дозволяє створити безпечне середовище для участі потерпілих у кримінальному провадженні. Також важливим залишається питання гарантування безпеки постраждалих від можливих погроз чи помсти з боку підозрюваних або їхнього оточення. Законодавство передбачає використовувати заходи щодо забезпечення безпеки, зокрема зміну особистих даних чи організацію охорони.

Проте реалізація таких заходів потребує належного фінансування та ефективної взаємодії між правоохоронними структурами. Без наявності дієвих механізмів захисту потерпілі можуть утримуватися від подачі заяв до правоохоронних органів, що ставить під загрозу правосуддя в цілому. Не менш значущою є можливість отримання безоплатної правничої допомоги [2]. Зазвичай, потерпілі від сексуального насильства перебувають у вразливому стані й часто не володіють достатніми ресурсами для захисту своїх інтересів.

Надання кваліфікованої юридичної допомоги сприяє реалізації їхніх прав та запобігає маніпуляціям чи порушенням. Робота представника допомагає потерпілим орієнтуватися у складному процесуальному середовищі й ефективно представити свої інтереси в суді. У результаті це забезпечує більшу справедливість і рівновагу між сторонами під час судового провадження.

Психологічна підтримка виступає як важливий компонент у забезпеченні захисту прав потерпілих. Проведення допитів та інших слідчих (розшукових) дій нерідко стає причиною повторної травматизації. Тому доцільно залучати кваліфікованих психологів під час таких процесуальних дій, особливо якщо справа стосується неповнолітніх [3]. За допомогою спеціалізованих методик опитування можна суттєво зменшити негативний вплив на постраждалих, забезпечує збереження психічного здоров'я та психологічної рівноваги осіб, які зазнали утисків.



Проблема вторинної віктимізації залишається однією з найскладніших у процесі кримінального провадження. Непрофесійний підхід або упередженість під час допитів часто стають причиною приниження гідності постраждалих. Зведення до мінімуму звинувачувального тону і дотримання етичних стандартів є нагальними завданнями для правоохоронної системи. Спеціалізована підготовка представників судової та слідчої сфер щодо принципів гендерної чутливості значно покращує якість розслідувань, водночас формуючи більш гуманний підхід до розгляду подібних справ. Міжнародні стандарти стали важливим чинником у розвитку національного законодавства. Зокрема, правові акти Ради Європи та інших міжнародних інституцій забезпечують мінімальні гарантії для захисту прав потерпілих, включаючи комплексну стратегію протидії сексуальному насильству. Ці стандарти охоплюють як превентивні заходи, так і реабілітаційну підтримку жертв. Їх імплементація сприяє гармонізації української правової системи з європейськими принципами, підвищуючи таким чином довіру до правосуддя як серед громадян, так і на міжнародній арені.

Окремої уваги заслуговують питання доказування у кримінальних провадженнях, пов'язаних із сексуальним насильством. Через те, що такі злочини часто вчиняються без свідків, процес збору доказів суттєво ускладнюється. Критично важливим є належне задокументування медичних даних та докладний запис свідчень потерпілих. Судова практика поступово змінюється, відмовляючись від застарілих стереотипів щодо «очікуваної поведінки жертви».

Відповідно, об'єктивний і неупереджений підхід є запорукою справедливих судових рішень. Гарантування права постраждалих на відшкодування завданої шкоди є невіддільним складником відновлення справедливості [4]. Як майнована, так і моральна компенсація здатні полегшити наслідки пережитої травми. Держава має забезпечувати реальні механізми отримання відшкодувань навіть у випадках, коли винуватець не має достатніх фінансових ресурсів. У таких ситуаціях створення спеціалізованих фондів для підтримки постраждалих може стати дієвим кроком до вирішення проблеми, демонструючи соціальну відповідальність держави перед своїми громадянами.

Особлива увага повинна приділятися неповнолітнім жертвам злочинів, оскільки вони потребують додаткового захисту та підтримки. Важливо передбачити присутність законних представників під час проведення процесуальних дій. Допити дітей мають проводитися виключно в спеціально обладнаних приміщеннях, максимально зменшуючи можливість повторної травматизації через багаторазове повторення показань. Орієнтація на гарантований захист найкращих інтересів дитини є основоположним принципом роботи в таких кримінальних провадженнях.

Отже, захист прав потерпілих від сексуального насильства у кримінальному процесі є складним завданням, яке охоплює широкий спектр аспектів: від юридичних до соціальних і організаційних. Основна мета полягає у створенні такої системи, в якій кожна постраждала особа почуватиметься захищеною та почутою. Для досягнення цього необхідні політична підтримка, фахова підготовка спеціалістів і адекватне фінансове забезпечення.

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## **ПРАВОВИЙ ЗМІСТ ПОНЯТТЯ МЕТОДІВ АДМІНІСТРАТИВНО-ПРАВОВОГО РЕГУЛЮВАННЯ ФОРМУВАННЯ ТА РЕАЛІЗАЦІЇ ДЕРЖАВНОЇ РЕГІОНАЛЬНОЇ ПОЛІТИКИ ТА ЇХ ОЗНАКИ**

Процеси докорінних політичних, економічних і соціальних трансформацій, що відбуваються в Україні, зумовили загострення та ускладнення проблематики управління територіальним розвитком. Ухвалення управлінських рішень на регіональному рівні дедалі більше визначає вплив глобалізаційних процесів і мегатенденцій сучасного світового господарства, які фіксують перехід до інформаційного суспільства, орієнтацію на довгострокове стратегічне цілепокладання та широке впровадження інноваційних технологій, зокрема у сфері публічного управління. У цьому контексті посилюється значення децентралізаційних перетворень і демократії співучасті, що забезпечує інституціоналізовану участь громадян і суб'єктів місцевого самоврядування в процедурах вироблення, ухвалення та легітимації управлінських рішень. Трансформація моделі публічного управління та процеси децентралізації в Україні актуалізують потребу в теоретичному переосмисленні та практичній оптимізації методів адміністративно-правового регулювання у сфері державної регіональної політики.

У теорії адміністративного права метод правового регулювання розглядається як сукупність юридичних засобів, прийомів і способів, за допомогою яких норми права впливають на поведінку суб'єктів та характеризують їх владне й підвладне становище у правовідносинах. У галузі адміністративного права метод традиційно характеризується поєднанням імперативних і диспозитивних засобів, балансом приписів, заборон і дозволів, які покликані забезпечити належний рівень владного впливу та одночасно враховувати інтереси різних учасників публічно-владних відносин.

В загальному розумінні, від грец. *methodos* – шлях дослідження, вчення, Д.А. Тимоха визначає метод як сукупність прийомів (операцій) практичного та теоретичного сприйняття й пізнання (засвоєння) явищ природи та суспільного життя, що застосовується в якій-небудь галузі діяльності (науці, виробництві тощо) [1, с. 386].

Великий тлумачний словник сучасної української мови характеризує метод як 1) спосіб пізнання дійсності і її відтворення в мисленні; 2) спосіб, прийом або система прийомів для досягнення якої-небудь мети, для виконання певної операції [2, с. 664].

Метод адміністративного права як філософська категорія відображає універсальний спосіб організації владно-правового впливу держави на публічно-управлінські відносини, який поєднує в собі гносеологічний (пізнавальний) і онтологічний (буттєвий) аспекти права. У філософії метод розглядається як впорядкований спосіб пізнання та перетворення дійсності, сукупність принципів, прийомів і правил дії, що відповідають внутрішнім закономірностям об'єкта.

На переконання В.В. Юровської філософський аналіз категорії «метод адміністративного права» дав змогу встановити її діалектичний взаємозв'язок із вченням про цінність права (аксіологія права), оскільки: методи виступають конкретними засобами та прийомами досягнення мети права як регулятора суспільних відносин; методи встановлюють конкретні вектори правового регулювання; ефективність використання методів права є критерієм зрілості та розвитку суспільства й держави [3, с. 11].

Досліджуючи поняття методу правового регулювання О.Г. Остапенко характеризує його як метод державного управління, відповідно до якого управління суспільними процесами і саморегулювання держава здійснює шляхом видання загальнообов'язкових нормативних актів і який являє собою сукупність юридичних прийомів, засобів, способів впливу органів державної влади на суспільство та його складові елементи. Його характеризують два аспекти: наявність суб'єкта (джерела) правового регулювання, тобто органу, уповноваженого на видання відповідних правових норм, а також зміст самих правових норм [1, с. 392].

Як філософсько-правова категорія метод адміністративного права фіксує специфічний тип правового впливу, заснований на імперативності, ієрархії владних повноважень, процедурній упорядкованості та орієнтації на забезпечення публічного блага.

Сучасна державна регіональна політика розглядається науковцями як інструмент просторового регулювання, що поєднує економічні, соціальні й безпекові пріоритети, зокрема в контексті відновлення та стійкості територій, постраждалих від війни. У цій сфері метод адміністративно-правового регулювання виступає правовим засобом, яким держава через владні приписи, дозволи, заборони, процедури координації та адміністративні договори спрямовує діяльність органів влади, суб'єктів господарювання та громад на досягнення регіональних цілей.

Адміністративно-правове регулювання характеризується як цілеспрямований вплив на суспільні відносини у сфері державного управління системи адміністративно-правових засобів регулювання, закріплених у нормах чинного законодавства. Основний вплив адміністративно-правового методу на ефективність механізму адміністративно-правового регулювання проявляється на етапі правовідносин [4, с. 176].

Метод адміністративно-правового регулювання відрізняється від інших методів владним, імперативним характером. Практичне значення цього методу, як і предмета адміністративно-правового регулювання, полягає в тому, що з їх допомогою здійснюється розмежування різних правових галузей [5, с.6].

Метод адміністративно-правового регулювання надає вольовій поведінці учасників суспільних відносин певну якість у формі «автономності» або «співпідпорядкованості», де ці категорії розуміються відповідно як певний стан волі суб'єктів, що виражається в їх здатності свідомо і цілеспрямовано керувати своїми вчинками (у певних рамках свободи своєї поведінки) і не залежати від довільної волі інших суб'єктів цих відносин, а також здатність керувати своїми діями у рамках, установлених (в певному регламентному порядку) волею інших суб'єктів [6, с. 39].

Ю. П. Битяк відзначає, що адміністративно-правовими методами є способи та прийоми безпосереднього цілеспрямованого впливу виконавчих органів (посадових осіб) згідно закріпленої за ними компетенції, у встановлених межах і в певній формі на підпорядкованих їм органів і громадян» [7, с. 163].

Методи адміністративного управління, на думку О. М. Бандурки, виступають як сукупність прийомів, операцій, процедур підготовки та прийняття, організації та контролю виконання управлінських рішень, які приймаються учасниками управлінського процесу [8, с. 38].

З урахуванням досліджених наукових поглядів на поняття методів права та методів адміністративно-правового регулювання, пропонуємо власне визначення поняття «методи адміністративно-правового регулювання формування та реалізації державної регіональної політики» – це системно впорядкована сукупність імперативних і диспозитивних адміністративно-правових засобів, прийомів і способів владно-організаційного впливу держави та органів публічної влади на суспільні відносини у сфері регіонального розвитку, за допомогою яких у нормах публічного права встановлюються, розподіляються й забезпечуються реалізація повноважень, обов'язків і

відповідальності суб'єктів публічної адміністрації та інших учасників регіональної політики з метою досягнення збалансованого соціально-економічного розвитку територій.

Запропоноване визначення дає можливість виділити низку характерних ознак, а саме:

1.Юридичні ознаки – *нормативна зумовленість; імперативно-диспозитивний характер; орієнтація на публічний інтерес.*

2.Організаційно-владні ознаки – *владно-організаційний характер впливу; компетенційна прив'язаність; процедурність.*

3.Функціонально-цільові ознаки – *спрямованість на формування і реалізацію політики; інструментальність щодо механізму; орієнтація на результативність.*

Отже, метод адміністративно-правового регулювання формування та реалізації державної регіональної політики слід розглядати як ключовий інструмент забезпечення узгодженого розвитку системи місцевого самоврядування та регіонів, оскільки саме він задає юридичні межі, форми й інтенсивність публічного впливу держави на просторові соціально-економічні процеси. На основі його імперативно-диспозитивної природи та орієнтації на публічний інтерес формується правовий режим, у межах якого відбувається реальний розподіл компетенцій, ресурсів і відповідальності між центральними органами влади, регіональними інституціями та територіальними громадами, що є визначальним для спроможності місцевого самоврядування діяти як автономний, але інтегрований елемент публічної влади.

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## **МОВНА ПОЛІТИКА ЯК ІНСТРУМЕНТ ФОРМУВАННЯ НАЦІОНАЛЬНОЇ ІДЕНТИЧНОСТІ**

Мовна політика в сучасному світі постає одним із ключових інструментів формування та зміцнення національної ідентичності. У глобалізованому просторі, де інтенсивно взаємодіють культури, ідеології та інформаційні потоки, мова виконує не лише комунікативну функцію, а й стає символом державності, історичної тяглості та духовної єдності народу. Вона формує спосіб мислення, структуру колективної пам'яті, систему цінностей і культурних кодів. Мовне питання набуває особливої актуальності, оскільки мова перестає виконувати виключно комунікативну функцію та перетворюється на один із ключових факторів існування нації. Вона є носієм історичної пам'яті, культурної спадщини, ментальних особливостей народу та його світоглядних орієнтирів. Саме через мову відбувається передача духовних і культурних цінностей від покоління до покоління, що робить її важливим інструментом формування національної ідентичності. Саме тому мовна політика як складова державної гуманітарної стратегії набуває стратегічного значення, впливаючи на процеси консолідації суспільства та утвердження національної самосвідомості.

Національна ідентичність формується під впливом історичних, культурних, політичних та соціальних чинників. Однак мова посідає серед них особливе місце, оскільки саме вона забезпечує існування єдиного культурного та інформаційного простору. У науковому дискурсі мова розглядається як визначальний маркер ідентичності. Так, Іван Дзюба наголошував, що мовне питання є не лише культурною, а передусім політичною проблемою, оскільки воно безпосередньо пов'язане з правом нації на самовизначення та повноцінний розвиток. Учений переконливо доводив, що витіснення національної мови з публічної сфери призводить до поступової втрати історичної пам'яті й ослаблення національної свідомості [1]. Подібну думку розвиває й Ліна Костенко, яка у своїх публіцистичних виступах підкреслює, що мова є «генетичним кодом нації», її духовною матрицею, без якої неможливе збереження культурної унікальності [4].

Мовна політика реалізується через систему правових, освітніх, інформаційних і культурних механізмів. В українському контексті важливим етапом стало законодавче закріплення статусу української мови як державної у Конституції України, а також прийнятті Закону України «Про забезпечення функціонування української мови як державної». Ці нормативно-правові акти

визначили обов'язковість використання державної мови в діяльності органів влади, освіти, сфері послуг, медіа та інших публічних галузях. Таким чином, мовна політика отримала чітке правове підґрунтя, що сприяє її системній реалізації.

Особливу роль мовна політика відіграє у формуванні національної свідомості громадян. Вона сприяє формуванню почуття належності до держави, зміцненню громадянської ідентичності та підвищенню рівня патріотизму. У періоди державотворення мова виступає символом незалежності та суверенітету.

Особливу роль у формуванні мовної ідентичності відіграє освіта. Через освітні інституції відбувається не лише передача мовних знань, а й соціалізація особистості, формування її світоглядних орієнтирів. Вахтанг Кебуладзе у своїх філософських розвідках про ідентичність підкреслює, що мова є простором, у якому людина осмислює власне буття і конструює образ себе у світі. Через мову відбувається інтерпретація історії, формування наративів пам'яті, визначення моральних і політичних пріоритетів [3]. Тому державна підтримка української мови в системі освіти є необхідною умовою зміцнення національної ідентичності.

Водночас мовна політика має враховувати принципи демократизму та поваги до прав людини. Національна ідентичність не повинна формуватися шляхом примусу чи дискримінації, а має ґрунтуватися на усвідомленому виборі та культурній солідарності. Ефективна мовна політика передбачає баланс між підтримкою державної мови та гарантуванням прав національних меншин. Такий підхід відповідає європейським стандартам і сприяє гармонізації міжетнічних відносин [5].

У сучасних умовах мовна політика набуває також виміру національної безпеки. Інформаційні війни, пропагандистські впливи та культурна експансія часто здійснюються через мовний простір. Оксана Забужко у своїх есеях і публічних виступах неодноразово звертала увагу на те, що колоніальні практики насамперед спрямовані на витіснення мови як носія історичної пам'яті. Втрата мовної самодостатності призводить до послаблення культурного суверенітету, що, своєю чергою, створює передумови для політичної залежності [2]. Отже, підтримка державної мови є не лише культурною, а й безпековою стратегією.

Значну роль у формуванні мовної ідентичності відіграє медіапростір. Телебачення, радіо, друковані й електронні видання, соціальні мережі формують мовні практики та впливають на масову свідомість. Розширення присутності української мови в інформаційному просторі сприяє нормалізації її використання, підвищує престиж і формує позитивну мовну мотивацію.

У цьому контексті мовна політика повинна поєднувати регулятивні механізми з підтримкою якісного україномовного контенту, стимулюванням культурних і творчих ініціатив.

Мовна політика також виконує інтеграційну функцію. Спільна мова створює простір комунікативної єдності, полегшує взаєморозуміння між

регіонами та соціальними групами, сприяє формуванню спільного політичного простору. Вона стає засобом подолання історичних травм і консолідації суспільства навколо спільних цінностей. У цьому сенсі мовна політика є не лише інструментом регулювання, а й чинником культурної мобілізації.

Водночас процес формування мовної ідентичності є тривалим і багатовимірним. Він потребує системності, послідовності та суспільного консенсусу. Лише за умови поєднання правового забезпечення, освітніх реформ, інформаційної підтримки та культурної політики мовна стратегія держави може бути ефективною. Національна ідентичність формується не декларативно, а через щоденну мовну практику, через внутрішнє прийняття мови як цінності та символу спільної долі.

Отже, мовна політика є потужним інструментом формування національної ідентичності. Вона визначає умови функціонування мови в суспільстві, впливає на процеси соціальної інтеграції, забезпечує культурну безпеку та сприяє зміцненню державності. У сучасних умовах для України мовна політика має особливе значення, оскільки вона є складовою боротьби за збереження суверенітету та утвердження власної культурної суб'єктності. Усвідомлення ролі мови як духовного фундаменту нації створює підґрунтя для формування зрілої громадянської позиції та відповідального ставлення до національної спадщини.

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## **КІБЕРЗЛОЧИННИ ЯК ФОРМА ПОРУШЕННЯ ПРАВ ЛЮДИНИ**

Цифрова трансформація охоплює всі сфери суспільного буття, зараз немає межі між реальністю та віртуальним простором. Раніше кіберзлочини



були сформовані виключно на підри́в економічної безпеки та цілісності даних, проте зараз вони трансформувались у пряме порушення прав людини.

Несанкціонований збір даних, кіберцкування чи злам критичної інфраструктури – це посягання на права і свободи людини, що закріплені в Загальній декларації прав людини та Європейській конвенції з прав людини.

Фундаментом захисту громадянина від кіберзагроз є Конституція України, вона гарантує непорушність прав незалежно від форми їх реалізації. Найактуальніші статті, відповідно до вказаних правопорушень є: стаття 32, що забороняє збирання, зберігання та використання конфіденційної інформації про особу без її згоди та стаття 41, яка закріплює право кожного володіти, користуватись і розпоряджатись своєю власністю, це поширюється на безготівкові кошти, інтелектуальну власність та криптоактиви.

Кіберзлочинність перестала бути винятковим явищем, ставши повсякденною загрозою: дослідження фіксують спроби протиправних посягань майже на кожного другого учасника глобальної мережі.

Для сучасного злочинця технологічні характеристики пристрою - бренд чи модель гаджету – не мають жодного значення, об'єктом є цифровий вимір людського життя: доступ до фінансів та банківських карток, ідентичність та приватні листування.

За матеріалами Департаменту кіберполіції, за 2025 рік зареєстровано 2500 кіберзлочинів, повідомлено про підозру 1700 особам у вчиненні 3500 кримінальних правопорушень. Найактуальнішими схемами звітнього року стали:

- продаж неіснуючих товарів;
- неправдиві збори коштів на ЗСУ;
- організація незаконного перетину кордону України;
- оформлення документів для чоловіків призовного віку [1].



Рис.1 Шахрайські схеми в Україні

Проаналізувавши структуру шахрайських схем в Україні, ми можемо побачити карту вразливостей людських прав у цифровому просторі. Дані діаграми ілюструють кіберзлочини, як інструмент системного порушення прав на власність, приватність та особисту безпеку.

Більшість злочинів відбувається під час купівлі, чи продажу майна, що є порушенням права на мирне володіння своїм майном, адже кожен випадок – слугує фінансовій дестабілізації особистості.

Фішингові атаки під час надсилання шахрайських посилань слугують втручанням у цифрову свободу вибору, користувач стає жертвою обману, що порушує його право на отримання достовірної інформації. Крім того, такі дії постягаються на право приватності і захист приватних даних, оскільки здебільшого мета цього правопорушення – отримання доступу до приватних облікових записів, банківських реквізитів, електронної пошти та іншої конфіденційної інформації без згоди власника.

Під час зламу соцмереж та виманювання грошей від імені власника профілю, злочинці порушують гідність та репутацію людини, використовуючи довіру та соціальні зв'язки її знайомих.

Порушуючи право на психологічну недоторканість, шахраї виманюють інформацію телефоном, зазвичай такі дзвінки відбуваються вночі, аби людина не змогла швидко зорієнтуватись та зрозуміти, що вона є об'єктом маніпуляції. В цій схемі діє фактор раптовості, страху та емоційного тиску. Проте, в умовах стресу людина повідомляє конфіденційну інформацію, що може нести за собою фінансові наслідки, втрату довіри до державних інституцій та банківських

установ. Особливо вразливими є люди похилого віку, внутрішньо переміщені особи та інші громадяни, що знаходяться в емоційному напруженні в умовах воєнного стану.

Підсумовуючи вищевикладене, можемо визначити, що попри вчинення віртуальних злочинів, їхні наслідки є цілком реальним порушенням конституційного ладу, оскільки вони посягають на гарантовані державою права і свободи людини.

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## **ОСНОВНІ ПРИНЦИПИ ТА НАПРЯМКИ СУЧАСНОЇ МОВНОЇ ПОЛІТИКИ В УКРАЇНІ**

Поняття «державна мовна політика» трактують як «систему заходів, спрямованих на практичну реалізацію державного управління та досягнення поставлених цілей, що базується на конституційних засадах» [1].

Мовна політика є важливим інструментом держави для формування національної ідентичності, забезпечення єдності суспільства та інтеграції в міжнародну спільноту. Як зауважує О. Косович, «в останні десятиліття спостерігається зростання етнічної самосвідомості, реанімація національних культур. Складність та крайня суперечливість цього процесу залежить від того, що в його основі лежить не просто цивілізаційний розлам, що різко позначився в даний час. У сучасному світі відбувається глибинна трансформація культурних цінностей і установок, які вносять нові смисли в життєвий світ людства» [2, с. 84].

В умовах сучасних викликів в Україні, зокрема російської агресії та значної кількості внутрішньо переміщених осіб, питання мовної політики як

одного з основних способів збереження державності, національної ідентичності, засобу протидії ворожій пропаганді набувають особливої ваги. В Україні, країні з багатою історією і складною мовною ситуацією, мовна політика є не лише інструментом культурного розвитку, а й засобом зміцнення національної єдності, ідентифікації українців як єдиного народу зі своєю мовою та культурою.

Основою нормативної бази мовної політики України є Конституція України (1996), яка закріпила статус української мови як державної, що стало фундаментом для подальших законів та нормативно-правових актів. Конституційна норма забезпечує пріоритет української мови в державному управлінні, освіті, судочинстві та культурі, гарантує її всебічний розвиток та підтримку [3].

Головним нормативним актом сучасної політики став ухвалений у 2019 році Закон України «Про забезпечення функціонування української мови як державної». Він обов'язковий для виконання в державних установах, школах, медіа та культурних установах, у сфері послуг тощо, а також регламентує обов'язкове володіння державною мовою, зокрема, для державних службовців, працівників органів державного управління та місцевого самоврядування, працівників Національної поліції, інших правоохоронних та розвідувальних органів, осіб, які претендують набути громадянство України тощо [4]. Дія цього закону помітна у збільшенні кількості українськомовних публічних комунікацій, медіа-контенту та послуг для громадян. Закон діє ефективно, що підтверджує статистика: за останні роки кількість громадян, які регулярно спілкуються українською, зросла з 30–35% до понад 55–60%, а рівень володіння мовою серед службовців та держапарату значно покращився [5].

Держава регламентує застосування державної мови у сфері освіти [6], використання української мови у школах, закладах передвищої та вищої освіти, визначає державні стандарти, навчальні програми та методичні рекомендації для формування мовної компетентності, професійного та комунікативного мовлення.

Також держава активно підтримує неформальну освіту, оскільки вона є важливим інструментом для інтеграції внутрішньо переміщених осіб, мешканців тимчасово окупованих територій та інших громадян, які з різних причин не мали змоги отримати повноцінну формальну освіту. Неформальна освіта дозволяє не лише підвищити рівень володіння державною мовою, а й сприяє соціальній інтеграції, створює осередки солідарності та взаємопідтримки серед учасників, що важливо для психологічної адаптації та формування спільної культурної ідентичності. Зокрема, існують безкоштовні мовні курси, які організовують для внутрішніх переселенців – жителів тимчасово окупованих територій, спеціальні освітньо-інформаційні платформи, що надають доступ до дистанційних навчальних програм.

У сфері медіа та культури держава активно підтримує українськомовний контент через фінансування кіно-, телеіндустрії, книговидання, наукових видань та цифрових ресурсів. Це створює для громадян можливість постійно

контактувати з українською мовою в повсякденному житті, формує стабільне мовне середовище, підвищує престиж державної мови, протидіє впливу іноземного контенту та інформаційної агресії, сприяє добровільному переходу громадян на спілкування українською мовою, урешті – зміцнює їхню національну ідентичність.

Військовий конфлікт значно посилив значення мовної політики як елементу національної безпеки. Українська мова стала маркером консолідації суспільства та символом державності. Під впливом цих факторів відбулися помітні зрушення в мовній практиці: активніше українізуються бізнес-комунікації та громадські інституції, зростає використання української в побутовому та публічному спілкуванні, централізовані ініціативи відновлюють україномовний освітній та культурний простір [5].

Незважаючи на досягнуті успіхи, мовна політика України стикається з низкою серйозних викликів. Одним із них є регіональна мовна неоднорідність, яка сформувалася історично і виявляється у стійкій двомовності жителів східних та південних регіонів. Це ускладнює формування єдиного мовного середовища та перехід на українську як основну мову спілкування. На думку вчених, «подолання наслідків русифікації в Україні вимагає інтегрованого підходу, який включає вдосконалення законодавства, розширення освітніх програм, підтримку прав національних меншин і посилення позицій української мови у медіа. Ці заходи сприятимуть не лише зміцненню ролі української мови, але й забезпечать соціальну рівновагу, національну єдність та культурне багатство в сучасній Україні» [7, с. 58].

На міжнародному рівні сучасна мовна політика України створює позитивний імідж держави, яка впевнено відстоює свою ідентичність та демократичні цінності.

Отже, аналіз сучасної мовної політики України свідчить, що мова є не лише засобом спілкування, а й основою національної ідентичності, символом державності, важливим чинником соціальної стабільності. Виважена мовна політика є інструментом протидії в інформаційній війні, засобом подолання історичних викликів, збереження культурної самобутності, консолідації суспільства, вона створює умови для розвитку сучасної, динамічної, інноваційної держави.

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## **РОЛЬ СПЕЦІАЛІЗОВАНИХ НАВЧАЛЬНИХ ПОСІБНИКІВ У ФОРМУВАННІ ІНШОМОВНОЇ КОМПЕТЕНТНОСТІ ФАХІВЦІВ ЦИВІЛЬНОГО ЗАХИСТУ**

Сучасні виклики у сфері безпеки та оборони вимагають від фахівців цивільного захисту не лише бездоганної фахової підготовки, а й здатності ефективно комунікувати в міжнародному середовищі. Інтеграція України до європейського простору, спільні навчання та тісна співпраця з міжнародними інституціями зумовлюють нагальну потребу у фахівцях, які вільно володіють іноземною мовою для вирішення професійних завдань. У цьому контексті формування іншомовної компетентності стає одним із пріоритетних напрямів у закладах вищої освіти зі специфічними умовами навчання.

Традиційні підручники з загальної іноземної мови часто не здатні повною мірою задовольнити потреби сектору безпеки, оскільки вони не враховують вузькопрофільну термінологію та специфіку екстремальних комунікативних ситуацій. Як зазначають сучасні дослідники у сфері викладання іноземних мов, успішне засвоєння фахової лексики та розвиток комунікативних навичок відбувається найефективніше за умови їхньої інтеграції у змодельовані, максимально наближені до реальності професійні сценарії [1]. Саме тому ключову роль у підготовці відіграють спеціалізовані навчальні посібники з фахової комунікації.

Особливої актуальності сьогодні набуває створення комплексних матеріалів, які охоплюють суміжні, але критично важливі для сучасного світу сфери: цивільний захист, кібербезпеку та інформаційні технології (ІТ).

Сучасний фахівець часто працює на перетині цих галузей. Ліквідація надзвичайних ситуацій техногенного характеру чи захист об'єктів критичної інфраструктури сьогодні неможливі без розуміння кіберзагроз, використання новітніх програмно-апаратних комплексів та знання відповідної термінології, що підтверджується досвідом підготовки фахівців у вітчизняних закладах сектору безпеки [2, с. 69].

Практичний досвід розробки навчально-методичної літератури свідчить, що спеціалізований навчальний посібник нового покоління, орієнтований на спеціалістів цивільного захисту, кібербезпеки та ІТ, має базуватися на принципах комунікативно-когнітивного підходу [1]. Найбільш дієвою є структура, яка включає такі взаємопов'язані елементи:

1. Робота зі специфічною крос-галузевою термінологією. У сфері кібербезпеки, ІТ та цивільного захисту існує величезна кількість специфічних англійських аббревіатур, які вимагають миттєвого розпізнавання та адекватного перекладу. Посібник повинен містити глосарії та вправи на автоматизацію перекладу таких термінів без втрати темпу мовлення.

2. Автентичні матеріали. Використання реальних звітів, протоколів реагування на надзвичайні ситуації та стандартів ЄС (зокрема, документації Механізму цивільного захисту ЄС). Це дозволяє здобувачам не лише вивчати іноземну мову, а й паралельно засвоювати європейські алгоритми роботи у кризових ситуаціях.

3. Кейс-методи (Case Studies). Аналіз комплексних ситуацій, що вимагають міжвідомчої взаємодії. Наприклад, симуляція брифінгу щодо масштабної кібератаки на енергетичний об'єкт, де здобувачі виступають у ролі ІТ-експертів, офіцерів цивільного захисту та міжнародних партнерів.

Окрему увагу в сучасному посібнику необхідно приділити модулям з усного перекладу [3]. Враховуючи активну міжнародну співпрацю, фахівцю часто доводиться брати на себе роль комунікатора-медіатора в польових умовах. Завдання з двостороннього послідовного перекладу інструктажів (наприклад, моделювання радіообміну між українськими рятувальниками та іноземними колегами), технічної документації на іноземне обладнання або перекладу з аркуша інструкцій з безпеки вимагають не лише мовних, а й базових перекладацьких компетенцій. Інтеграція таких тренувальних вправ у навчальний посібник дозволяє значно підвищити оперативність взаємодії під час спільних операцій.

Впровадження таких комплексних посібників у навчальний процес закладів вищої освіти зі специфічними умовами навчання дозволяє вирішити одразу кілька завдань: подолати мовний бар'єр, сформувати стійкі навички оперування крос-галузевою термінологією та підготувати спеціалістів до стресостійкої роботи.

Отже, розробка та використання вузькоспеціалізованих навчальних видань з професійної комунікації та усного перекладу є необхідною умовою для якісної іншомовної підготовки. Це забезпечує готовність фахівців до ефективної взаємодії на міжнародному рівні, що є критично важливим

фактором для стабільного функціонування сектору безпеки й оборони України в умовах сучасних загроз.

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## **ОСОБЛИВОСТІ ПРОФЕСІЙНОГО ВИГОРАННЯ ПСИХОЛОГІВ В УМОВАХ ВОЄННОГО ЧАСУ**

Актуальність проблеми професійного вигорання психологів у сучасних умовах зумовлена значним посиленням психоемоційного навантаження через необхідність роботи з травматичним досвідом клієнтів, спричиненим війною. Психолог виступає фахівцем, який змушений постійно підтримувати високий рівень емпатійної залученості, що в умовах хронічного стресу стає чинником накопичення внутрішнього виснаження та професійної дезадаптації. Ситуація ускладнюється феноменом «спільної травми», коли фахівець та клієнт перебувають у єдиному загрозливому соціокультурному просторі, що нівелює традиційну психологічну дистанцію. Власні переживання психолога накладаються на професійні виклики, прискорюючи виснаження внутрішнього ресурсу. Коли психолог переживає ту саму повітряну тривогу, що і його клієнт, йому вдвічі важче залишатися «опорою», бо власна безпека теж під загрозою.

Професійне вигорання найчастіше трактується як довготривала стресова реакція, що виникає внаслідок тривалих професійних стресів середньої інтенсивності. [1, с.49]. Дисбаланс між професійними вимогами та реальними можливостями психіки є багатовимірним феноменом, що охоплює емоційне виснаження, деперсоналізацію та редукцію професійних досягнень. Для психологів ядром цього стану є емоційне виснаження, яке проявляється у втраті енергії та здатності до співпереживання. Деперсоналізація у діяльності



психолога часто набуває форми емоційного відсторонення від клієнтів як способу захисту від надмірного навантаження, що з часом трансформується у професійний цинізм. Така деформація професійних настанов призводить до зниження якості надання психологічної допомоги та втрати гуманістичного вектору взаємодії. Редукція досягнень проявляється у зниженні самооцінки компетентності та відчутті неефективності власної роботи.

В умовах війни українська спільнота психологів стикається з безпрецедентними викликами, до яких більшість фахівців не мали попереднього досвіду підготовки. Робота психолога ускладнюється фактором вторинної травматизації, коли постійна залученість у розповіді про бойові травми, втрати та ПТСР руйнує власну психологічну стійкість фахівця. Дослідження Є. Лікарчука підкреслюють, що психологи, які працюють у контексті воєнного конфлікту, демонструють інтенсивнішу динаміку вигорання через небезпеку, дефіцит часу на відновлення та постійну присутність травматичних подій, а психологи з високим ступенем професійного вигорання мають найнижчі показники особистісного адаптаційного потенціалу, поведінкової регуляції і нервово-психічної стійкості [2, с.86]. Сьогодні бути «просто хорошим психологом» уже недостатньо, адже потрібно вчитися працювати в умовах, де стрес не закінчується після робочого дня.

Результати емпіричних досліджень свідчать, що високий рівень вигорання корелює з когнітивними порушеннями (зниження концентрації, погіршення пам'яті) та психосоматичними розладами (порушення сну, головний біль). Зокрема, за методикою В. Бойка, у фахівців часто фіксується симптом «загнаності у кут» та емоційний дефіцит.

Основними шляхами подолання вигорання є розвиток емоційної компетентності, використання технік саморегуляції (майндфулнес, дихальні вправи) та обов'язкова професійна підтримка, що набуває критичного значення, у формі супервізій та інтервізій. З огляду на те, що кожен спеціаліст проходить через власну адаптацію до війни, допомога тих колег, які вже напрацювали дієві методики стійкості, стає життєво необхідною для збереження професії. В умовах війни критично важливим є дотримання психогігієни, зокрема контроль за споживанням новин та відмова від безперервного моніторингу соціальних мереж є фактором, що безпосередньо знижує рівень тривоги самого фахівця. Встановлення чітких професійних меж дозволить психологу залишатися «присутнім, але не розчиненим» у клієнті.

Отже, профілактика вигорання під час війни потребує не лише індивідуальної саморегуляції, а й активної взаємодії всередині професійної спільноти, де обмін досвідом та командна взаємопідтримка виступають потужним захисним механізмом. Збереження ментального здоров'я психолога є запорукою стійкості всієї системи психологічної допомоги населенню в кризовий період.

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## **ПСИХОЕМОЦІЙНІ СТАНИ ЖІНОК, ЯКІ ПЕРЕЖИЛИ ВТРАТУ**

Воєнні події в Україні зумовили різке зростання кількості завершених і невизначених втрат, що справляє суттєвий вплив на психоемоційний стан жінок. Втрата близької людини належить до найбільш травматичних подій, здатних порушувати внутрішню рівновагу та формувати тривалий психоемоційний дискомфорт. Для жінок такі переживання можуть посилюватися проявами стресу, внутрішньою нестабільністю та зниженням адаптивних можливостей. У межах даного дослідження інтенсивність цих реакцій розглядається як така, що зростає насамперед через невизначеність та масштабність втрат, що робить питання психологічної динаміки горювання надзвичайно актуальним [1, с. 11–39]. Характер втрати та соціальний контекст визначають ступінь емоційного навантаження та формування непродуктивних стратегій подолання стресу. Переживання втрати слід розглядати не лише як індивідуальний досвід, а як складну взаємодію внутрішніх ресурсів та зовнішніх обставин.

Класичні підходи до розуміння горювання пояснюють його як процес поступової психічної перебудови після втрати. У психоаналітичній традиції З. Фрейда «робота горя» трактувалася як поступове вивільнення психічної енергії, вкладеної у емоційний зв'язок із померлою людиною, та ослаблення прив'язаності, що дозволяє поступово відновити внутрішню рівновагу [2, с. 192]. Цей підхід залишається актуальним для розуміння базових механізмів психоемоційної адаптації. З позицій даного дослідження уявлення Фрейда дають змогу оцінити, які внутрішні ресурси жінка може задіяти для подолання втрати.

У сучасних теоріях особливу увагу приділяють ролі емоційного зв'язку та впливу його раптового розриву на психіку. Підхід Дж. Боулбі розглядає горювання як послідовність фаз — від гострого реагування до відновлення внутрішньої структури «Я», що дозволяє глибше пояснити відмінність між завершеною та невизначеною втратою [3, с. 328]. Ці механізми є ключовими

для формування адаптивних реакцій. Розуміння фаз горювання допомагає прогнозувати інтенсивність емоційних проявів та визначати пріоритети психологічної підтримки.

Особливої уваги потребує феномен невизначеної втрати, за якого відсутність підтвердженої інформації блокує природний перебіг горювання. У такій ситуації жінка може одночасно переживати надію і страх, що підтримує стан внутрішньої подвійності, емоційного напруження та виснаження [4, с. 224]. Тривале перебування в умовах невизначеності створює передумови для формування патологічних форм тривожного реагування, зокрема клінічних тривожних розладів, описаних у міжнародних стандартах психічного здоров'я [5, с. 991].

Психоемоційні реакції після втрати залежать від наявності соціальної підтримки та особистісних копінг-стратегій. Підтримувальні стосунки та безпечне середовище істотно знижують ризики дезадаптації [6, с. 15–22]. Українські науковці, зокрема Бойчук О. та Костюк О., підкреслюють роль соціального контексту у визначенні інтенсивності переживань і швидкості відновлення жінок [7, с. 29–30]. Соціальну підтримку слід розглядати як один із ключових чинників адаптації, який визначає можливість стабілізації психоемоційного стану.

Для стабілізації стану та корекції емоційної дезадаптації ефективною є когнітивно-поведінкова парадигма А. Бека, що дозволяє працювати з дисфункційними переконаннями та зменшувати інтенсивність травматичних переживань [8, с. 416]. Використання цих методів сприяє розвитку гнучкості мислення та здатності до адаптивних дій. Дуальна процесуальна модель М. Строуб і Х. Шут пропонує балансування між орієнтацією на втрату та орієнтацією на відновлення [9, 197–224]. Здатність перемикання між режимами є важливим механізмом психологічної стійкості.

Водночас, концепція Дж. Вордена розглядає переживання втрати як активне виконання психологічних завдань, що сприяє формуванню нової системи значень і інтеграції досвіду у життєву історію особистості без втрати її цілісності [10, с. 360]. Поєднання різних підходів забезпечує більш цілісний процес адаптації та передбачає оптимальні інтервенції для збереження психічного здоров'я жінок.

Узагальнюючи теоретичні підходи, можна стверджувати, що переживання втрати у жінок визначається поєднанням характеру самої події, рівня соціальної підтримки та індивідуальних копінг-ресурсів. Завершена втрата частіше сприяє поступовому проходженню природних етапів горювання, тоді як невизначена формує тривалу емоційну напругу, внутрішню подвійність і підвищені ризики дезадаптації. З огляду на викладене, комплексний підхід до психологічної підтримки жінок у кризових умовах є ключовим чинником збереження їхнього психічного здоров'я.

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## **СПІЛКУВАННЯ В СОЦМЕРЕЖАХ: ЗАСІБ ФОРМУВАННЯ ЧИ РУЙНАЦІЇ СУЧАСНОЇ УКРАЇНСЬКОЇ ЛІТЕРАТУРНОЇ МОВИ**

У сучасному інформаційному світі соціальні мережі стали одним із основних каналів комунікації, значно впливаючи на мовну культуру суспільства. У мережах щодня спілкуються мільйони українців, і ця активність цілком прогнозовано впливає на стан української літературної мови. З одного боку, соцмережі сприяють її популяризації та розвитку, адже дедалі більше людей обирають українську для онлайн-комунікації. З іншого боку, інтернет-

середовище часто стає джерелом поширення суржику, сленгу, ненормативної лексики та мовних спрощень, що можуть руйнувати літературні норми. Деякі мовознавці вважають, що соцмережі допомагають розвивати мову, додаючи нові вирази та слова, актуальні для сучасності. Інші ж вказують на загрозу поширення анормативних форм, які знижують загальний рівень мовної та мовленнєвої культури. Загалом науковців визнають існування специфічної інтернет-мови, під якою розуміють «знакову систему, яка є основним засобом людського спілкування в мережі Інтернет, що об'єднує писемну й усну її форми відповідно до впорядкованої сукупності її структурних одиниць (слів, морфологічних форм, словосполучень)... і ґрунтується на загальноприйнятих орфоепічних, лексичних, граматичних, орфографічних нормах» [1, с. 79].

Інтернет-мережі відіграють значну роль у формуванні сучасної української літературної мови, поширюючи її серед широкого кола користувачів. Такі платформи, як Facebook, Instagram, Twitter, Threads, стали основними засобами комунікації, де українці часто використовують рідну мову. Завдяки великому обсягу контенту українською, молодь активно залучається до українськомовного середовища, що сприяє популяризації мови. Українські блогери, митці та громадські діячі формують новий словник сучасної літературної мови, адже їхня мова впливає на мовлення підписників. У соцмережах також з'являються нові терміни та вислови, які можуть поступово інтегруватися в літературну мову, як-от: «вподобайка», «лайкати», «постити», «трендити», «шерити». Завдяки цьому українська мова збагачується сучасною лексикою, що відповідає викликам цифрової епохи.

Соцмережі підтримують і процес унормування мови, адже користувачі можуть легко виправляти мовні помилки один одного або користуватися спеціалізованими сторінками чи переглядати контент, присвячений мовній грамотності та культурі мови, у такий спосіб удосконалюючи свої знання.

З іншого боку, соцмережі сприяють і поширенню ненормативної лексики, жаргонів, суржику, англізмів та інших запозичень (часто невинуватих), що негативно впливає на мовну культуру, спрощує мовлення, суттєво обмежує словниковий запас учасників комунікації. Через це інтернет-простір стає полем боротьби між літературними нормами та просторіччям. Часте використання скорочень та транслітерації також створює загрозу для цілісності мови, особливо серед молоді.

І. Ковальчук, аналізуючи мову чатів, форумів тощо, подає такі результати дослідження: нормативна лексика переважає у 50,5 % коментарів; обценна – у 2 %; орфографічні та стилістичні помилки – у 28 % дописів; суржик – 11 %; сленг – 13 %; «албанська» мова – 9,5 %; digispeak – 4 %. Дослідниця відзначає й низький рівень синтаксичного оформлення дописів (правильне – 43 %; помилкове – 36 %; не оформлені – 5 %) й абсолютно зневажливе ставлення авторів до пунктуації [2, с. 47–48].

Учені зауважують, що «коли порушення мовних норм чи звичної пунктуації має інтенційний характер, тоді воно стає засобом експресивності мовлення, особливістю ідіостилю користувача чи певної соціальної групи

відповідно до мовних установок. Коли ж воно не є інтенційним – то це свідчення мовної недбалості, неохайності, що має характер знецінення, проте також категоризує мовця за належністю до певної категорії користувачів з огляду на соціально-економічний статус. Тенденції спілкування в інтернеті миттєво проникають в позаінтернетне усне та писемне мовлення користувачів на рівні маркерів мовнокультурного розвитку сучасного суспільства» [3, с. 24].

Хоча соціальні мережі останнім часом стають майданчиком для поширення української мови, проте значна частина контенту й досі російською навіть в українському сегменті інтернету. Така ситуація особливо загрозлива для формування свідомості молодого покоління, яке часто сприймає російську мову як основний засіб комунікації. Крім того, налаштування алгоритмів соцмереж пропонує користувачам дописи, відео, статті російською мовою. Подібна ситуація і з поширенням англійської мови, зокрема серед блогерів, авторитетних, впливових авторів, що також не сприяє утвердження престижності української мови.

Ці загрози можна подолати шляхом створення й пропагування якісного українськомовного контенту на радіо, телебаченні, у книговидавництві, в інтернеті, популяризації української культури та підтримки мовної ідентичності.

Таким чином, соцмережі мають двобічний вплив на українську мову: з одного боку, вони є засобом її формування та популяризації, з іншого – чинником, що сприяє руйнації мовних норм. Для того, щоб соцмережі стали ефективним інструментом для збереження і розвитку української літературної мови, необхідно активно працювати над створенням і поширенням якісного мовного контенту, а також пропагувати правильне й відповідальне використання мови в цифровому середовищі.

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## **ПОНЯТТЯ І СУТНІСТЬ ДЕРЖАВИ В УМОВАХ СУЧАСНОГО УКРАЇНСЬКОГО ДЕРЖАВОТВОРЕННЯ**

Поняття і сутність держави становлять фундаментальні категорії політико-правової думки, але змістовне ядро цих двох категорій ніколи не залишається статичним. Переосмислення цих понять є критичним та терміново невідкладним завданням у сучасних умовах українського державотворення, що характеризується масштабною війною, процесами європейської інтеграції та фундаментальними внутрішніми трансформаціями. Традиційні уявлення про державу, які існували в умовах мирного стану та повільного розвитку, виявились недостатніми або застарілими перед обличчям безпрецедентних викликів.

Державотворення в Україні представляє собою безперервний і часто кризовий, проте незворотний інноваційний процес. Цей процес розгортається під потужним зовнішнім тиском, що робить Україну унікальною державою пов'язаною зі стійкістю інституцій, легітимністю влади та ефективністю управління в умовах воєнного стану.

Війна потребує нового функціоналу держави та інших її вершинних пріоритетів, які повністю змінюють її суть. Держава перш за все виступає як головний суб'єкт забезпечення суверенітету, територіальної цілісності та фізичного виживання нації. Це стосуватиметься концентрації військово-економічних ресурсів за необхідності забезпечення обороноздатності, мілітаризації економіки, перебудовування системи управління на стійкій і оборонній базі. Більшість обов'язків держави в цьому зв'язку стосується її зумовлення як національного стабілізуючого тилу. Разом з тим, необхідність оперативного реагування на внутрішньо переміщених осіб, руйнування інфраструктури, економічні втрати та соціальну дезадаптацію свідчить про збільшення соціальної функції держави, але вже в умовах обмежених ресурсів та постійних загроз.

Розгляд сутності та значення держави в умовах безпрецедентних викликів є не лише теоретичним завданням, а й ключем до розуміння напрямів розвитку України. Класична теорія держави визначає її через п'ять основних юридичних ознак, які є мінімально необхідними для міжнародного визнання та забезпечення внутрішньої легітимності. Перша ознака – територія, яка встановлює фізичні межі, в межах яких держава здійснює виключну юрисдикцію. Друга ознака – населення, тобто стабільна спільнота осіб, пов'язана політико-правовими зв'язками. У часи війни населення стає

джерелом легітимності держави та її мобілізаційним ресурсом, тоді як держава виконує роль гаранта їхніх прав, навіть у умовах масових переміщень. Третя – публічна влада, яка вимірюється через наявність спеціалізованого апарату управління, що володіє монополією на легітимне застосування сили. Вона є вирішальним інструментом для підтримання внутрішнього порядку та забезпечення зовнішньої оборони. Четверта ознака – суверенітет. Це подвійний вимір влади: верховенство всередині країни та незалежність у міжнародних відносинах. В умовах широкої підтримки з боку міжнародного співтовариства Україна демонструє свій зовнішній суверенітет через незалежне обрання курсу та захист національних інтересів. Остання ознака – правова система та оподаткування, які передбачають наявність загальнообов’язкових норм права та здатність стягувати податки. Ці фактори забезпечують фінансову базу для існування та функціонування публічної влади.

Сьогодні Україна перебуває на складному етапі формування своєї багатогранної сутності, у якій взаємодіють три важливі напрями: національно-захисний, європейсько-інтеграційний та соціально-гуманітарний. Всі вони тісно пов’язані між собою та формують основи функціонування держави.

Національно-захисний аспект є базовим і особливо актуальним в умовах повномасштабного вторгнення. Держава насамперед виступає як знаряддя захисту національної ідентичності й території. Питання оборони та національної безпеки перевершують за важливістю всі інші функції держави, включаючи економічну та політичну діяльність. Усі ресурси спрямовуються на підтримку армії, від парламентських рішень до місцевого управління. Загальна загроза створює платформу для суспільної консолідації. Держава об’єднує народ, незалежно від соціальних чи регіональних розбіжностей, виступаючи своєрідним захисним щитом.

Україна прагне стати повноцінним учасником європейської правової, політичної та економічної системи, зміцнюючи свою ідентичність через стандарти ЄС і НАТО. Про це свідчать відповідно прийняті нормативно-правові акти, а саме: «Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони» [1] та Закон України «Про внесення змін до Конституції України (щодо стратегічного курсу держави на набуття повноправного членства України в Європейському Союзі та в Організації Північноатлантичного договору)» [2]. Відповідно, статтю 102 Конституції України доповнено частиною третьою «Президент України є гарантом реалізації стратегічного курсу держави на набуття повноправного членства України в Європейському Союзі та в Організації Північноатлантичного договору». Зовнішній курс держави формується не лише внутрішніми потребами, але й стратегічним вибором на користь Європи, що впливає на її політичну структуру та інституції. Ключові зміни, такі як судова реформа, боротьба з корупцією чи вдосконалення державного управління, реалізуються задля відповідності вимогам ЄС.



Через військову агресію перед державою постає завдання не лише оборони, а й відновлення суспільного добробуту та підтримки населення, тому розумним рішенням стало впровадження державних програм, спрямованих на оперативну допомогу постраждалим, зокрема через механізми компенсації за зруйноване житло. Прикладом є програма «ЄВідновлення», ухвалена 21 квітня 2023 року Кабінетом Міністрів України [3]. Подібні проєкти збільшили роль підтримки внутрішньо переміщених осіб та громадян, які тимчасово покинули країну, аби запобігти масштабній гуманітарній кризі. Важливим елементом стала адаптація та реінтеграція ветеранів через психологічну підтримку, медичну допомогу, освіту та розвиток професійних навичок. Ця стратегія посилює зобов'язання держави перед своїми захисниками. Таким чином, кожен із трьох векторів є критично важливим для стабілізації й поступового розвитку сучасної української держави.

Унікальність України полягає в паралельному проведенні суттєвих інституційних реформ, орієнтованих на європейські стандарти, навіть під час боротьби за фізичне існування.

Після повномасштабного вторгнення Україна, навіть під час боротьби за фізичне існування, запровадила низку нормативно-правових актів, спрямованих на європейську інтеграцію. Підтвердженням цих слів є Постанова Верховної Ради України «Про Звернення Верховної Ради України до держав-членів Європейського Союзу та інституцій Європейського Союзу щодо підтримки надання Україні статусу країни-кандидата на вступ до ЄС» [4]. Влучним прикладом також є ухвалений Закон України «Про національні меншини (спільноти) України» [5], спрямований на гарантування прав національних меншин (спільнот) відповідно до рекомендацій Венеціанської Комісії та європейських стандартів. Впровадження цих нормативно-правових актів є свідченням поглиблення інтеграції України з ЄС, що передбачає адаптацію українського законодавства до європейських стандартів у різних сферах, від політики до економіки.

Поняття та сутність української держави нині виступають не лише як теоретична концепція, але й як активний, живий процес, спрямований на відстоювання цінностей і майбутнього. Українська держава продемонструвала свою стійкість та непохитність, а цей унікальний досвід стає важливим внеском у сучасну політичну думку.

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1. Угода про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони від 27.06.2014. URL: [https://zakon.rada.gov.ua/laws/show/984\\_011#Text](https://zakon.rada.gov.ua/laws/show/984_011#Text) (дата звернення: 25.02.2026).

2. Про внесення змін до Конституції України (щодо стратегічного курсу держави на набуття повноправного членства України в Європейському Союзі та в Організації Північноатлантичного договору: Закон України від 07.02.2019 № 2680-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2680-19#Text> (дата звернення: 25.02.2026).

3. Про затвердження Порядку надання компенсації для відновлення окремих категорій об'єктів нерухомого майна, пошкоджених внаслідок бойових дій, терористичних актів, диверсій, спричинених збройною агресією Російської Федерації, з використанням електронної публічної послуги “єВідновлення”: Постанова Кабінету Міністрів України від 21.04.2023 № 381. URL: <https://zakon.rada.gov.ua/laws/show/381-2023-%D0%BF#Text> (дата звернення: 25.02.2026).

4. Про Звернення Верховної Ради України до держав - членів Європейського Союзу та інституцій Європейського Союзу щодо підтримки надання Україні статусу країни - кандидата на вступ до ЄС: Постанова Верховної Ради України від 19.06.2022 № 2298-IX. URL: <https://zakon.rada.gov.ua/laws/show/2298-20#Text> (дата звернення: 25.02.2026).

5. Про національні меншини (спільноти) України: Закон України від 13.12.2022 № 2827-IX. URL: <https://zakon.rada.gov.ua/laws/show/2827-20#Text> (дата звернення: 25.02.2026).

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## **ЗАПОБІЖНІ ЗАХОДИ: ПРОПОРЦІЙНІСТЬ І ОБҐРУНТОВАНІСТЬ ЇХ ЗАСТОСУВАННЯ**

Застосування запобіжних заходів є одним із найбільш інвазивних інструментів кримінального процесу, оскільки безпосередньо обмежує конституційні права особи – свободу пересування, недоторканність житла, право на особисте життя. Саме тому принцип пропорційності виступає ключовим механізмом стримувань і противаг, який покликаний забезпечити баланс між інтересами ефективного розслідування та захистом фундаментальних прав людини. Пропорційність у цьому контексті розуміється як необхідність встановлення розумного співвідношення між тяжкістю обмеження прав і ступенем суспільної небезпеки, яку становить поведінка підозрюваного чи обвинуваченого [1, с. 27].

Верховенство права передбачає, що будь-яке втручання держави у права особи повинно бути законним, необхідним у демократичному суспільстві та пропорційним меті. У кримінальному провадженні це означає обов'язкове обґрунтування кожного запобіжного заходу конкретними ризиками, підтвердженими доказами. Відсутність такого обґрунтування призводить до незаконності рішення та порушує ст. 5 Конвенції про захист прав людини і основоположних свобод [2]. Ефективний судовий контроль за застосуванням запобіжних заходів є необхідним, а формальні формулювання без урахування

особистих обставин підозрюваного суперечать міжнародним стандартам [3, с. 156]. Запобіжні заходи повинні застосовуватися з урахуванням градації суворості та лише за наявності виняткових обставин, відповідно до рекомендацій Комітету Міністрів Ради Європи та практиці ЄСПЛ у справах проти України [4, с. 24]. При цьому практика ЄСПЛ чітко розмежовує поняття «обґрунтованої підозри» та «достатніх підстав для тримання під вартою. Перша є умовою початку провадження, друга – умовою продовження обмеження свободи. Українські суди часто змішують ці категорії, що призводить до необґрунтованого продовження строків тримання під вартою. Конвенційні стандарти вимагають, щоб з плином часу ризики зменшувалися, а отже, і запобіжний захід мав переглядатися в бік пом'якшення [5, с. 212]

З вищенаведеного вбачається, що засада верховенства права вимагає, аби будь-яке обмеження прав людини при застосуванні запобіжних заходів було закономірно обґрунтованим, необхідним і пропорційним. Для цього кожен випадок має аналізуватися індивідуально, з урахуванням обставин підозрюваного, а не лише тяжкості кримінального правопорушення. Формальні, шаблонні рішення без конкретних доказів ризиків є незаконними та не відповідають стандартам Конвенції про захист прав людини і практиці ЄСПЛ. Крім того, ризики з часом повинні зменшуватися, а запобіжний захід – переглядатися в бік пом'якшення.

Обґрунтування підстав для застосування запобіжних заходів повинно відповідати вимогам ч. 2 ст. 177 КПК України, яка визначає вичерпний перелік ризиків. Однак на практиці часто ігнорується необхідність доведення кожного ризику конкретними доказами: суди нерідко покладаються на тяжкість кримінального правопорушення чи «суспільний резонанс», що суперечить принципам індивідуалізації та пропорційності [6, с. 274]. Принцип пропорційності у сфері захисту прав людини передбачає не лише баланс між метою і засобами, а й застосування альтернативних заходів. Перед обранням тримання під вартою суд зобов'язаний розглянути можливість менш обмежуючих альтернатив (домашній арешт, електронний моніторинг, застава), і відсутність такого розгляду є порушенням ст. 5 § 3 Конвенції [7, с. 120].

Пропорційність запобіжних заходів тісно пов'язана з оцінкою майнового стану підозрюваного чи обвинуваченого. Згідно з ч. 5 ст. 182 КПК України при визначенні розміру застави слід враховувати майновий стан особи, проте на практиці ця вимога часто ігнорується, а довідки про доходи чи майно не витребуються. Внаслідок цього розмір застави встановлюється на рівні, який фактично унеможлиблює її внесення, що нівелює альтернативний характер цього заходу [1, с. 36]. Особливо гостро ця проблема проявляється у спровадженнях про корупційні злочини, де розмір застави може досягати сотень мільйонів гривень без чітких критеріїв її розрахунку, що створює підґрунтя для вибіркового правосуддя. Застосування запобіжних заходів до юридичних осіб також ускладнене відсутністю деталізованого порядку виконання таких заходів та належного обґрунтування судових рішень щодо підприємств [8, с. 402].

Своєю чергою, практика застосування особистого зобов'язання та особистої поруки як найбільш м'яких запобіжних заходів залишається недостатньо розвиненою. Незважаючи на пріоритетність цих заходів згідно зі ст. 181 КПК України, прокурори та суди часто ігнорують їх, посиляючись на «недостатню ефективність». Відсутність належних механізмів контролю за виконанням таких заходів лише посилює цю проблему [3, с. 168].

Поєднання кількох запобіжних заходів одночасно законодавством не заборонене, проте відсутні чіткі межі такого поєднання. Особливе занепокоєння викликає застосування суворих заходів у провадженнях про кримінальні проступки та нетяжкі злочини, коли навіть за правопорушення, що караються штрафом, обирається тримання під вартою або домашній арешт, що не відповідає принципу пропорційності [4, с. 25].

Водночас автоматичне обрання найсуворіших запобіжних заходів залежно від кваліфікації злочину – одна з найгостріших проблем кримінального процесу. Ст. 177 КПК України передбачає визначення виду і суворості заходу виключно з урахуванням ризиків, однак на практиці суди часто застосовують формальну логіку «чим тяжчий злочин – тим суворіший захід», ігноруючи наявність або відсутність конкретних ризиків [1, с. 38]. Такий підхід фактично перетворює запобіжний захід на форму попереднього покарання. При цьому підкреслимо, що використання запобіжних заходів як інструменту тиску на підозрюваних для отримання визнавальних показань або угод про визнання винуватості є порушенням принципу добровільності процесуальних дій і принципу змагальності [3, с. 172].

Значні виклики виникають і при застосуванні запобіжних заходів до іноземних громадян та осіб без громадянства. Відсутність постійного місця проживання в Україні автоматично розглядається як ризик втечі, що призводить до вибору найсуворіших заходів навіть у разі наявності легальних підстав для перебування чи родинних зв'язків. Суди рідко розглядають альтернативні заходи, що призводить до непропорційного утримання іноземців під вартою [4, с. 26].

Окремо зазначимо, що у провадженнях про злочини проти основ національної безпеки (ст. 109–114-1 КК України) спостерігається особлива жорсткість: тримання під вартою обирається майже автоматично, навіть за наявності обставин, що свідчать про низький ризик втечі чи впливу на слідство. Це суперечить принципу індивідуалізації та вимогам ст. 178 КПК України [2]. Аналогічна ситуація спостерігається щодо військовослужбовців та працівників правоохоронних органів: хоча закон передбачає можливість альтернативних заходів (особиста порука командира), на практиці такі альтернативи майже не використовуються, а специфіка військової служби ігнорується [6, с. 277].

Таким чином, сучасна практика застосування запобіжних заходів часто не відповідає принципам індивідуалізації, пропорційності та обґрунтованості. Проблеми полягають у формальному підході до оцінки ризиків, недостатньому врахуванні майнового стану, автоматизмі у виборі найсуворіших заходів та ігноруванні альтернатив. Для досягнення справжньої справедливості необхідно

забезпечити індивідуальний підхід, чітке обґрунтування кожного рішення та пріоритетність менш обмежуючих альтернатив, що відповідатиме міжнародним стандартам захисту прав людини. Більше за все, принцип пропорційності у сфері застосування запобіжних заходів вимагає від судів не лише обирати оптимальний баланс між забезпеченням кримінального провадження й захистом прав людини, а й розглядати альтернативні заходи до тримання під вартою. Відсутність такого розгляду чи механічне призначення найсуворіших заходів суперечить стандартам Конвенції про захист прав людини, зокрема ст. 5, і підриває довіру до правосуддя.

Отже, практика застосування запобіжних заходів потребує реформування з урахуванням індивідуалізації, об'єктивного аналізу ризиків, реального врахування майнового стану та пріоритетності менш обмежуючих альтернатив, щоб гарантувати дотримання принципу пропорційності та стандартів захисту прав людини.

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## **ЗАПОВІТ ПОДРУЖЖЯ ЯК ОСОБЛИВА ФОРМА РЕАЛІЗАЦІЇ СПАДКОВИХ ПРАВ**

Питання щодо розпорядження майном на випадок смерті є не лише юридичним аспектом, а й глибоко взаємопов'язане зі сферою сімейних відносин. Заповіт подружжя, як особлива форма реалізації спадкових справ, виконує значну роль, оскільки сприяє узгодженню волевиявленню подружжя щодо управління спільним майном. Його значущість зумовлена необхідністю гармонізації майнових інтересів членів родини та забезпечення чіткої правової визначеності в межах спадкових правовідносин.

В умовах підвищення рівня правової культури і правової свідомості громадян, гармонізації законодавства України із законодавством Європейського Союзу, все більшої актуальності набуває питання посвідчення секретних заповітів, заповітів з умовою та заповітів подружжя. Останні, у свою чергу, були предметом дослідження провідних науковців, а саме: І.В. Жилінкової, З.В. Ромовської, Ю.О. Заїки, С.Я. Фурси, Я.М. Шевченко.

Деякі науковці вважають, що заповіт подружжя встановлює обмеження в суб'єктному складі при передачі майна чи майнових прав, інші вказують, що саме через цей вид заповіту акумулюється єдність спільного майна подружжя та досягається ефект його неподільності, використання за життя як одним, так і іншим членом подружжя спільного майна, набутого за період перебування в зареєстрованому шлюбі [1].

Слід зазначити, що існування такого виду заповіту, як заповіт подружжя, в теорії та на практиці сприймається неоднозначно. Так, Ю.О. Заїка в своїй книзі «Спадкове право в Україні: становлення і розвиток» зазначає, що вважає таку новелу загалом не дуже вдалою. Натомість Є.І. Фурса та С.Я. Фурса в своєму навчальному посібнику «Спадкове право. Теорія і практика» доволі позитивно ставляться до можливості складати спільний заповіт подружжя, зазначаючи, що схема заповіту подружжя розширює права громадян [2 с. 262].

Відповідно до ст. 1243 Цивільного кодексу України подружжя має право скласти спільний заповіт щодо майна, яке належить йому на праві спільної сумісної власності. У разі складення спільного заповіту частка у праві спільної сумісної власності після смерті одного з подружжя переходить до другого з подружжя, який його пережив. У разі смерті останнього право на спадкування мають особи, визначені подружжям у заповіті [3].

Під спільною сумісною власністю подружжя слід розуміти майно, нажите протягом спільного життя в шлюбі. У ч. 2 статті 60 Сімейного кодексу України

визначається, що будь-який предмет, який був нажитий за час шлюбу, окрім предметів особистого користування, є об'єктом спільної сумісної власності. Виходячи із вищезазначеного, можна зробити висновок, що до спільної сумісної власності відносяться речі, які набуті одним із подружжя після укладення шлюбу [4].

Важливим є те, що скласти такий заповіт можуть лише особи, які проживають в офіційно зареєстрованому шлюбі.

Так, ст. 21 Сімейного кодексу України передбачено, що шлюбом є сімейний союз жінки та чоловіка, зареєстрований у органі державної реєстрації актів цивільного стану. Проживання однією сім'єю жінки та чоловіка без шлюбу не є підставою для виникнення у них прав та обов'язків подружжя [5]. Тобто, особи, які проживають однією сім'єю права складати заповіт подружжя не мають.

Таким чином, можна зазначити, що заповіт подружжя варто сприймати не просто як юридичний механізм спадкового права, а як спосіб реалізації спадкових прав людини. Він відображає засади довіри, взаємної відповідальності та гармонії інтересів між партнерами у шлюбі. Аналіз цієї теми показує, що зазначений інститут має універсальний характер і відповідає сучасному баченню ролі сім'ї в системі приватноправових відносин.

Спільний заповіт є специфічним різновидом одностороннього правочину, в якому подружжя виступають як одна сторона, що представлена двома особами.

Мета заповідальної конструкції заповіту подружжя передбачає перехід спільного майна, охопленого заповітом, до визначеної у ньому особи, як єдине ціле. Транзитивність спільного заповіту подружжя відрізняє його від інших заповітів, оскільки частка у праві спільної сумісної власності після смерті одного з подружжя переходить до другого з подружжя, який його пережив, а лише у разі смерті останнього право на спадкування виникає у осіб, які вказані подружжям як спадкоємці за заповітом подружжя. Таким чином, може бути виділено принаймні три етапи динаміки правовідношення, пов'язаного із застосуванням конструкції спільного заповіту:

складання подружжям спільного заповіту: можливість кожного з подружжя відмовитися від спільного заповіту; можливість подружжя скласти новий заповіт;

**смерть одного із подружжя:** перехід частки у праві спільної сумісної власності до другого з подружжя; накладення нотаріусом заборони відчуження майна, зазначеного у заповіті подружжя (ч. 4 ст. 1243 ЦК України);

**смерть другого із подружжя:** виникнення права на спадкування у спадкоємця, вказаного у спільному заповіті [6].

У такій правовій конструкції спільний заповіт подружжя виконує значущу роль у забезпеченні реалізації як майнових, так і особистих немайнових прав особи. Зокрема, йдеться про право на повагу до сімейного життя та право власності. Такий заповіт сприяє стабільності та

передбачуваності спадкових правовідносин, одночасно зменшуючи ризики виникнення конфліктів серед потенційних спадкоємців за спадок.

Таким чином, можна зробити висновок, що спільний заповіт подружжя виступає непростим, але ефективним засобом здійснення спадкових прав особи. Його правова природа дозволяє як забезпечити цілісність спільного майна подружжя, так і захистити інтереси пережившого з подружжя, забезпечуючи водночас передбачуваність спадкових відносин.

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## **КУЛЬТУРА ПРОФЕСІЙНОГО СПІЛКУВАННЯ ЯК ЧИННИК ФОРМУВАННЯ ПОЗИТИВНОГО ІМІДЖУ ДПСУ ПІД ЧАС ЗДІЙСНЕННЯ ПРИКОРДОННОГО КОНТРОЛЮ В УМОВАХ ВОЄННОГО СТАНУ**

Сучасні умови функціонування Державної прикордонної служби України характеризуються значним підвищенням вимог до професійної діяльності персоналу в умовах воєнного стану. Прикордонний контроль залишається критично важливою функцією забезпечення національної безпеки, водночас культура професійного спілкування персоналу безпосередньо впливає на формування суспільного сприйняття відомства. Особливої актуальності набуває проблема збалансованого поєднання суворих вимог безпекового режиму з дотриманням норм ввічливості та поваги до прав людини під час здійснення контрольних процедур.

Дослідження комунікативних аспектів професійної діяльності прикордонників представлено у працях Балинської О.М., яка аналізувала психологічні особливості міжособистісної взаємодії у силових структурах, Мацюка В.М., який досліджував етичні засади службової поведінки правоохоронців, та Калашник Н.Г., що вивчала мовленнєву культуру фахівців сектору безпеки. Водночас комплексний аналіз культури професійного спілкування прикордонників саме в контексті іміджевих характеристик відомства в умовах воєнного стану потребує подальшого наукового опрацювання, що визначає актуальність обраної теми дослідження [1].

Культура професійного спілкування прикордонників являє собою складну систему комунікативних компетенцій, що включає володіння нормами офіційно-ділового мовлення, дотримання етичних стандартів поведінки, емоційну стійкість та здатність до конструктивної взаємодії в стресових ситуаціях. За визначенням Петрової С.І., професійне спілкування у правоохоронній сфері характеризується підвищеною відповідальністю за результати комунікативного акту, оскільки будь-які непорозуміння можуть призвести до порушення прав громадян або створення загроз безпеці держави.

Імідж Державної прикордонної служби формується через багаторівневу систему взаємодій, серед яких безпосередній контакт персоналу з громадянами під час прикордонного контролю відіграє важливу роль[2]. Кожен епізод спілкування на пункті пропуску створює у свідомості людини певний образ відомства, що згодом трансформується у стійке ставлення до прикордонної служби загалом. Науковці Жигайло Н.І. та Карпінський Б.А. наголошують, що

професійна культура співробітників силових структур безпосередньо корелює з рівнем довіри населення до державних інституцій.

В умовах воєнного стану значно зростає психологічне навантаження на персонал прикордонної служби через інтенсифікацію потоків переміщення осіб, необхідність посиленої перевірки документів, виявлення потенційних загроз національній безпеці. Водночас саме в цих умовах критично важливо зберігати високий рівень комунікативної культури, адже громадяни перебувають у стані підвищеної тривожності і особливо чутливо реагують на будь-які прояви некоректності чи зневажливого ставлення з боку представників державних органів.

Структурно культура професійного спілкування прикордонників включає декілька взаємопов'язаних компонентів. Вербальний компонент передбачає грамотне використання державної мови, дотримання офіційно-ділового стилю спілкування, чіткість формулювань під час надання інструкцій або пояснень громадянам. Невербальний компонент охоплює міміку, жестикуляцію, інтонацію, зоровий контакт, які повинні демонструвати повагу та доброзичливість при збереженні професійної дистанції. Етичний компонент включає дотримання принципів рівності, недискримінації, конфіденційності персональних даних громадян, що є фундаментальними засадами діяльності правоохоронних органів у демократичній державі.

Важливим аспектом професійного спілкування є здатність персоналу до емоційної саморегуляції в конфліктних ситуаціях. Дослідження Ващенко І.В. показали, що прикордонники щоденно стикаються з агресивною поведінкою окремих осіб, провокаціями, спробами тиску чи підкупу під час виконання службових обов'язків. Збереження спокою, витриманості та ввічливості за таких обставин свідчить про високий рівень професіоналізму та позитивно впливає на репутацію служби в очах суспільства[3]. Таким чином, культура професійного спілкування є визначальним чинником формування позитивного іміджу Державної прикордонної служби України, що сприяє зміцненню довіри громадян та підвищенню ефективності виконання покладених на відомство завдань в умовах воєнного стану.

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## **ТЕХНОЛОГІЧНО-ФАСИЛІТОВАНЕ НАСИЛЬСТВО ЯК ФОРМА ДОМАШНЬОГО НАСИЛЬСТВА**

Цифрове насильство є однією з найпоширеніших та водночас найменш усвідомлених форм домашнього насильства в умовах стрімкого розвитку інформаційних технологій. Використання мобільних телефонів, соціальних мереж, месенджерів і цифрових платформ створює нові інструменти для контролю, переслідування, психологічного тиску, шантажу та приниження постраждалих осіб. На відміну від традиційних форм насильства, цифрове насильство не має просторових обмежень і може здійснюватися цілодобово, що посилює його негативний вплив на психологічний стан жертви.

Цифрове насильство в сім'ї (його ще називають технологічно-фасилітованим насильством) – це ситуації, коли кривдник використовує телефон, акаунти, застосунки та “розумні” пристрої не для спілкування, а як інструмент контролю і примусу. Такі дії часто виглядають звично: «дай пароль, бо ми ж сім'я», «включи геолокацію, щоб я не хвилювався», «покажи переписку». Але по факту це елемент примусового контролю – обмеження свободи, ізоляції, постійного нагляду і страху. У звіті Women's Aid прямо підкреслюється, що контроль поведінки через техніку та засоби комунікації використовується як інструмент coercive control (примусового контролю), щоб зробити людину залежною й “регулювати” її щоденне життя [1, с. 2-3].

Найпоширеніша форма цифрового насильства – контроль телефону. Це не лише “перевірити дзвінки”, а системні речі: вимога віддати смартфон “на перевірку”, постійні запити показати листування, заборона ставити пароль або, навпаки, вимога повідомити всі паролі. Далі може бути встановлення шпигунських застосунків, приховане підключення до резервних копій, перегляд пошти, месенджерів і хмарних сховищ. У дослідженні для Home Office (про технологічно-фасилітоване домашнє насильство) серед типових проявів прямо згадуються “перевірка електронної пошти/акаунтів/телефонів” та інші форми технічного контролю, які кривдник подає як “норму стосунків”, але вони працюють як інструмент влади [2, с. 28-29].

Друга дуже поширена форма - контроль геолокації. Тут варіантів багато: від “поділись локацією в месенджері” до технічного стеження через GPS-трекери, AirTag-подібні маячки, навігацію в авто або навіть “розумні” пристрої вдома. У керівних принципах Ради Європи окремо вказано, що насильство із використанням технологій виходить далеко за межі соцмереж і може включати GPS-трекери, AirTags, приховані камери, smart-пристрої та шпигунське ПЗ; і

що саме технології (наприклад, GPS-трекери) можуть підсилювати домашнє насильство через примус і контроль [3, с. 16-17].

Третій напрям - контроль паролів і акаунтів. Кривдник може забирати доступ до соцмереж, банкінгу, пошти, змінювати паролі, підключати свій номер для відновлення доступу, робити вигляд, що пише від імені постраждалої особи, або збирати компромат для шантажу. Це дуже небезпечно тим, що навіть після розриву стосунків насильство може продовжуватись: людина фізично вже не поряд із кривдником, але він все одно присутній через контроль пристроїв і доступів. У звіті Home Office про “computer misuse” описано, що технології (хакінг, приховані пристрої, трекери тощо) застосовуються саме для контролю, а також наведені приклади, коли кривдники отримують доступ до акаунтів та використовують інформацію проти постраждалої, включно з ситуаціями навколо дітей (наприклад, встановлення прослуховуючих (трекінгових) застосунків на дитячі пристрої) [4, с. 12-13].

Щоб не “впасти” в помилку «це просто ревності», важливо розуміти: цифрове насильство рідко буває одноразовим. Воно майже завжди йде як серія дій: перевірки → претензії → обмеження → покарання (скандали, погрози, приниження) → ще жорсткіший контроль. Саме так описується кіберсталкінг - як моніторинг, шпигування, переслідування, “слідування” за людиною та її активностями, що створює постійний тиск [5, с. 43].

Окремий практичний момент – фіксація і збирання доказів. У цифрових ситуаціях важливо не “ламати” доказову базу необережними діями. Рада Європи радить перед вилученням/оглядом пристроїв мати план: визначити ймовірні джерела доказів, дотримуватися процедури роботи з цифровими доказами та фіксувати ланцюг зберігання – що, коли і ким вилучено, скопійовано чи оглянуто [3, с. 30-31].

З позиції базової профілактики (і для реагування на виклик) корисно пам'ятати: навіть якщо конфлікт “про телефон”, оцінювати треба ризики домашнього насильства загалом – чи є погрози, ізоляція, попередні випадки, доступ кривдника до зброї, переслідування після розриву тощо. У методичному посібнику ОБСЄ підкреслюється роль поліції в оцінці ризиків на місці події та згадуються інструменти реагування (зокрема терміновий заборонний припис, профілактичний облік кривдника й профілактична робота), які застосовуються для недопущення повторних випадків та контролю виконання обмежень [6, с. 17-18].

Звісно, якщо людина змушена жити так, щоб постійно звітувати за телефон, локацію і паролі – це не побутова сварка, а ознака контролю і насильства. Такі ситуації треба сприймати серйозно, бо технології роблять такий контроль цілодобовим. Додатково, міжнародні матеріали наголошують, що технологічно-фасилітоване насильство включає і “контроль використання технологій”, і кіберсталкінг як моніторинг у реальному часі чи з переглядом минулих локацій або дій [1, с. 3-7]. Практичні дослідження показують, що перевірка телефонів без дозволу та контроль “де ти зараз” через повідомлення чи месенджери - одні з поширених форм такого насильства [7, с. 34].

Отже, цифрове насильство часто супроводжує інші форми домашнього насильства, виступаючи засобом додаткового контролю та ізоляції. Водночас складність доведення фактів такого впливу та недостатній рівень правової обізнаності постраждалих ускладнюють ефективний захист їхніх прав. Протидія цифровому насильству потребує комплексного підходу: удосконалення законодавства, підвищення цифрової грамотності населення, розвитку механізмів фіксації доказів та посилення відповідальності кривдників.

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## **ПРОЗОРІСТЬ ДІЯЛЬНОСТІ ПРАВООХОРОННИХ ОРГАНІВ ЯК ГАРАНТІЯ ЗАХИСТУ ПРАВ ЛЮДИНИ: СТАНДАРТИ ЄС ТА ПРАКТИКА УКРАЇНИ**

У демократичній правовій державі функціонування правоохоронних органів базується на принципах верховенства права, законності, підзвітності та поваги до прав і свобод людини. Прозорість діяльності правоохоронних органів у сучасному суспільстві є не просто бажаною характеристикою публічної адміністрації, а й фундаментальною гарантією захисту прав і свободи людини. У контексті європейської інтеграції України та триваючої російської агресії питання відкритості, підзвітності та громадського контролю за силовими структурами набуває особливої актуальності. Прозорість правоохоронної системи формує довіру суспільства до держави, запобігає зловживанням владою, сприяє ефективності боротьби зі злочинністю та корупцією. Водночас воєнний стан створює специфічні виклики для балансування між необхідністю захисту національної безпеки та збереженням демократичних стандартів відкритості державних інституцій.

Європейський Союз сформував комплексну систему стандартів прозорості правоохоронної діяльності, що базується на принципах Європейської конвенції з прав людини та директивах ЄС. Фундаментальним документом є Хартія основних прав Європейського Союзу, яка гарантує право на доступ до документів та інформації, що зберігається в установах ЄС. Регламент ЄС встановлює конкретні механізми реалізації цього права, визначаючи, що громадяни мають максимально широкий доступ до документів європейських інституцій, включаючи правоохоронні агенції [1]. Директива ЄС про захист персональних даних (GDPR) з 2018 року встановила суворі вимоги щодо обробки інформації правоохоронними органами, гарантуючи громадянам право знати, яка інформація про них зберігається, та можливість оскаржувати неправомірне її використання. Європейське агентство з прав людини систематично публікує доповіді про стандарти поліцейської діяльності, наголошуючи на необхідності регулярного звітування перед парламентськими та незалежними контрольними органами.

Особливо показовою є практика окремих держав-членів ЄС, які розробили інноваційні механізми забезпечення прозорості. Естонія запровадила цифрову платформу e-Politsei, через яку громадяни можуть в режимі реального часу відстежувати стан розгляду їхніх звернень до поліції, отримувати інформацію про хід розслідувань у межах, дозволених законом, та подавати

скарги онлайн [7]. Система використовує технологію blockchain для забезпечення незмінності записів та прозорості процедур. У Нідерландах функціонує незалежна Національна поліцейська інспекція, яка щорічно публікує детальні звіти про діяльність поліції, включаючи статистику застосування сили, випадків порушення прав людини та ефективності розслідувань. Цікавим є той факт, що нідерландська поліція зобов'язана публікувати щоквартальні звіти про всі випадки застосування вогнепальної зброї з детальним описом обставин, що є унікальною практикою навіть серед країн ЄС. Данія впровадила систему обов'язкового носіння нагрудних відеокамер поліцейським під час патрулювання та проведення операцій, що значно знизило кількість скарг на неправомірні дії на двадцять три відсотки протягом перших двох років реалізації програми.

Щодо прикордонних служб, європейські стандарти прозорості особливо чітко визначені в контексті діяльності Європейського агентства з управління оперативним співробітництвом на зовнішніх кордонах (The European Border and Coast Guard Agency (FRONTEX)) [2, 3]. Регламент ЄС встановлює обов'язкові механізми моніторингу дотримання основних прав під час прикордонних операцій, включаючи призначення офіцерів з прав людини та створення механізму скарг для осіб, які вважають, що їхні права були порушені. Німецька Федеральна поліція (Bundespolizei), що виконує функції прикордонної служби, публікує щорічні звіти з детальною статистикою затримань на кордоні, випадків застосування сили та результатів розгляду скарг. Польська прикордонна служба після 2015 року значно розширила практику публікації інформації про свою діяльність, включаючи дані про міграційні потоки, виявлення контрабанди та міжнародну співпрацю. Фінська прикордонна охорона (Rajavartiolaitos) вирізняється винятковою відкритістю, публікуючи навіть статистику помилково здійснених затримань та компенсацій, виплачених постраждалим особам, що формує високий рівень довіри населення до цієї служби.

Україна на шляху до європейської інтеграції здійснила значні кроки щодо підвищення прозорості правоохоронних органів, хоча й зіткнулася з численними викликами. Ключовим досягненням стало створення Національної поліції у 2015 році за новими принципами, що включали прозорість та підзвітність суспільству. Закон України «Про Національну поліцію» встановив обов'язок поліції регулярно інформувати громадськість про свою діяльність, оприлюднювати статистичну інформацію та забезпечувати доступ до публічної інформації відповідно до Закону України «Про доступ до публічної інформації» [4, 5]. Було запроваджено електронні сервіси, зокрема додаток «Моя поліція», через який громадяни можуть взаємодіяти з правоохоронцями, повідомляти про правопорушення та відстежувати стан розгляду звернень. Створення Державного бюро розслідувань у 2017 році та Національного антикорупційного бюро України стало важливим кроком до формування системи незалежного розслідування злочинів, вчинених високопосадовцями та самими правоохоронцями, що посилює підзвітність системи.

Державна прикордонна служба України також пройшла шлях реформування відповідно до європейських стандартів. Стратегія розвитку ДПСУ, затверджена у 2015 році, визначила прозорість як один із ключових принципів діяльності [6]. ДПСУ регулярно публікує статистику про перетин кордону, виявлення порушень прикордонного режиму, протидію контрабанді та нелегальній міграції на офіційному вебсайті та у соціальних мережах. Прикордонний контроль, як складова прикордонної діяльності, безпосередньо пов'язаний із дотриманням прав іноземців, осіб без громадянства, шукачів притулку та біженців. Європейський досвід, зокрема практика агенції The European Border and Coast Guard Agency (FRONTEX), свідчить про можливість поєднання посиленого прикордонного контролю з високими стандартами прозорості, правового інформування осіб та незалежного моніторингу дій персоналу [8]. Україна, співпрацюючи з Європейською місією прикордонної допомоги European Union Border Assistance Mission to Moldova and Ukraine (EUBAM), поступово впроваджує ці підходи шляхом гармонізації процедур прикордонного контролю та підвищення стандартів правозахисної діяльності. Зокрема, після підписання безвізового режиму з ЄС у 2017 році ДПСУ суттєво посилила прозорість процедур перетину кордону та механізмів оскарження рішень прикордонників.

Водночас повномасштабна російська агресія з 24 лютого 2022 року створила безпрецедентні виклики для збереження прозорості правоохоронної системи в умовах воєнного стану. Запровадження воєнного стану призвело до розширення дискреційних повноважень правоохоронних органів, посилення режиму секретності та обмеження доступу до окремих категорій інформації. Це створює додаткові ризики для дотримання прав людини та знижує ефективність механізмів громадського контролю. Обмеження доступу до певних категорій інформації з міркувань національної безпеки, мобілізація значної частини особового складу до Збройних Сил, перевантаження системи воєнними злочинами та злочинами проти основ національної безпеки призвели до тимчасового зниження рівня відкритості. Евакуація правоохоронних органів з тимчасово окупованих територій, руйнування інфраструктури, масові порушення прав людини окупаційними силами створили ситуацію, коли правоохоронна система змушена була працювати в екстремальних умовах. Міжнародні організації, включаючи Управління Верховного комісара ООН з прав людини, фіксують випадки ускладнення доступу до інформації про роботу правоохоронних органів, затримки у розгляді звернень громадян, обмеження можливостей громадського моніторингу. Проте важливо наголосити, що ці обмеження значною мірою є вимушеними та об'єктивно зумовленими воєнною ситуацією, а не свідомою політикою згортання демократичних практик. Водночас міжнародні стандарти наголошують, що навіть в умовах збройного конфлікту держава зобов'язана забезпечувати мінімальний рівень прозорості та процесуальних гарантій, адаптуючи їх до безпекових викликів, а не відмовляючись від них повністю.



Перспективи подолання негативних наслідків війни у цій сфері пов'язані з подальшим удосконаленням нормативно-правового регулювання правоохоронної діяльності, розвитком інструментів цифрової прозорості, посиленням інституційної спроможності органів внутрішнього та зовнішнього контролю, а також із розширенням співпраці з європейськими та міжнародними правозахисними інституціями.

Отже, прозорість діяльності правоохоронних органів є не лише формальною вимогою демократичного врядування, а й дієвим механізмом забезпечення прав людини, підвищення якості правоохоронної діяльності та зміцнення суспільної довіри. Європейські стандарти у цій сфері становлять важливий орієнтир для України, яка, незважаючи на виклики воєнного часу, продовжує формувати правоохоронну систему, засновану на принципах законності, підзвітності та поваги до людської гідності.

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## **ПРАВОВА ТА ДЕРЖАВНА КОМУНІКАЦІЯ**

У цьому дослідженні здійснено комплексний аналіз правової та державної комунікації як взаємопов'язаних інструментів державного управління в Україні. Також досліджено відповідне національне законодавство, розкрито сутність понять «правова комунікація» та «державна комунікація», а також виокремлено основні функції та ключові проблеми їх практичної реалізації. Акцентовано увагу на тому, що ефективна комунікаційна взаємодія між державними органами та громадянським суспільством є ключовим індикатором демократичного розвитку. Саме синергія правової та державної комунікації забезпечує повноцінний зворотний зв'язок: влада отримує механізм для прозорого інформування про свою діяльність, а інститути громадянського суспільства – можливість надавати об'єктивну оцінку державним рішенням. Зроблено висновок, що впровадження сучасних комунікаційних стандартів, заснованих на принципах рівного та взаємовідповідального діалогу, є фундаментальною умовою успішного функціонування державних інституцій та розбудови розвиненого суспільства. Наголошується, що в сучасних умовах комунікація є базовим чинником формування й розвитку нових моделей правових відносин. Саме через різноманітні та постійно вдосконалювані канали взаємодії відбувається оновлення змісту й механізмів правової співпраці. У період активної інформатизації суспільства взаємодія між правоохоронними, правозахисними та судовими органами супроводжується зростанням кількості інформаційних потоків різного рівня – від внутрішньовідомчих до міжінституційних і публічних.

Це свідчить про ускладнення та водночас про структурованість комунікаційних процесів. Динамічність сучасного інформаційного простору проявляється в розширенні мережі комунікаційних зв'язків, що зумовлено впровадженням нових управлінських підходів і технологій у діяльність правоохоронних, правозахисних і судових інституцій. Таким чином, комунікація стає невід'ємним елементом модернізації правової системи. Правова та державна комунікація є формами нормативно врегульованої взаємодії суб'єктів права і публічної влади, спрямованої на вироблення, тлумачення та реалізацію правових норм через обмін юридично значущою інформацією. Правова комунікація становить спеціальну форму взаємодії у сфері права, що передбачає цілеспрямований обмін інформацією між учасниками правовідносин з метою розв'язання юридично складних питань і досягнення визначеного правового результату. Її суб'єктами виступають

фізичні та юридичні особи, органи державної влади, а також органи місцевого самоврядування, які реалізують свої повноваження у межах установлених законом процедур.

Правова комунікація функціонує на міжособистісному, груповому, публічному та масовому рівнях і охоплює як вербальні, так і невербальні способи передавання правових смислів. Вона спрямована на узгодження правових позицій сторін, подолання розбіжностей у тлумаченні норм, забезпечення балансу інтересів та досягнення справедливого рішення на основі принципів законності й рівності. Процес правової комунікації передбачає формулювання проблеми, вибір аргументаційної стратегії, здійснення переконування, врегулювання суперечностей і прийняття альтернативних законних рішень, що відповідають нормам права та загальнокультурним правилам взаємодії.

Державна комунікація – це процес обміну інформацією між органами влади та громадськістю для забезпечення прозорості, довіри та підтримки реформ. Вона базується на принципах достовірності, актуальності та відкритості. Сучасні держкомунікації включають онлайн-взаємодію (соцмережі, чат-боти), роботу з медіа (брифінги) та кризовий менеджмент. Державна комунікація є різновидом публічної комунікації, яка здійснюється органами державної влади з метою реалізації державної політики, інформування суспільства та нормативного регулювання соціальних процесів. Вона має інституційний характер і ґрунтується на принципах публічності, відкритості, відповідальності та дотримання прав людини. Взаємозв'язок правової та державної комунікації виявляється в тому, що держава виступає ключовим суб'єктом правового діалогу, а ефективність публічного управління безпосередньо залежить від якості правового інформування, рівня комунікативної культури та здатності забезпечити легітимність прийнятих рішень. Комплексний аналіз дозволяє класифікувати основні функції державної та правової комунікацій

Зауважимо, державна комунікація виконує передусім інформаційно-просвітницьку функцію: вона забезпечує суспільство повною, достовірною та своєчасною інформацією про діяльність органів влади, державні послуги й управлінські рішення. Важливим аспектом є доступність інформації для різних соціальних груп, зокрема національних меншин, а також використання різних форматів подання. До її функцій належить також консолідуюча й антикризова роль – узгодження дій населення в умовах надзвичайних ситуацій, стабілізація суспільних настроїв, формування довіри до інституцій та підтримка суспільної єдності. Окремо слід виокремити інституційно-репрезентативну функцію: формування цілісного публічного образу державних органів, координація міжвідомчої взаємодії та представлення держави на міжнародному рівні.

#### Функції правової комунікації

Правова комунікація має насамперед нормативно-регулятивну функцію. Вона полягає в інформуванні громадян і суб'єктів господарювання про зміни в законодавстві, нові правові механізми та процедури, а також у роз'ясненні

змісту нормативно-правових актів. Водночас вона виконує правопросвітницьку функцію, спрямовану на формування правової культури, підвищення рівня правосвідомості та забезпечення усвідомленого дотримання норм права. Отже, якщо державна комунікація охоплює ширший управлінський і публічний вимір взаємодії влади із суспільством, то правова комунікація зосереджена на трансляції та поясненні правових норм і процедур, забезпечуючи їх правильне розуміння й застосування. Зазначимо, що ефективні державні комунікації ґрунтуються на відкритості, точності та відповідальності. Вони мають бути зрозумілими для громадян і базуватися на перевірених фактах. Правові комунікації – складова цього процесу, що забезпечує коректне інформування про норми права, рішення органів влади та правові наслідки. Результативні державні комунікації спираються на принципи прозорості, об'єктивності, неупередженості, своєчасності та доброчесності. Інформація, яку поширюють органи влади, повинна бути підтверджена фактами, викладена доступно й достатньо повно для правильного розуміння її змісту. Важливо, щоб повідомлення були логічними, структурованими та поданими простою й чіткою мовою без складних або двозначних формулювань. Водночас державні органи зобов'язані діяти відкрито: визнавати допущені помилки, пояснювати причини їх виникнення та інформувати суспільство про заходи, спрямовані на їх усунення й недопущення в майбутньому. Такий підхід формує довіру та підвищує рівень правової культури громадян. Правові комунікації є окремим напрямом державних комунікацій. Вони передбачають офіційне інформування про нормативно-правові акти, права й обов'язки громадян, порядок реалізації цих прав, а також роз'яснення юридичних рішень. Їхня мета – забезпечити юридичну визначеність, передбачуваність дій держави та однакове розуміння норм права всіма учасниками правовідносин.

Сучасна державна комунікація є системою організованої взаємодії органів публічної влади із суспільством та міжнародною спільнотою, спрямованою на забезпечення відкритості, поінформованості й підтримки державної політики. Її зміст полягає в наданні актуальної, достовірної та суспільно значущої інформації, зокрема щодо реалізації стратегічних напрямів розвитку держави та міжнародних зобов'язань України. Важливим складником державної комунікації є взаємодія із засобами масової інформації. Вона передбачає надання повної й об'єктивної інформації, оперативне реагування на запити та дотримання професійних стандартів публічності. Це сприяє формуванню довіри до органів влади та запобігає викривленню змісту офіційних повідомлень. Державна комунікація реалізується також через цифрові канали. Використання офіційних вебсайтів, електронних сервісів і соціальних платформ забезпечує доступ громадян до публічної інформації та адміністративних послуг. Інформація, що поширюється в цифровому середовищі, має бути точною, зрозумілою та адаптованою до різних форматів сприйняття. Окремою формою державної комунікації є організація публічних заходів, які забезпечують безпосередній діалог влади з громадськістю. У разі співпраці з іншими інституціями необхідним є належне визначення ролі

кожного учасника та коректне відображення їхнього внеску. Інформаційно-роз'яснювальна реклама виступає інструментом державної комунікації, спрямованим на інформування населення про державні сервіси, соціальні програми та ризики для здоров'я й безпеки.

Її застосування має ґрунтуватися на принципах законності та суспільної доцільності. На нашу думку, міжнародний вимір державної комунікації пов'язаний із реалізацією зовнішньополітичних і економічних інтересів України. Він здійснюється через дипломатичну діяльність, міжурядову взаємодію та публічну дипломатію, а також формує міжнародний імідж держави. Правова комунікація здійснюється у формах офіційного оприлюднення нормативно-правових актів, публікації роз'яснень уповноважених органів, проведення брифінгів щодо змін законодавства, надання відповідей на запити громадян та суб'єктів господарювання. Вона також реалізується через електронні правові ресурси та відкриті реєстри, що забезпечують публічність і прозорість правового регулювання. Ключовими принципами правової комунікації є законність, юридична визначеність, достовірність, системність і доступність. Особливе значення має вимога однозначності юридичних формулювань, оскільки будь-яка неточність може спричинити різночитання норм та помилки у правозастосуванні. Водночас інформація повинна бути адаптована до рівня сприйняття адресатів без спрощення її юридичного змісту.

У демократичній державі правова комунікація виступає інструментом забезпечення принципу верховенства права. Через своєчасне інформування та роз'яснення вона формує довіру до державних інституцій, підвищує рівень правової культури населення та сприяє стабільності правопорядку. Ефективність правової комунікації безпосередньо впливає на якість правового регулювання та ступінь реалізації конституційних прав і свобод людини.

Отже, проведене дослідження дає підстави стверджувати, що правова та державна комунікація є не лише інструментами передавання інформації, а системоутворювальними елементами сучасного публічного управління. Їх значення полягає у забезпеченні узгодженості дій суб'єктів владних повноважень і громадян, формуванні правової визначеності та підтриманні стабільності правопорядку. На нашу думку, саме якість комунікаційних процесів визначає реальний рівень демократичності держави, оскільки відкритий і відповідальний діалог між владою та суспільством є показником зрілості інституцій та ефективності управлінських рішень. Ми вважаємо, що в умовах цифрової трансформації особливого значення набуває не лише оперативність поширення інформації, а й її точність, структурованість і юридична коректність.

Будь-які комунікаційні помилки або нечіткість формулювань можуть спричинити викривлене розуміння норм права та зниження довіри до державних органів. Тому впровадження єдиних стандартів комунікативної діяльності, підвищення професійної компетентності посадових осіб і розвиток правової культури населення мають стати пріоритетними напрямками вдосконалення державної політики у цій сфері.

Таким чином, правова та державна комунікація виступають необхідною передумовою легітимності влади, належної реалізації прав і свобод людини та сталого розвитку суспільства. На нашу думку, подальше наукове осмислення цих явищ і практичне вдосконалення механізмів їх реалізації сприятимуть зміцненню принципу верховенства права та формуванню якісно нового рівня взаємодії між державою і громадянським суспільством.

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3. Закон України «Про доступ до публічної інформації» від 13.01.2011 № 2939-VI.
4. Закон України «Про звернення громадян» від 02.10.1996 № 393/96-ВР.
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## **ПРАВО НА СВОБОДУ ДУМКИ І СЛОВА ДІТЕЙ В УМОВАХ ВОЄННОГО СТАНУ**

Свобода думки і слова належить до фундаментальних прав і свобод людини, гарантованих Конституцією України (ст. 34). Це право має особливе значення для дітей і закріплене не лише в національному законодавстві, а й у міжнародно-правових актах, зокрема Конвенції ООН про права дитини 1989 року. Як держава-учасниця цих міжнародних договорів, Україна зобов'язана поважати і забезпечувати всі права, передбачені цією Конвенцією, за кожною дитиною, яка перебуває під її юрисдикцією. Особливо важливим це зобов'язання стає в умовах збройної агресії, оскільки воно пов'язане з доступом до інформації, можливістю висловлювати власну позицію та формуванням громадянської свідомості.

Права дитини становлять систему можливостей, що забезпечують її всебічний розвиток з урахуванням біологічної та психологічної незрілості. Згідно з міжнародно-правовими актами, дитиною визнається «кожна людська

істота до досягнення 18-річного віку, якщо за законом, що застосовується до даної особи, вона не досягає повноліття раніше» [1]. Саме ця незрілість може зумовлювати обмежену здатність дитини усвідомлювати факти порушення її прав, що часто призводить до замовчування випадків насильства чи дискримінації. Тому обов'язком батьків, освітніх закладів і суспільства є формування у дітей розуміння допустимих і недопустимих дій щодо них. У цьому контексті важливого значення набуває принцип забезпечення «найкращих інтересів дитини», який полягає у вжитті заходів, спрямованих на задоволення індивідуальних потреб кожної дитини відповідно до її віку, стану здоров'я, статі, життєвого досвіду, культурної, етнічної та родинної належності, з урахуванням її власної думки, якщо дитина здатна її висловити [2, с. 67]

Згідно зі статтею 13 Конвенції ООН про права дитини, кожна дитина має право вільно висловлювати свої думки, а також шукати, отримувати й поширювати інформацію будь-якого виду незалежно від державних кордонів. Обмеження цього права допускаються лише у випадках, прямо передбачених законом, і повинні бути необхідними для охорони державної безпеки, громадського порядку, здоров'я, моралі або прав інших осіб [1]. Позиція щодо суб'єктності дитини як носія прав закріплена й у постанові Верховного Суду від 1 квітня 2020 р. у справі № 234/19213/17. Суд наголосив, що «дитина, незважаючи на неповну цивільну дієздатність, є самостійним суб'єктом права, має визначений законом обсяг прав, серед яких – право висловлювати власну думку та право на врахування цієї думки при вирішенні питань, що стосуються її життя» [3]. Це положення підтверджує необхідність формування у суспільстві культури поваги до голосу дитини як до рівноправного учасника соціально-правових відносин.

Воєнний стан є особливим правовим режимом, який передбачає комплекс юридичних механізмів, спрямованих на гарантування національної безпеки. У цих умовах допускається тимчасове обмеження окремих конституційних прав і свобод, зокрема поширення інформації або вираження поглядів, якщо це об'єктивно необхідно для захисту держави [4]. Водночас дотримання балансу між інтересами національної безпеки та забезпеченням основоположних прав дитини виступає визначальним принципом сучасної конституційної політики. Такий баланс має забезпечуватися з урахуванням принципу пропорційності, відповідно до якого будь-які обмеження прав і свобод повинні бути необхідними, обґрунтованими та співмірними поставленій меті.

В умовах воєнного стану реалізація права дітей на свободу думки й слова істотно ускладнюється через фактори, зумовлені самим збройним конфліктом. До таких належать обмеження роботи медіа, перебої у доступі до інтернету, інформаційні обмеження, а також втрата освітніх і культурних можливостей. Унаслідок бойових дій та окупації територій порушується доступ до достовірної інформації, що негативно впливає на розвиток критичного мислення дітей і формування громадянської позиції.

Попри це, держава зобов'язана дотримуватися міжнародних стандартів захисту прав людини та забезпечувати максимально можливу реалізацію прав

дитини. Для цього необхідно вживати всіх можливих заходів для збереження та реалізації інформаційних прав дітей: забезпечувати безпечний доступ до освіти (зокрема в онлайн-форматі), підтримувати інформаційні ресурси, спрямовані на захист дітей, і гарантувати поширення достовірної інформації. Відповідно до Закону України «Про правовий режим воєнного стану», запровадження воєнного стану не скасовує базових прав людини, а лише допускає їх тимчасове, законодавчо визначене обмеження в інтересах національної безпеки, що має здійснюватися відповідно до принципу пропорційності.

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URL: [https://zakon.rada.gov.ua/laws/show/995\\_021#Text](https://zakon.rada.gov.ua/laws/show/995_021#Text)

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3. Постанова від 01.04.2020 № 234/19213/17: Верховний Суд. *Ligazakon*: сайт. URL: <https://ips.ligazakon.net/document/C016605> (дата звернення: 05.03.2026).

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## **ДОТРИМАННЯ МІЖНАРОДНИХ СТАНДАРТІВ ЗАХИСТУ ПРАВ ЛЮДИНИ В ДІЯЛЬНОСТІ ПОЛІЦІЇ: ВИКЛИКИ ВОЄННОГО СТАНУ ТА АДМІНІСТРАТИВНО-ПРАВОВИЙ ДИСКУРС**

Забезпечення конституційних прав і свобод людини в умовах воєнного конфлікту є найвищим викликом для правоохоронної системи, оскільки вимагає балансування між необхідністю застосування жорстких заходів безпеки та дотриманням гуманістичних стандартів, закріплених Конституцією України та міжнародними конвенціями. В умовах повномасштабної збройної агресії діяльність Національної поліції України вийшла за межі класичної парадигми «охорони правопорядку», трансформувавшись у багатофункціональну систему захисту людини в екстремальних умовах. Згідно зі ст. 3 Конституції України, людина, її життя і здоров'я визнаються найвищою соціальною цінністю, що в



зоні бойових дій покладає на поліцію обов'язки, які межують із військовими та рятувальними операціями.

Особливість правового регулювання діяльності поліції в зоні конфлікту полягає у легітимному обмеженні певних прав (на пересування, на недоторканність житла при проведенні стабілізаційних заходів), що передбачено ст. 64 Конституції України та Законом «Про правовий режим воєнного стану».

Проте, як зазначають дослідники, право на життя, гідність та захист від катувань є абсолютними та не можуть бути обмежені за жодних обставин. У цьому контексті діяльність НПУ набуває ознак «гуманітарної поліцейстики», де ключовим методом стає превенція загибелі населення. Яскравим прикладом є робота спецпідрозділів «Білі янголи», які здійснюють евакуацію у надскладних умовах, фактично реалізуючи право людини на життя там, де інші державні інституції тимчасово не можуть функціонувати. Науковий аналіз підтверджує, що такі форми діяльності є розвитком адміністративних функцій поліції, адаптованих до стандартів міжнародного гуманітарного права.

Важливим елементом захисту прав людини є боротьба з воєнними злочинами та ідентифікація загиблих, що дозволяє реалізувати право родичів на інформацію та право на справедливий суд у майбутньому. Використання сучасних цифрових технологій, мобільних ДНК-лабораторій та інтегрованих систем відеомоніторингу дозволяє поліції ефективно фіксувати порушення прав людини з боку окупаційних військ, що є критично важливим для міжнародного правосуддя. Одночасно із цим, внутрішня трансформація НПУ, зокрема створення ОШБ «Лють», демонструє готовність держави захищати конституційний лад безпосередньо на лінії зіткнення, поєднуючи бойові завдання із суворим дотриманням прав військовополонених та цивільних осіб, що перебувають у зоні операцій. Це корелюється з досвідом країн НАТО щодо цивільно-військового співробітництва (CIMIC), де поліція виступає медіатором між збройними силами та громадою.

Окрему наукову увагу слід приділити захисту прав дітей, які є найбільш вразливою категорією в зоні конфлікту. Поліція не лише виконує функцію фізичного захисту та евакуації, а й бере участь у протидії депортації та незаконному переміщенню неповнолітніх. Реалізація механізму примусової евакуації дітей із районів активних бойових дій є складним юридичним процесом, де право на життя дитини пріоритезується над певними правами батьків на виховання в обраному місці, що відповідає практиці Європейського суду з прав людини щодо «найкращих інтересів дитини». При цьому превентивна діяльність поліції має базуватися на методах переконання та психологічного супроводу, що мінімізує травматизацію цивільних.

На завершення, парадигма захисту конституційних прав у діяльності поліції в зоні воєнного конфлікту має зміщуватися в бік інклюзивності та безбар'єрності - не лише фізичної, а й юридичної та інформаційної. Поліцейський у зоні конфлікту стає гарантом конституційного ладу, чия діяльність оцінюється не кількістю складених протоколів, а кількістю

врятованих життів та рівнем довіри населення, що опинилося в епіцентрі війни. Подальше вдосконалення законодавства має бути спрямоване на чітку деталізацію повноважень поліції в деокупованих та прифронтових територіях, щоб забезпечити безперервність захисту прав людини від моменту звільнення території до повного відновлення правопорядку.

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## **ВОЛОНТЕРСЬКИЙ РУХ ЯК ФЕНОМЕН СУЧАСНОГО ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В УМОВАХ ВІЙНИ**

Повномасштабна збройна агресія проти України спричинила значні зміни у функціонуванні державних інституцій та громадянського суспільства. У цих умовах волонтерський рух перестав бути лише формою громадської активності

й перетворився на важливий чинник підтримки обороноздатності держави, надання гуманітарної допомоги населенню та збереження соціальної стабільності. Він став проявом високого рівня самоорганізації, відповідальності та солідарності українського суспільства, що дозволяє розглядати його як вагомий феномен сучасного громадянського суспільства.

Як соціальне явище волонтерство має глибоке історичне підґрунтя та пов'язане з традиціями взаємодопомоги й милосердя, що формувалися ще в давніх суспільствах. У культурній та релігійній традиції Заходу одним із моральних прообразів волонтерства вважається біблійний образ “доброго самарянина”, який символізує безкорисливу допомогу людині, що опинилася в біді. Формування волонтерства як організованого суспільного руху дослідники пов'язують із сер. XIX ст. 1859 р. вважається роком виникнення волонтерського руху у світі. Саме тоді відбулася битва під Сольферіно, наслідки якої справили глибоке враження на швейцарського гуманіста та громадського діяча Анрі Дюнан. Ставши свідком масових страждань поранених солдатів і відсутності належної медичної допомоги, він висунув ідею створення добровільної організації, яка б на засадах гуманності та безкорисливої допомоги опікувалася пораненими та військовополоненими незалежно від їхньої належності до сторін конфлікту. Запропонована ним ініціатива згодом стала основою для створення у 1863 р. Міжнародного комітету Червоного Хреста – однієї з перших міжнародних гуманітарних організацій, діяльність якої значною мірою ґрунтувалася на добровільній участі громадян [1, с. 79].

У подальшому розвиток волонтерства відбувався у різних сферах суспільного життя – соціальній, медичній, освітній, гуманітарній. У XX–XXI ст. волонтерський рух набув глобального характеру та став важливим елементом громадянського суспільства, сприяючи вирішенню соціальних проблем, підтримці вразливих груп населення та реагуванню на кризові ситуації, зокрема збройні конфлікти, природні катастрофи та гуманітарні кризи.

В Україні особливої ваги волонтерський рух набув у процесі забезпечення національної стійкості. Починаючи з 2014 р., він поступово трансформувався з окремих локальних ініціатив у розгалужену мережу громадської підтримки сектору оборони, а після 24 лютого 2022 р. став невід'ємною складовою функціонування держави в умовах війни, об'єднуючи зусилля громадянського суспільства, волонтерських організацій та державних інституцій задля підтримки Збройних Сил України, цивільного населення, а також сприяння зміцненню обороноздатності держави та забезпеченню захисту національної безпеки України.

На початках волонтерська діяльність в Україні мала переважно стихійний характер, однак із часом відбулася її поступова інституціоналізація. Це проявилось у реєстрації благодійних фондів, створенні громадських об'єднань, укладенні меморандумів про співпрацю з державними органами, а також участі представників волонтерського середовища у консультативно-дорадчих органах при органах влади. У результаті волонтерський рух поступово перетворився на важливий суб'єкт публічної політики, який бере участь у формуванні та

реалізації управлінських рішень у сфері оборони, гуманітарної допомоги та соціальної підтримки населення [2, с. 89–90].

Правовою основою функціонування волонтерства в Україні є Закон “Про волонтерську діяльність” (2011 р.), який визначає засади добровільності та безоплатності такої діяльності, її основні напрями, правовий статус волонтерів, соціальні гарантії, а також механізми державної підтримки розвитку волонтерського руху. У законі закріплено **нормативне визначення поняття волонтерської діяльності**. Зокрема, у ч. 1 ст. 1 зазначено: “*Волонтерська діяльність* – добровільна, соціально спрямована, неприбуткова діяльність, що здійснюється волонтерами шляхом надання волонтерської допомоги. *Волонтерська допомога* – роботи та послуги, що безоплатно виконуються і надаються волонтерами. Волонтерська діяльність є формою благодійної діяльності. Безоплатне виконання робіт або надання послуг особами, що здійснюється на основі сімейних, дружніх чи сусідських відносин, не є волонтерською діяльністю” [3].

Водночас в умовах війни важливе значення мають положення Закону “Про правовий режим воєнного стану”, що передбачає можливість тимчасового обмеження окремих прав і свобод, однак не скасовує права громадян брати участь у волонтерській діяльності [4]. Організаційно-координаційну роль у сфері соціального захисту та надання гуманітарної допомоги відіграє Міністерство соціальної політики, сім’ї та єдності України, яке взаємодіє з благодійними фондами та громадськими організаціями. Після 2022 р. відбулися також суттєві зміни у податковому та митному законодавстві, зокрема щодо ввезення гуманітарної допомоги, спрощення процедур її декларування та звітності, що сприяло активізації та розширенню волонтерської діяльності в Україні [5, 6].

Відповідно до положень Закон України “Про волонтерську діяльність” ч. 3 ст. 1, волонтерська діяльність здійснюється **за різними напрямками її реалізації**. Зокрема, законодавство передбачає надання волонтерської допомоги соціально вразливим категоріям населення (малозабезпеченим, безробітним, багатодітним сім’ям, бездомним особам, людям, які перебувають у складних життєвих обставинах), здійснення догляду за хворими, особами з інвалідністю та людьми похилого віку, а також підтримку громадян, які постраждали внаслідок надзвичайних ситуацій, соціальних конфліктів або кримінальних правопорушень [3].

Окремий важливий напрям становить надання допомоги громадянам, які постраждали внаслідок бойових дій, збройних конфліктів та вимушеного переміщення, зокрема внутрішньо переміщеним особам і біженцям. Закон також передбачає участь волонтерів у ліквідації наслідків надзвичайних ситуацій природного або техногенного характеру, охороні навколишнього природного середовища, збереженні культурної та історичної спадщини, організації культурних, спортивних і громадських заходів.

Важливим напрямом сучасної волонтерської діяльності є підтримка сектору безпеки й оборони, зокрема надання допомоги Збройні Сили України,

правоохоронним органам та органам державної влади під час дії правового режиму воєнного стану, проведення заходів із забезпечення національної безпеки та оборони, відсічі та стримування збройної агресії. Законодавство передбачає участь волонтерів у подоланні наслідків збройної агресії та післявоєнному відновленні держави, а також у заходах, спрямованих на утвердження української національної та громадянської ідентичності [3].

Аналіз зазначених законодавчих положень дає підстави стверджувати, що з визначених напрямів волонтерської діяльності впливають її ключові суспільні функції. З позицій теорії громадянського суспільства волонтерство виступає важливим інструментом самоорганізації громадян, сприяє розвитку соціальної відповідальності та формуванню активної громадянської позиції. Воно забезпечує взаємодію між державою, суспільством і громадськими інституціями, що особливо важливо в умовах кризових ситуацій та суспільних трансформацій.

У цьому контексті волонтерство виконує низку важливих функцій, зокрема мобілізаційну, соціально-компенсаторну, інформаційну, контрольну та інтегративну, які сприяють консолідації суспільства, підвищенню ефективності суспільної взаємодії та зміцненню громадянського суспільства [7, с. 136].

Отже, волонтерський рух в Україні в умовах війни є не лише проявом соціальної активності, а й важливим чинником зміцнення держави та розвитку патріотизму. Він об'єднує громадян, організації та державні інституції для підтримки Збройних Сил України, цивільного населення та забезпечення національної безпеки, сприяючи консолідації суспільства, формуванню активної громадянської позиції, патріотичної свідомості та створенню передумов для післявоєнного відновлення і розвитку країни.

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## **МІЖНАРОДНО-ПРАВОВИЙ ЗАХИСТ ЦИВІЛЬНОГО НАСЕЛЕННЯ ПІД ЧАС ЗБРОЙНОГО КОНФЛІКТУ**

Після 24 лютого 2022 року на території України були зафіксовані численні воєнні злочини, скоєні російськими військовими. Наразі правоохоронні органи продовжують розслідувати обставини та деталі цих злочинів, однак інформація про їхній характер вже активно поширюється світом. Міжнародна спільнота стає свідком жорстокості, яку проявляє Російська Федерація, завдаючи шкоди як українській інфраструктурі, так і мирним жителям. У цьому контексті питання дотримання норм міжнародного гуманітарного права під час збройного конфлікту набуває особливої актуальності.

Основа захисту цивільного населення під час міжнародних конфліктів складають положення Женевської конвенції від 1949 року про захист цивільного населення під час війни [1], а також Додаткового протоколу I 1977 року [2], що регулює питання захисту жертв міжнародних збройних конфліктів. Ці міжнародно-правові акти ратифіковані Україною та мають обов'язкову силу для виконання на її території.

Вищезазначені документи встановлюють чіткі зобов'язання для сторін конфлікту, покликані забезпечувати недоторканність цивільного населення і цивільних об'єктів, захищаючи їх від збройних нападів.

За аналізом М.А. Маніної, Перша Женевська конвенція гарантує можливість отримання допомоги і лікування під час війни без дискримінації, незалежно від національності, Друга Женевська конвенція захищає осіб, які є жертвами військових дій та інших лих, що відбуваються на морі, Третя Женевська конвенція регулює правовий статус військоволонених, Четверта Женевська конвенція здійснює захист цивільного населення під час війни [3, с. 386].

У міжнародному праві поняття цивільної особи охоплює доволі широкий спектр. Важливо уникати його звуження, оскільки це може позбавити значну частину мирного населення належного захисту. Цивільною особою вважається кожна людина, яка перебуває на території воюючої держави і не бере безпосередньої участі у збройному протистоянні.

Додатковий протокол I 1977 року у ст. 50 регламентує, що цивільною особою є будь-яка особа, що не належить до таких трьох категорій: особовий склад збройних сил сторони конфлікту; члени особового складу регулярних збройних сил, які заявляють про свою відданість урядові або владі, що не визнані державою, яка їх затримує; члени ополчення або добровольчих загонів, які є частиною цих збройних сил [4, с. 295-296].

Отже, якщо особа не належить до вищезазначених категорій, то вона вважається цивільною та має право на захист.

Серед найуразливіших груп цивільного населення під час збройного конфлікту особливе місце займають жінки та діти. Війна часто супроводжується випадками гендерно зумовленого насильства, включаючи зґвалтування та інші форми сексуального насильства, які використовуються як інструмент приниження противника. Попри те, що міжнародне право суворо забороняє такі дії, на території України вони продовжують відбуватися.

Діти потребують підвищеного рівня захисту: їм не слід брати участь у бойових діях до досягнення належного віку, а держава зобов'язана впроваджувати заходи для забезпечення їхнього життя та безпеки. Жінки та діти, які опинилися в зоні конфлікту чи на окупованих територіях, мають право на доступ до їжі, медичної допомоги та інших основних умов для виживання.

Також важливо, щоб сторони конфлікту вживали заходів для мінімізації загрози для цивільного населення: ретельно перевіряли цілі для атак, використовували способи ведення бойових дій, що знижують випадкові втрати, припиняли дії, які можуть завдати шкоди цивільним особам, а за можливості заздалегідь попереджали населення про ризики.

Однак, попри існуючі міжнародні механізми захисту цивільного населення і правового регулювання, порушення прав мирних жителів під час збройних конфліктів продовжують траплятися. На практиці положення Женевських конвенцій часто залишаються невиконаними через відсутність дієвих механізмів контролю за їх дотриманням, а також недостатню реакцію міжнародної спільноти на випадки порушень норм міжнародного гуманітарного права. Крім того, досі бракують чіткі правові інструменти, здатні забезпечити застосування примусу до держави-агресора.

Хоча процес документування військових злочинів здійснюється, міжнародне гуманітарне право потребує вдосконалення, зокрема в аспекті реалізації механізмів міжнародного примусу. Сам характер збройних сутичок неминуче спричиняє руйнування та порушення прав і свобод цивільних осіб. Забезпечити їх повний захист у таких умовах майже неможливо, тому одним із найнефективніших підходів залишається прагнення сторін конфлікту до мінімізації шкоди та втрат серед мирного населення.

Наразі існують кілька ключових правових механізмів захисту цивільного населення під час збройного конфлікту. До них належать: Міжнародні суди та трибунали, такі як Міжнародний кримінальний суд (МКС), що має юрисдикцію розслідувати та притягати до відповідальності осіб, винних у вчиненні військових злочинів, злочинів проти людяності та геноциду; Міжнародні організації, такі як ООН, ОБСЄ, Міжнародний комітет Червоного Хреста, відіграють важливу роль у захисті прав цивільного населення під час воєнних дій [5, с. 32].

Таким чином, міжнародно-правовий захист цивільного населення під час збройних конфліктів реалізується через норми міжнародного гуманітарного права та діяльність відповідних міжнародних установ. Однак його ефективність значною мірою обмежується недостатністю дієвих механізмів примусу щодо держав, які порушують міжнародні норми, а також труднощами у забезпеченні контролю за їхнім дотриманням. У зв'язку з цим ключовим засобом гарантування безпеки цивільного населення залишається зобов'язання учасників конфлікту до скорочення шкоди та кількості жертв серед мирного населення, передусім серед представників вразливих груп, таких як жінки, діти, особи літнього віку та люди з хворобами.

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## ПРОБЛЕМНІ ПИТАННЯ КВАЛІФІКАЦІЇ ДЕЛІКТІВ УЧАСНИКІВ ПУБЛІЧНИХ ЗАКУПІВЕЛЬ

Традиційна кримінально-правова доктрина України тривалий час розглядала делікти у сфері публічних закупівель переважно крізь призму матеріальних складів – привласнення або розтрати майна (ст. 191 КК України). Проте цифрова трансформація економіки та впровадження системи «Prozorro» змінили архітектуру злочинності. Сьогодні ми спостерігаємо панування «інтелектуальних» деліктів учасників публічних закупівель, де об'єктом посягання є не фізичне майно, а *алгоритм відбору переможця та цілісність ринкового середовища*.

За результатами системного аналізу вироків щодо кримінальних правопорушень, вчинених у сфері публічних закупівель, ідентифіковано та класифіковано низку *моделей закупівельних деліктів*, що вчиняються учасником закупівельного процесу на стадії подання тендерних пропозицій. Суть одного з них полягає у свідомому використанні учасником документів із завідомо неправдивими відомостями, що мають критичне значення для їх оцінки замовником. Зазначене правопорушення є фундаментом для викривлення ринкового середовища, проте через застарілі підходи до кваліфікації залишається практично «недосяжним» для чинного Кримінального кодексу.

Зокрема, у справі № 415/4484/17 фізичну особу – підприємця Ш. засуджено за ч. 2 та ч. 4 ст. 358 КК України до штрафу у розмірі 850 грн за подання підроблених довідок про не притягнення до відповідальності за антиконкурентні узгоджені дії. Перебуваючи під санкціями Антимонопольного комітету України (далі - АМКУ) за спотворення результатів торгів, маючи на меті обійти законну заборону на участь у закупівлях впродовж 3 років, Ш. у зазначила тендерних довідках завідомо неправдиві відомості, внаслідок чого була визнана переможцем та отримала доступ до бюджетних коштів дитячої лікарні, на які не мала права.

Кваліфікація діянь за ч. 2, ч. 4 ст. 358 КК карає винну особу за підроблення офіційного документу та його використання, але при цьому цілком ігнорує економічну небезпеку її перебування на ринку, адже участь «токсичного» гравця в аукціоні апріорі спотворює конкурентне середовище. Крім того, кваліфікація за ст. 358 КК не враховує розміру кримінально-протиправного посягання. Покарання за підробку документа є однаковим як для контракту на 1 000 грн, так і на 100 мільйонів.

Кейс демонструє абсурдну ситуацію: ФОП Ш., маючи офіційний статус порушника конкурентного законодавства, незаконно отримує бюджетний контракт на суму 436 700 грн та покарання у сумі 850 грн, що складає 0,19 % від суми контракту. Аналіз відкритих даних сайту «Prozorro» показав, що ФОП Ш. вже після притягнення до відповідальності взяла участь у 22 процедурах на суму понад 2,8 млн грн. Особливої уваги заслуговує випадок, в якому правоохоронний орган, що розслідував кримінальне провадження за обвинуваченням Ш., уклав з нею договір впродовж 3-х річного терміну заборони на участь в процедурах публічних закупівель.

У справі № 328/850/19 генерального директора ТОВ засуджено за ч. 1 ст. 366 КК України та звільнено від призначеного покарання у зв'язку із закінченням строків давності. Засуджений вніс до інформаційного листа завідомо неправдиві відомості про те, що ТОВ протягом останніх трьох років не притягувалося до відповідальності за вчинення дій, які стосуються спотворення результатів торгів (тендерів), та подав її в складі документів тендерної пропозиції. Товариство визнано переможцем закупівлі, з ним укладено договір про закупівлю, який виконано в повному обсязі.

Суд визнав, що директор свідомо надав неправдиві відомості, що безпосередньо вплинуло на результати тендеру, оскільки без них тендерну пропозицію ТОВ відхилили б. Оскільки строки давності для злочину невеликої тяжкості (3 роки) минули, особа не понесла жодного реального покарання. Зловмисник отримав контракт, освоїв бюджетні кошти та зачекав 3 роки. Коефіцієнт ризику для злочинця залишився від'ємним.

У справі № 369/10853/17 директора ТОВ визнано винним за ч. 1 ст. 366 КК України та призначено покарання у виді штрафу у розмірі 4 250 грн, на підставі Закону України «Про амністію у 2016 році» особу звільнено від призначеного покарання.

З метою участі у процедурі закупівлі директор склав завідомо неправдивий офіційний документ: довідку про наявність в ТОВ *працівників відповідної кваліфікації, які мають необхідні знання та досвід*, після чого використав підроблену довідку шляхом її завантаження до електронної системи закупівель в складі тендерної пропозиції ТОВ. За результатами відкритих торгів ТОВ визнано переможцем та отримало контракт на суму 5 297 000 грн. Покарання для винної особи (штраф) становить 0,08% від суми контракту, але й воно було скасоване через амністію, *що створює прецедент "безпечного шахрайства"*.

У справі № 484/460/23 директор Приватного підприємства подала в складі тендерної пропозиції завідомо підроблену довідку Міністерства внутрішніх справ України про відсутність судимості, підписану кваліфікованим електронним підписом директора.

Приватне підприємство визначено переможцем торгів на суму 805 500 грн. Відповідно до укладеної угоди про визнання винуватості, особу засуджено за ч. 4 ст. 358 КК України та призначено покарання у вигляді штрафу у розмірі 850 грн.

Угоди про визнання винуватості у справах за ст. 358 КК стають для бізнесу «транзакційними витратами». Сплативши 850 грн штрафу, суб'єкт легалізує отримання контракту, сума якого в тисячі разів перевищує штраф.

Факт сплати штрафу у день ухвалення вироку доводить, що обвинувачена розглядала цей процес не як «покарання», а як купівлю права на продовження діяльності. Спроба оскаржити вирок в апеляційному порядку через 10 місяців виникла лише тоді, коли «тінь судимості» почала заважати іншим тендерам.

Оскільки ст. ст. 358, 366 КК створюють умови для «економічно вигідного злочину», такі діяння мають кваліфікуватися як злочини проти економічної безпеки, де угода не повинна призводити до покарання, що є меншим за розмір отриманої вигоди або спричиненої девіації ринкової вартості предмету закупівлі.

У справі № 489/8096/21 директор ТОВ за використання завідомо підробленої довідки про відсутність податкового боргу визнаний виним за ч.1 ст. 366, ч. 4 ст. 358 КК України, йому призначено покарання у вигляді штрафу у сумі 34 000 грн. При цьому реальний податковий борг підприємства складав понад 1,2 млн грн лише з податку на прибуток та сотні тисяч з ПДВ, однак шість епізодів свідомого обману держави дозволило отримати доступ до контрактів на суму близько 7 млн грн, після чого зловмисник сплачує штраф, який становить менше 0,5% від суми контрактів. Це не покарання, а «корупційний податок», який повністю окупається за рахунок бюджету.

За вироком суду у справі № 727/8399/17 заступника головного лікаря С. визнано винним за ч. 1 ст. 366, ч. 4 ст. 358 КК України та призначено покарання у виді штрафу у розмірі 2 550 грн, на підставі Закону України «Про амністію у 2016 році» С. звільнено від призначеного покарання.

Встановлено, що С. власноруч підробляв довідки *Державної податкової інспекції про відсутність заборгованості зі сплати податків*, а також вводив в обману нотаріусів для завірення копій. Фігурант системно обманював державу, отримував перемоги в тендерах, маючи при цьому реальні борги перед бюджетом, але в результаті не сплатив навіть мізерний штраф, скориставшись наявністю дитини як формальним приводом для амністії.

Цей кейс – не про «банальне» службове підроблення, а про *кримінальне викривлення ринкової вартості та умов конкуренції*, адже учасник, який не платить податки, має незаконну конкурентну перевагу перед сумлінними платниками. Оскільки наявність податкового боргу є безумовною підставою для дискваліфікації, ціна контрактів є повністю викривленою, а кошти, отримані за такими договорами, є незаконно виведеними з бюджету.

Постанова Львівського апеляційного господарського суду, винесена в цьому кейсі (справа № 926/2618/17) підтверджує тезу про те, що чинна правова система в Україні є безсилою перед «завершеним фактом» у сфері публічних закупівель. Суд погодився, що документи були підроблені, переможця визнано неправомірно, рішення тендерного комітету є недійсним. Незважаючи на це апеляційний суд скасував рішення про визнання договору про закупівлю недійсним і закриття провадження в цій частині. Логіка судового рішення

базується на тому, що оскільки сторони вже повністю виконали умови договору (послуги надані, бюджетні гроші виплачені), предмет спору «припинив існування».

Суд загальної юрисдикції звільнив С. від покарання за кримінальні правопорушення за актом амністії, а господарський суд визнав, що контракт не можна скасувати, бо гроші вже витрачені. Держава де-факто легалізувала результати злочину лише тому, що зловмисник встиг швидко освоїти бюджетні кошти, на які він *не мав права претендувати*.

Можливість застосування амністії до особи, яка системно вводила державу в оману для отримання бюджетних коштів, свідчить про деградацію превентивної функції кримінального права в частині закупівельних деліктів.

Наведені кейси доводить критичну необхідність переходу від кваліфікації за "формальними документарними складами" до оцінки *економічної деструктивності та фактичних закупівельних наслідків*.

Статті 358 та 366 КК не мають превентивного ефекту, тому для належної кваліфікації закупівельних деліктів учасників на етапі подачі документів тендерної пропозиції *необхідна спеціальна норма Особливої частини Кримінального кодексу України*, де тяжкість злочину залежатиме від суми цінової девіації предмету закупівлі.

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## **КЛЮЧОВІ АСПЕКТИ КОМУНІКАТИВНОЇ КОМПЕТЕНТНОСТІ ПОЛІЦЕЙСЬКОГО**

Однією з інтегральних особистісних характеристик, що відображає рівень професіоналізму поліцейського, є його комунікативна компетентність, тобто вміння грамотно й ефективно спілкуватися, насамперед, з об'єктом службової діяльності, з громадянами, колегами, а також із представниками засобів масової інформації.

Для поліцейських спілкування є інструментом виконання функціональних обов'язків, основним засобом реалізації всіх сторін правоохоронної діяльності.

Сфера професійної діяльності поліцейського окреслюється ситуаційністю постійно змінних умов навколишньої обстановки. Цю сферу можна назвати своєрідним полем поведінки, що розглядається як особистісне суб'єктне уявлення правоохоронця щодо правової реальності та середовища здійснення ним певних професійних дій.

З огляду на багатогранність функціональних обов'язків працівників поліції, контактувати з різними верствами населення доводиться постійно. За

цих умов професійна компетентність правоохоронців є необхідним чинником ефективної службової діяльності [3].

Правові вимоги та норми є першопочатковою діяльнісною формою мислення законодавчої системи, що надалі перетворюється на безпосередню поведінкову діяльність правосприймача (поліцейського). У цьому контексті правомірна поведінка поліцейського є лише різновидом правової діяльності, яка повинна вирізнятися загостреним відчуттям верховенства права та справедливості.

Формування правомірної поведінки поліцейського, за методологією вербального біхевіоризму, можна розглядати також у контексті сукупності дії трьох основних джерел впливу.

Першим таким джерелом є результати правової поведінки правоохоронця, особливо при відображенні їх у дзеркалі професійного успіху (або невдачі). За однакових соціокультурних умов і за однакових чітко регламентованих нормативно-правових вимог професійно успішні суб'єкти, як правило, швидше формують в оточуючих позитивну оцінку своєї професійної ефективності, ніж люди, що зазнали певних професійних невдач. Заохочення та визнання з боку керівництва та колег є в цьому випадку потужним стимулом до правомірності подальшої поведінки поліцейського.

Друге джерело впливу – відносне, воно базується на порівнянні власних результатів і здобутків товаришів по службі. Найбільш корисними є ті, що передбачають потенційну рівність. Відповідно, поліцейські, усвідомлюючи свою «негіршість», здатні формувати позитивну оцінку професійної самоефективності, а отже, прагнути додержання цього рівня професійності, що передбачає також високий рівень правомірності продукуваних дій та вчинків.

Результат переконання – це третє джерело впливу на думку про самоефективність. Непевність у власній професійній придатності (і деградація через це у бік протиправності) нівелюється методом впливу через переконування у протилежному [2].

Сучасний поліцейський повинен володіти сукупністю певних компонентів: знаннями і вміннями, що визначають результативність професійної діяльності; обсягом навичок виконання професійних завдань; вектором професіоналізації; єдністю теоретичної та практичної готовності до професійної діяльності; відповідною аксіологічною наповненістю професійної діяльності, що надалі дасть змогу якісно й безпомилково реалізувати свої функції як у звичайних, так і в екстремальних умовах, успішно освоювати нове та швидко адаптуватися до умов, що змінюються.

Високий рівень професійної компетентності працівника поліції є підґрунтям ефективної службової діяльності та формується шляхом поєднання багатогранних аспектів правоохоронної діяльності, яка вимагає професійних знань, умінь, навичок, професійно значущих особистісних якостей [3].

Для поліцейських спілкування є інструментом виконання функціональних обов'язків, основним засобом реалізації всіх сторін право-охоронної діяльності. Саме тому працівникам поліції необхідно знати як загальні закономірності

спілкування, так і особливості їх виявів у конкретних умовах службової діяльності, володіти технологіями та психотехніками спілкування, тобто бути здатними ефективно взаємодіяти з оточуючими в системі міжособистісних стосунків.

Спілкування працівників поліції може відбуватися з позицій орієнтації на контроль й орієнтації на розуміння. Орієнтація на контроль виражається у прагненні домінувати під час взаємодії, бажанні контролювати, керувати ситуацією та поведінкою інших. Орієнтація на розуміння характеризується прагненням зрозуміти всі обставини ситуації та поведінку людей в ній, причому зберігається рівність партнерів по спілкуванню, метою є бажання досягти згоди та задоволеності всіх сторін, уникаючи конфліктів.

Професійне спілкування поліцейського – це такий акт комунікативної поведінки, який здійснюється для вирішення поліцейським певних професійних завдань. Професійні особливості такого спілкування визначаються результатом, що має бути отриманим (дача показань, встановлення істини, зміна поведінки громадянина тощо); протіканням його в режимі права та право-відносин; контактом з непростими людьми; обстановкою напруженості, конфліктності, протиборства.

Ефективність професійного спілкування визначається рівнем комунікативної компетентності його учасників, і, насамперед, самого патрульного поліцейського. Для належного рівня комунікативної компетентності необхідно мати розвинуті перцептивні здібності й уміння, іншими словами, здібності й уміння правильно сприймати оточуючих осіб: хоча б у загальному вигляді визначати характер особи, її настрій і внутрішній стан.

Ще однією важливою складовою комунікативної компетентності правоохоронця є його комунікативна культура. Культура поведінки поліцейського має набути системних рис і повинна сприйматися крізь призму загальнолюдських цінностей та інтересів держави, яка стоїть на сторожі законів.

Важливу роль у роботі поліцейського відіграють безпосередньо мовлення та його стиль. Тембр, інтонація, чіткість мовлення, чуйність голосу – це фактори, які психологічно діють на співбесідника, викликають у нього повагу, симпатію або, навпаки, негативно забарвлені емоційні переживання.

Отже, розвиток названих аспектів комунікативної компетентності не може відбуватися ізольовано. У сукупності вони передбачають роботу з розвитку особистості працівника правоохоронних органів, зокрема формування у нього ряду психічних якостей, особливостей сприйняття, мислення, пам'яті, специфічних соціальних налаштувань і комунікативних умінь. Тобто це якості, необхідні для спілкування, для ефективної реалізації професійної діяльності поліцейського.

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## **ПРОБЛЕМА ЦИФРОВИХ ДОКАЗІВ ТА ЇХ ДОПУСТИМОСТІ В СУДАХ**

Цифровізація суспільства та зростання кількості кіберзлочинів зумовлюють активне використання цифрових доказів у кримінальному провадженні. Зараз, в умовах воєнного стану, збір таких доказів є важливою

складовою для зменшення кібератак, пов'язаних зі злочинами проти національної безпеки.

Наприклад, у жовтні 2022 року відбулась масова атака російськими хакерами на високовольні підстанції, вони намагались знищити обладнання. В цей час слідчі зафіксували команди, надіслані через протокол IEC 60870-5-104, що змушували обладнання працювати в критичних режимах.

Також, 10-11 жовтня цього ж року відбулись атаки на інтернет-провайдери та урядові ресурси. В цей час були зібрані дані про мережеву активність, що транслюють навантаження на ТЕЦ саме в момент підготовки до ракетного удару, що доодить спроби коригування вогню [1].



Рис.1 Атаки російських хакерів на енергетичну інфраструктуру України

Цифрові докази- це будь-яка інформація в електронному форматі, яка може бути використана як доказ у справі. До них належать:

- електронні документи (текстові, графічні, фото, відео, аудіо)
- веб-сайти та сторінки
- текстові, мультимедійні та голосові повідомлення
- метадані
- бази даних . [2]

Найбільшою проблемою цифрових доказів є легка можливість їх знищення, чи внесення змін, оскільки вони не в змозі існувати без носія інформації, а найбільша складність полягає у неможливості безпосереднього сприйняття конкретних даних людиною.

Джерело правового регулювання доказування у кримінальному процесі є норми Кримінального процесуального кодексу України. Наприклад, відповідно до статті 84 КПК України є фактичні докази, отримані у передбаченому



законом порядку, на підставі яких слідчий, прокурор, слідчий суддя і суд встановлюють наявність чи відсутність фактів та обставин, що мають значення для кримінального провадження та підлягають доказуванню, процесуальними джерелами доказів є показання, речові докази, документи, висновки експертів[3].

Допустимість доказу є головним критерієм, оскільки вони мають бути отримані виключно законним шляхом із дотриманням процесуальної форми. Проте, зараз не існує міжнародного стандарту вилучення інформації з хмарних сховищ або зашифрованих пристроїв, через це докази, зібрані одним відомством, не визначаються судом через недотримання формальних процедур копіювання.

Через складність забезпечення автентичності та цілісності доказової бази використовують хеш-функції, створюючи унікальний відбиток файлу. Це дозволяє встановити, чи зазнав цифровий об'єкт змін після його вилучення чи копіювання. У разі зміни хоч одного біта даних хеш-значення змінюється повністю, що і свідчить про порушення цілісності доказу. Міжнародні стандарти цифрової криміналістики, вимагають використання сертифікованих програмних засобів для створення біт-копій носіїв із розрахунком контрольних хеш-сум.

Дедалі частіш виникають труднощі встановлення джерела проходження, оскільки стає важче довести, що дії були вчинені конкретно особою. Зловмисники маскують присутність за допомогою VPN, мережі Tor, проксі-серверів, навіть якщо файл наявний на комп'ютері складно довести, що саме ця особа його туди завантажила.

Також існують розбіжності національного законодавства з міжнародними стандартами, оскільки зберігання даних може відбуватись в одній країні, компанія-власник - інша країна, а вчинення злочину відбувається в Україні. Незважаючи на те, що Україна є учасницею у Будапештській конвенції [2], що значно полегшує пошук цифрових даних, це не гарантує їхнього визнання у суді, оскільки правила допустимості у кожній країні різні та встановлені самостійно. Будь-яке процесуальне порушення чи недотримання технічних процедур може призвести до визнання недопустимості доказової бази, якщо це обмежило права сторони захисту.

Тому необхідне вдосконалення законодавства, зокрема внесення змін до Кримінального процесуального кодексу України.

По-перше, необхідне розмежування цифрових та речових доказів, що усуне правову невизначеність при вилучення даних без вилучення фізичного пристрою.

По-друге, збір даних має бути чітко визначений та мати юридичну силу, створення контрольних сум одразу після виявлення даних, заборонити внесення змін в оригінали без використання засобів блокування запису (Write-blocking протоколи). Має бути встановлений чіткий регламент передачі цифрового доказу від слідчого до суду.

Отже, проблема цифрових доказів та допустимість їх у суді полягає у невідповідності застарілих процесуальних норм сучасними технологічними реаліями. Необхідне визнання цифрових доказів окремим елементом доказової бази із власними правилами вилучення та зберігання. Впровадження хешування на етапі збору даних, що потребує безперервного навчання слідчих, прокурорів та судів.

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## **ВИНУВАТИСТЬ ОБВИНУВАЧЕНОГО У ВЧИНЕННІ КРИМІНАЛЬНОГО ПРАВОПОРУШЕННЯ ЯК ЕЛЕМЕНТ ПРЕДМЕТА ДОКАЗУВАННЯ**

У тезах досліджується категорія винуватості обвинуваченого як елемента предмета доказування у кримінальному провадженні. Аналізується її сутність, зміст та значення. Особлива увага приділяється питанню доказування винуватості у кримінальних провадженнях про привласнення, розтрату або заволодіння майном шляхом зловживання службовим становищем.

Винуватість обвинуваченого є категорією, що інтегрує як матеріально-правові (наявність у діях особи складу кримінального правопорушення, зокрема, суб'єктивної сторони – вини у формі умислу чи необережності), так і процесуальні аспекти (доведеність обставин, що свідчать про вину, належними та допустимими доказами). Відповідно до статті 23 Кримінального кодексу України під поняттям «вина» слід розуміти психічне ставлення особи до вчинюваної дії чи бездіяльності, передбаченої цим Кодексом, та її наслідків, виражене у формі умислу або необережності [1].

Слід зазначити, що дискусія між співвідношенням таких понять як «винуватість» та «вина» є досить тривалою у доктрині кримінального права та процесу [2]. На нашу думку «винуватість» не є тотожною поняттю «вина» в

кримінальному праві, оскільки охоплює не лише психічне ставлення особи до вчиненого, а й усю сукупність обставин, що доводять її причетність до кримінального правопорушення та протиправність її дій. Крім того, в деяких наукових статтях досі простежується такий термін як «винність». Винність не закріплена у чинних нормативно-правових актах, водночас існувала у попередньому Кримінальному-процесуальному кодексі України (1960 року) [3], що свідчить, на нашу думку, про втрату актуальності цього поняття і його трансформацію у винуватість.

Варто звернути увагу на підхід М. Є. Шумила, який зазначав, що винуватість – категорія кримінального процесуального права, яка означає доведеність доказами вчинення кримінального правопорушення конкретною особою [4].

Доказування винуватості є центральним завданням сторони обвинувачення. Принцип презумпції невинуватості, закріплений у статті 62 Конституції України та статті 17 Кримінально процесуального кодексу України, вимагає, щоб особа вважалася невинуватою у вчиненні кримінального правопорушення і не могла бути піддана кримінальному покаранню, доки її вину не буде доведено у законному порядку і встановлено обвинувальним вироком суду [5; 1]. Це означає, що обов'язок доказування винуватості лежить на органах досудового розслідування та прокурорі, а будь-які сумніви щодо доведеності вини повинні тлумачитися на користь обвинуваченого.

Згідно пункту 2 статті 91 Кримінального процесуального кодексу України підлягають обов'язковому доказуванню винуватість обвинуваченого у вчиненні кримінального правопорушення, форма вини, мотив і мета вчинення кримінального правопорушення. В теорії кримінального права перелічені обставини традиційно відносять до суб'єктивної сторони складу кримінального правопорушення, де вина та її форма є обов'язковою ознакою, а мотиви мета – факультативними ознаками, на відміну від кримінального процесу, де всі ці структурні елементи підлягають доказуванню для встановлення обставин, що мають значення для кримінального провадження [6].

Насправді встановлення винуватості передбачає доведення цілої низки обставин, що входять до предмета доказування, передбачених статтею 91 Кримінально процесуального кодексу України, зокрема: події кримінального правопорушення (час, місце, спосіб та інші обставини вчинення кримінального правопорушення); вини обвинуваченого у вчиненні кримінального правопорушення, форми вини, мотиву і мети вчинення кримінального правопорушення; виду і розміру шкоди, завданої кримінальним правопорушенням, а також розміру процесуальних витрат [1].

Кожен із зазначених вище аспектів вимагає ретельного пошуку, виявлення (встановлення), перевірки та оцінки фактичних даних і їх джерел для отримання доказів з метою встановлення обставин, що мають значення для кримінального провадження [8]. Докази повинні бути належними та допустимими. Недопустимі докази не можуть бути використані при прийнятті

процесуальних рішень, що має вирішальне значення для законності та обґрунтованості вироку.

У пункті 23 постанови Пленуму Верховного Суду України № 5 від 29.06.1990 року вказується про недопустимість обвинувального ухилу при вирішенні питання про винуватість чи невинуватість підсудного. Всі сумніви щодо доведеності обвинувачення, якщо їх неможливо усунути, повинні тлумачитись на користь підсудного – суд зобов'язаний постановити виправдовуваний вирок, без повернення справи на додаткове розслідування [9; 10].

Особливе значення має доказування вини у справах про привласнення, розтрату або заволодіння майном шляхом зловживання службовим становищем [1]. У таких провадженнях важливо довести не лише факт незаконного вилучення майна, а й корисливий мотив та умисел на заволодіння ним, а також наявність службового становища та зловживання ним. Для цього використовуються різні засоби доказування та докази, зокрема фінансові документи, висновки економічних експертиз, показання свідків та потерпілих, а також оперативні дані тощо. Суб'єктивна сторона злочину передбаченого статтею 191 Кримінального кодексу України характеризується виключно прямим умислом, наявністю корисливого мотиву з метою незаконного збагачення (отримання неправомірної вигоди), що підтверджується судовою практикою [11].

Отже, у кримінальних провадженнях за статтею 191 Кримінального кодексу України під час встановлення винуватості обвинуваченого, необхідно з'ясувати та довести таке: факт ввірення/перебування майна у віданні чи підконтрольності обвинуваченому або наявність у нього службових повноважень щодо такого майна; наявність прямого умислу на заволодіння цим майном (а не просто недбалого ставлення до обов'язків чи ризикової господарської діяльності); корисливий мотив, який зумовив прийняття рішення про протиправне заволодіння; цільове спрямування дій – безоплатне повернення майна у свою користь або користь третіх осіб, відсутність ділової (господарської) мети операцій.

Таким чином, винуватість обвинуваченого є важливим елементом предмета доказування у кримінальному провадженні, що визначає спрямованість доказової діяльності. Її правильне та всебічне встановлення гарантує реалізацію принципів законності, об'єктивності та справедливості правосуддя.

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## **СТАТТЯ 64 КОНСТИТУЦІЇ УКРАЇНИ ЯК ГАРАНТІЯ ЗБЕРЕЖЕННЯ КОНСТИТУЦІЙНИХ ПРАВ ПІД ЧАС ВОЄННОГО СТАНУ**

В умовах збройної агресії та запровадження воєнного стану особливої актуальності набуває питання співвідношення потреб національної безпеки та забезпечення конституційних прав і свобод людини. Воєнний стан як особливий правовий режим передбачає можливість тимчасового обмеження окремих прав, однак такі обмеження не є абсолютними та мають здійснюватися у суворо визначених правових межах.

Воєнний стан регулюється Законом України «Про правовий режим воєнного стану» від 12.05.2015р., де не перераховується прямий перелік

конституційних прав, які можна обмежувати, проте визначаються конкретні заходи, що можуть застосовуватися та фактично призводять до обмеження прав людини. Стаття 8 цього Закону передбачає можливість запровадження особливого режиму пересування, комендантської години, обмеження роботи підприємств, контролю за засобами масової інформації, заборони проведення масових зібрань, примусового відчуження майна для потреб оборони [1].

Проте слід наголосити, що навіть у період воєнного стану не всі права та свободи можуть бути обмежені. Це прямо випливає з положень Конституції України. Зокрема, стаття 64 встановлює, що конституційні права і свободи людини та громадянина можуть бути обмежені лише у випадках, передбачених самою Конституцією, а під час воєнного чи надзвичайного стану окремі права й свободи, визначені низкою її статей, залишаються недоторканими.

До таких прав належать: право на рівність перед законом і рівні конституційні права для всіх (ст. 24), право на невідчужуваність громадянства та зміну громадянства (ст. 25), право на життя (ст. 27), право на повагу до його гідності (ст. 28), право на свободу та особисту недоторканість (ст. 29), право на звернення до державних органів та отримання відповіді (ст. 40), а також право на судовий захист і презумпцію невинуватості (ст. 55, 62, 63) [2]. Це свідчить про те, що навіть у період воєнного стану держава не може відмінити дію основоположних прав, а будь-які тимчасові обмеження повинні залишатися чітко регламентованими законом і відповідати принципу пропорційності.

Особливе значення в умовах воєнного стану має система контролю за дотриманням конституційних прав і свобод громадян. На державу покладається обов'язок забезпечити ефективний судовий та адміністративний нагляд за законністю обмежень прав, а також створити механізми відновлення порушених прав у найкоротші терміни. Такий контроль реалізується через діяльність судів, уповноважених органів і правозахисних інституцій, що дозволяє не тільки запобігати зловживанням владою, а й підтримувати довіру громадян до державних рішень у складних кризових умовах.

Регулювання правами в умовах воєнного стану повинно здійснюватися з дотриманням балансу між необхідними заходами безпеки та оборони і забезпеченням захисту конституційних прав людини. Будь-яке обмеження має бути не лише обґрунтованим і необхідним, а й застосованим у найменш обмежувальний спосіб, із чітко визначеними строками та механізмами відновлення прав після завершення воєнного стану. Такий підхід дозволяє зберегти легітимність державних дій і гарантувати, що навіть у кризових обставинах права й свободи громадян залишаться захищеними [3, с. 47].

Право на свободу та недоторканність особи гарантується статтею 29 Конституції України. Навіть у період воєнного стану затримання, арешт чи тримання під вартою можливі виключно за законною процедурою та лише на підставі рішення суду. Поряд із цим забезпечується право на судовий захист, право на захист своєї справи, право на справедливий суд, право на захист – ці права не можуть бути обмежені. Тобто навіть за умов воєнного стану держава

не може припинити діяльність судів чи позбавляти людину можливості звернутися до суду, захищати свої права та оскаржувати дії органів влади.

Отже, стаття 64 Конституції України виконує ключову роль у визначенні меж допустимого обмеження прав і свобод людини в умовах воєнного стану, виступаючи гарантією збереження їхнього фундаментального змісту. Вона забезпечує нормативну рівновагу між потребами національної безпеки та обов'язком держави поважати і захищати невідчужувані права людини. Реалізація воєнного стану повинна здійснюватися виключно в конституційних межах, що гарантує збереження демократичного характеру держави та верховенства права.

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## **СУЧАСНІ ВИКЛИКИ ТА ІННОВАЦІЙНІ ПІДХОДИ В ДІЯЛЬНОСТІ ПСИХОЛОГІЧНОЇ СЛУЖБИ У ПІДРОЗДІЛАХ СЕКТОРУ БЕЗПЕКИ І ОБОРОНИ**

Психологічна служба у секторі безпеки і оборони виконує надзвичайно важливу функцію - забезпечує психічну стійкість, моральну готовність, адаптацію та реабілітацію військовослужбовців. Сучасні воєнні конфлікти, інформаційні атаки та гібридні загрози істотно ускладнюють умови виконання обов'язків особовим складом, що потребує посиленої ролі психолога у формуванні психологічної готовності до служби [1].

Одним із найбільш складних аспектів професійної діяльності фахівців психологічної служби є виконання завдань в умовах активних бойових дій, коли надання психологічної допомоги здійснюється не в стандартному консультативному середовищі, а безпосередньо в районі ведення бойових дій або у польових медичних підрозділах. У таких умовах на психолога

покладається відповідальність за оперативну стабілізацію психоемоційного стану постраждалих, консультативну підтримку командира щодо оцінювання морально-психологічного клімату в підрозділі, а також своєчасне виявлення та профілактику ознак морально-психологічного виснаження особового складу[2].

Суттєвою проблемою залишається недостатній рівень системної психологічної підготовки командного складу, що ускладнює своєчасне розпізнавання проявів дезадаптації в особового складу та нерідко призводить до їх хибної інтерпретації як порушення дисципліни. Водночас саме офіцерський корпус має виконувати функцію первинної ланки у виявленні ознак посттравматичних стресових розладів, підвищеної тривожності, депресивних станів та інших психоемоційних порушень. [1].

Проблемним залишається питання організації посттравматичної підтримки ветеранів, яка нерідко має фрагментарний і недостатньо систематизований характер. Після демобілізації значна частина військовослужбовців втрачає безперервний доступ до кваліфікованої психологічної допомоги, що може спричиняти труднощі соціальної адаптації, порушення сімейних взаємин, формування залежної поведінки та підвищення ризику суїцидальних проявів.

До складних аспектів функціонування психологічної служби належить також професійне вигорання самих фахівців, діяльність яких пов'язана з постійною взаємодією з травматичним досвідом інших осіб. Відсутність системної супервізії, надмірне службове навантаження та очікування швидких результатів психокорекційної роботи підвищують імовірність розвитку професійного виснаження [3,4].

Окремою проблемою виступає стигматизація звернення за психологічною допомогою в середовищі військовослужбовців. Побоювання втрати авторитету серед товаришів по службі або можливої критики з боку оточення стримує своєчасне отримання фахової підтримки. У зв'язку з цим подолання стигматизації та формування культури психологічної обізнаності мають стати важливими напрямками просвітницької діяльності психологічної служби.

Натомість, у сучасних умовах активно впроваджуються інноваційні підходи. У сучасних умовах у діяльність психологічної служби сектору безпеки і оборони впроваджуються інноваційні підходи, спрямовані на підвищення психічної стійкості особового складу та ефективності психологічної допомоги. Зокрема, застосовуються спеціально підготовлені тренувальні комплекси («психологічна смуга перешкод»), які моделюють стресогенні ситуації на полігоні та сприяють формуванню стійкості до впливу бойових факторів ще до безпосереднього залучення до бойових дій.

У практиці психологічної реабілітації також використовується технологія віртуальної реальності (VR), що дає змогу моделювати бойові ситуації в контрольованому та безпечному середовищі. Такий підхід застосовується у роботі з посттравматичними стресовими розладами та сприяє поступовому зниженню інтенсивності страху, тривожності й інших проявів стресових реакцій. Інноваційним компонентом є впровадження цифрових інструментів



психологічної підтримки, зокрема мобільних застосунків для самостереження психоемоційного стану, онлайн-консультування та чат-ботів психологічної допомоги. Використання таких засобів розширює доступ до фахової підтримки, у тому числі в умовах обмеженої комунікації або перебування в районі виконання бойових завдань. Перспективним напрямом є реалізація програм ментального фітнесу, що включають дихальні вправи, техніки саморегуляції та елементи психологічної підготовки до стресу. У практиці Збройних Сил України застосовуються програми, розроблені за принципами BATTLEMIND та TRiM, орієнтовані на підтримку психічної готовності та профілактику наслідків бойового стресу [2,3].

Крім того, у роботі з особовим складом використовується формат групового обговорення пережитого досвіду (дефузії), що сприяє зниженню ризику розвитку гострих стресових реакцій. Важливим організаційним елементом є діяльність мобільних груп психологічної допомоги, які здійснюють виїзди до районів виконання бойових завдань з метою надання оперативної підтримки військовослужбовцям [5].

Крім технічних та цифрових інновацій, значну роль у підвищенні ефективності психологічної підтримки відіграють людські та організаційні ресурси, які дозволяють адаптувати наукові підходи до реальних потреб особового складу.

До позитивних практик діяльності психологічної служби належить залучення фахівців із бойовим досвідом – так званих «психологів з фронту», які користуються довірою серед військовослужбовців та здатні забезпечити більш ефективне розуміння психологічних проблем особового складу.

Розширюється також співпраця з громадськими організаціями, зокрема через ініціативи на кшталт проєкту «ПОРУЧ», що створюють платформу для доступної та професійної психологічної підтримки як ветеранів, так і чинних військовослужбовців.

Таким чином, діяльність психологічної служби у секторі безпеки і оборони вимагає поєднання високого професіоналізму, гнучкості мислення, готовності до впровадження інноваційних підходів та безперервного професійного розвитку. Лише комплексний підхід дозволяє забезпечити ефективну роботу з особовим складом, профілактику дезадаптації та збереження людського потенціалу в умовах сучасних військових операцій.

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## **ДОТРИМАННЯ ПРАВ НЕПОВНОЛІТНІХ, ЯКІ ВІДБУВАЮТЬ ПОКАРАННЯ У ВИДІ ПОЗБАВЛЕННЯ ВОЛІ**

Ступінь цивілізованості будь-якої держави визначається її ставленням до найбільш вразливих категорій громадян, серед яких особливе місце посідають неповнолітні правопорушники. Позбавлення волі неповнолітніх є крайнім заходом, який відповідно до міжнародних стандартів має бути спрямований на виправлення, виховання та успішну адаптацію дитини в суспільство. В умовах сучасної соціально-економічної кризи та триваючої воєнної агресії російської федерації проти України питання захисту прав неповнолітніх, які відбувають покарання у виді позбавлення волі, набуває критичного значення.

На законодавчому рівні Україна демонструє високий рівень відповідності міжнародним стандартам у сфері захисту прав дитини, яка перебуває в конфлікті з законом. Серед них можна відзначити норми «м'якого» та «жорсткого» міжнародного права. Мінімальні стандартні правила ООН, що стосуються відправлення правосуддя щодо неповнолітніх («Пекінські правила») були прийняті Резолюцією Генеральної Асамблеї ООН № 40/33 у 1985 році і належать до «м'якого права». «Пекінські правила» стосуються мінімальних стандартів поведінки з неповнолітніми правопорушниками, підкреслюючи їхню реабілітацію та перевиховання замість суворого покарання, забезпечуючи права на правову допомогу, присутність батьків та гуманне

ставлення, мінімізуючи ув'язнення та сприяючи впровадженню альтернативних до позбавлення заходів кримінально-правового впливу [1]. Хоча «Пекінські правила» не є міжнародним договором, що підлягає ратифікації, Україна визнає їх як авторитетний міжнародний стандарт, на який посилаються суди загальної юрисдикції і Конституційний Суд України. Основні принципи «Пекінських правил» імплементовані в Конвенцію ООН про права дитини 1989 р., ратифіковану Україною в 1991 р. Так, зокрема, Конвенцію ООН про права дитини передбачено забезпечення гуманного ставлення до кожної позбавленої волі дитини і повагу до гідності її особи з урахуванням потреб осіб її віку, право на негайний доступ до правової та іншої відповідної допомоги, а також право оспарювати законність позбавлення її волі перед судом чи іншим компетентним, незалежним і безстороннім органом та право на невідкладне прийняття ними рішень щодо будь-якої такої процесуальної дії (ст. 37) [2]. Ця Конвенція належить до «жорсткого права» і є обов'язковою для виконання. Кримінально-виконавчий кодекс України (ст.ст. 143-149) [3] також містить норми щодо особливостей відбування неповнолітніми покарання у виді позбавлення волі, що є значно м'якшими за «дорослий» режим виконання цього виду покаяння.

З метою найбільш ефективної імплементації міжнародних стандартів забезпечення прав неповнолітніх засуджених у 2023 р. Кабінетом Міністрів України було розпочато Пілотний проєкт щодо імплементації міжнародних стандартів правосуддя, дружнього до дитини, у практичну діяльність. Правосуддя дружнє до дитини охоплює превентивну діяльність, досудове розслідування, судовий розгляд, перегляд рішення суду за потреби та роботу з неповнолітнім після судового розгляду, так і роботу з дітьми, які стали потерпілими або свідками кримінального правопорушення. Серед важливих стандартів щодо призначення та відбування неповнолітніми покарання у виді позбавлення волі слід відзначити: призначення покарання у виді позбавлення волі в найнижчій його межі, передбаченій санкцією статті; направлення до виховної колонії неповнолітніх осіб, засуджених до покарання у виді позбавлення волі, не пізніше 10 днів з дня надходження до СІЗО вироку з розпорядженням про його виконання; забезпечення участі неповнолітнього засудженого, передусім того, який перебуває у виховній колонії, у судових засіданнях за можливості та за наявності згоди засудженого шляхом проведення засідань у режимі відеоконференції; роз'яснення засудженим, які прибули для виконання покарань до виховної колонії, право на безоплатну первинну та вторинну правничу допомогу (пункти 68, 78, 89, 99, 100 Основних процесуальних аспектів) [4].

У 2025 році Кабінетом Міністрів України було схвалено Національну стратегію захисту прав дитини у сфері юстиції до 2028 року, яка спрямована впровадження стандартів «правосуддя, дружнього до дитини». Серед завдань, спрямованих на розв'язання проблем щодо впровадження правових і процесуальних гарантій і механізмів для дітей, які контактують із системою кримінального правосуддя, Стратегією передбачено розширення можливості

застосування до неповнолітніх покарань, не пов'язаних з позбавленням волі, та удосконалення організації соціально-виховної роботи з неповнолітніми, які відбули покарання у виді позбавлення волі на певний строк, для забезпечення їх ресоціалізації та соціальної адаптації. У Стратегії також відзначено тенденцію щодо зменшення наповнення виховних колоній, що дала змогу істотно поліпшити умови перебування та навчання дітей в таких установах [5].

Проте реальний стан кримінально-виконавчої системи говорить про зворотне. Так, на підставі ст. 24 Кримінально-виконавчого кодексу України 2 травня 2025 р. групою моніторів Харківської правозахисної групи і ГО «Захист в'язнів України» було здійснено повторне моніторингове відвідування державної установи «Кременчуцька виховна колонія», яка є єдиною спеціалізованою установою в Україні для тримання неповнолітніх осіб чоловічої статі, засуджених до позбавлення волі. Під час цього візиту моніторами було виявлено численні та системні порушення прав неповнолітніх засуджених: некомплект персоналу, що підриває якість та рівень заходів, що пропонуються засудженим; системне залучення неповнолітніх засуджених до праці у виробничій дільниці без належного оформлення трудових відносин; системні порушення санітарно-гігієнічних, протиепідемічних правил утримання засуджених та її медичних прав тощо [6]. Водночас, монітори зазначили, що порівняно з попереднім візитом, що мав місце в 2018 р., відбулися й позитивні зміни: впроваджено комплекс позитивних практик, спрямованих на забезпечення прав неповнолітніх засуджених на освіту, професійну підготовку, гідні житлово-побутові умови, ресоціалізацію та змістовне дозвілля неповнолітніх [6].

Вищевказане засвідчує існування прогалини між задекларованими принципами дотримання прав неповнолітніми засудженими до покарання у виді позбавлення волі та реальним станом їх утримання. Окрім того воєнні дії змусили Державну кримінально-виконавчу службу проводити масштабні евакуації засуджених із прифронтових зон, що погіршило умови проживання та збільшило ризик конфліктів між підлітками. Багато підлітків у виховних колоніях мають ознаки посттравматичного стресового розладу через пережите під час обстрілів або окупації (загалом в Україні частка дітей старшого віку з ПТСР складає 47 % [7, с. 81]), проте системної роботи з цією травмою в колоніях не вистачає.

Підсумовуючи, слід відзначити, що хоча законодавча база України щодо забезпечення прав неповнолітніх, які відбувають покарання у виді позбавлення волі, здебільшого відповідає міжнародним стандартам, їх реалізація гальмується через безпекові та економічними наслідками війни, брак кваліфікованих кадрів та інерцією застарілої системи виконання покарань. Приділення належної уваги держави і суспільства до проблем виправлення та ресоціалізації неповнолітніх засуджених є лакмусовим папірцем демократичності суспільства, дійсної турботи про добробут її громадян і збереження потенціалу молоді України.

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3. Кримінально-виконавчий кодекс України 2004 р. *Верховна Рада України*: офіц. веб-сайт. URL: <https://zakon.rada.gov.ua/laws/show/1129-15/conv#Text> (дата звернення 01.03.2026).

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## **ЦИФРОВА ГРОМАДА: НАДАННЯ МУНІЦИПАЛЬНИХ ПОСЛУГ ОНЛАЙН**

Цифровізація публічного управління є одним із ключових пріоритетів сучасної державної політики України. Формування «цифрової громади» стало нагальною потребою сьогодення, бо передбачає не лише переведення адміністративних послуг в електронну форму, а й розвиток платформ цифрової

взаємодії громадян з органами місцевого самоврядування. Використання інформаційно-комунікаційних технологій дає змогу надавати адміністративні послуги дистанційно, що значно спрощує процедури отримання послуг, скорочує час їх надання та підвищує рівень задоволеності громадян діяльністю органів місцевого самоврядування. Особливої актуальності електронні послуги набувають для територіальних громад, оскільки забезпечують рівний доступ жителів до центрів надання адміністративних послуг незалежно від місця проживання, зменшують необхідність особистого відвідування органів місцевого самоврядування та сприяють ефективнішому використанню ресурсів громади.

Питання надання електронних муніципальних послуг присвячені праці І. А. Грицяка та В. М. Дрешпака (моделі е-урядування), М. О. Баймуратова та В. Л. Федоренка (конституційно-правовий вимір), К. В. Оксютенко (євроінтеграційні стандарти), В. П. Тимощука та Ю. В. Тищенко (стандарти адміністративних послуг) та ін.

Метою дослідження є встановлення правового забезпечення та стану надання електронних адміністративних послуг в територіальних громадах на основі аналізу правових та наукових джерел, статистичних даних та правозастосовної діяльності.

Відповідно до ст.1 Закону України «Про адміністративні послуги» від 6 вересня 2012 року адміністративна послуга – це результат здійснення владних повноважень суб'єктом надання адміністративних послуг за заявою фізичної або юридичної особи, спрямований на набуття, зміну чи припинення прав та/або здійснення обов'язків такої особи відповідно до закону [1]. Суб'єктами надання адміністративних послуг, які надаються безпосередньо або центрами надання адміністративних послуг (ЦНАП) є орган місцевого самоврядування, їх посадові особи, державний реєстратор без. Центри надання адміністративних послуг створюють сільські, селищні та міські ради. Згідно з Законом України «Про місцеве самоврядування в Україні» від 21 травня 1997 р. до відання виконавчих органів сільських, селищних, міських рад серед делегованих повноважень належить організаційне забезпечення надання адміністративних послуг органів виконавчої влади через центри надання адміністративних послуг [2].

Правову основу надання електронних муніципальних послуг складають Закони України «Про місцеве самоврядування в Україні» від 21 травня 1997 р., «Про адміністративні послуги» від 6 вересня 2012 року, «Про особливості надання публічних (електронних публічних) послуг» від 15 липня 2021 року, «Про електронні документи та електронний документообіг» від 22 травня 2003 р., «Про електронну ідентифікацію та електронні довірчі послуги» від 05 жовтня 2017 року, «Про захист персональних даних» від 1 червня 2010 р., «Про доступ до публічної інформації» від 13 січня 2011 р., «Про електронні комунікації» від 16 грудня 2020 року, «Про публічні електронні реєстри» від 18 листопада 2021 року, «Про внесення змін до деяких законодавчих актів України щодо забезпечення укладення угоди між Україною та Європейським Союзом

про взаємне визнання кваліфікованих електронних довірчих послуг та імплементації законодавства Європейського Союзу у сфері електронної ідентифікації» від 1 грудня 2022 року та ін.

Реалізацію положень Законів України з питань регулювання електронних адміністративних послуг визначають постанови Кабінету Міністрів України «Про затвердження вимог до підготовки технологічної картки адміністративної послуги» від 30 січня 2013 р. № 44, «Питання організації моніторингу якості надання адміністративних послуг» від 11 серпня 2021 р. № 864, «Питання Єдиного державного вебпорталу електронних послуг та Реєстру адміністративних послуг» від 4 грудня 2019 р. № 1137 та ін. Перелік адміністративних послуг, що надаються органами місцевого самоврядування у порядку виконання делегованих повноважень, які є обов'язковими для надання через центри надання адміністративних послуг, затверджено постановою Кабінету Міністрів України від 1 жовтня 2025 р. № 1226. Відтак в Україні формується правова основа для регулювання електронної взаємодії громади з органами місцевого самоврядування стосовно функціонування цифрової інфраструктури.

«Цифровою громадою» є територіальна спільнота, яка системно використовує цифрові технології для організації суспільного життя, участі в управлінні та отримання публічних послуг. Ключова відмінність «цифрової громади» від суміжного поняття «смарт-сіті» полягає в тому, що «розумне місто» орієнтоване насамперед на технологічну інфраструктуру (сенсори, автоматизація), а «цифрова громада» ставить у центр людину, надаючи доступні послуги для кожного мешканця незалежно від місця проживання, рівня доходу чи технічної підготовленості. У правовому вимірі «цифрова громада» реалізується через три виміри: 1) інституційний (органи місцевого самоврядування, ЦНАП); 2) інфраструктурний (портал «Дія», ЄДПАП, державні реєстри); 3) нормативний (наявність національного законодавства про е-послуги, е-ідентифікацію, захист даних). На сьогодні центральним інструментом надання електронних державних послуг є портал «Дія» (diia.gov.ua), запущений у 2020 році. Станом на початок 2026 року через «Дію» доступно понад 120 сервісів; кількість активних користувачів порталу перевищила 22 млн осіб, що понад 60 % дорослого населення України [4]. Це один із найвищих показників цифрового охоплення серед країн Європи. На муніципальному рівні реалізовані такі напрями реформування системи електронної черги до ЦНАП; онлайн-сплата комунальних послуг; електронні звернення до органів місцевого самоврядування; відстеження статусу поданих заяв у реальному часі тощо.

Важливим показником є збільшення кількості послуг, що надаються виключно в електронній формі. За даними Міністерства цифрової трансформації України, у 2024 р. частка е-послуг у загальному обсязі адміністративних послуг досягла 68 % порівняно з 34 % у 2021 р. [3]. Серед міських громад 87 % мають повноцінні інтерактивні вебсервіси, запроваджено цифрові посвідчення особи та водія через застосунок «Дія».

Поряд з досягненнями у сфері надання електронних адміністративних послуг є виклики, як потребують уваги. По-перше, зберігається нерівномірність надання послуг жителям територіальних громад міст та жителям об'єднаних територіальних громад (ОТГ). За даними Міністерства цифрової трансформації України менше 30 % сільських ОТГ мали повноцінні інтерактивні вебсервіси у 2023 р., тоді як серед міських громад цей показник становив 87 %. Основними перешкодами такої ситуації є брак ІТ-фахівців у малих громадах, недостатнє фінансування цифрової інфраструктури, недостатньо високий рівень цифрової грамотності посадових осіб та частини мешканців [4]. По-друге, євроінтеграційний вектор зобов'язує гармонізувати систему е-урядування зі стандартами ЄС, що передбачено Директивою про відкриті дані (2019/1024) та Регламентом Європейського Парламенту і Ради. Закон України «Про електронну ідентифікацію та електронні довірчі послуги» від 05 жовтня 2017 року [5] значною мірою сприяв активному розвитку транскордонного співробітництва та інтеграції України у світовий електронний інформаційний простір, однак стан технічної інтероперабельності України з інформаційними системами країн ЄС потребує подальшого доопрацювання.

Отже, Україна сформувала розвинену нормативно-правову базу для надання муніципальних послуг онлайн. Портал «Дія» та ЄДПАП є центральними платформами взаємодії громадян з органами влади, а кількість активних користувачів – понад 22 млн – свідчить про масовий перехід до цифрової моделі отримання послуг. Водночас нерівномірність охоплення між містами та сільськими ОТГ (менше 30 % сільських громад мають повноцінні е-сервіси) залишається системною проблемою. Подальший розвиток цифрової громади потребує запровадження єдиних стандартів якості е-послуг для всіх типів громад, посиленої державної підтримки малих ОТГ у забезпеченні цифрової інфраструктури та підготовці кадрів, забезпечення технічної сумісності з платформами ЄС.

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## **ШЕВЧЕНКІВСЬКА ПРЕМІЯ ЯК СИМВОЛ НАЦІОНАЛЬНОЇ КУЛЬТУРНОЇ ІДЕНТИЧНОСТІ УКРАЇНИ**

Національна премія України імені Тараса Шевченка є найвищою державною нагородою України в галузі культури і мистецтва та одним із найвагоміших символів національної культурної ідентичності. Вона не лише відзначає видатні досягнення в літературі, мистецтві, публіцистиці, музиці, театрі, кінематографі та інших сферах культурного життя, а й формує систему цінностей, що лежить в основі українського світогляду. Сам факт існування премії, названої на честь Тараса Шевченка, свідчить про глибинний зв'язок сучасної української культури з її історичними витоками та духовними авторитетами [4].

Тарас Шевченко є не лише класиком української літератури, а й символом боротьби за свободу, гідність і право народу на самовизначення [1, с. 88]. Його творчість стала підґрунтям для формування сучасної української нації у ХІХ столітті, а образ поета перетворився на уособлення моральної сили українського народу. Саме тому заснування премії його імені мало глибоко символічний характер: держава через культурну інституцію визнає пріоритет духовних цінностей і тяглість національної традиції [3, с. 102].

Премію було засновано у 1961 році як республіканську нагороду. У той час вона функціонувала в умовах ідеологічного контролю, однак навіть тоді відігравала важливу роль у збереженні української культурної самобутності. Попри обмеження, саме в межах цієї премії відзначалися митці, чия творчість зберігала національний характер і відображала специфіку українського історичного досвіду. Таким чином, премія виконувала амбівалентну функцію: будучи частиною офіційної системи, вона водночас ставала простором легітимації української культури в її національному вимірі.

Після проголошення незалежності України у 1991 році премія набула нового змісту. Вона стала інструментом державної культурної політики, спрямованої на відновлення історичної пам'яті, утвердження української мови як державної, підтримку національного мистецтва та формування сучасного культурного канону. У незалежній Україні Шевченківська премія остаточно утвердилася як символ культурного суверенітету. Вона почала відігравати роль визначення високих естетичних стандартів і моральної відповідальності митця перед суспільством [1, с. 145].

Серед лауреатів премії – видатні постаті української культури, чия творчість формувала духовний простір нації: Ліна Костенко, Іван Драч, Василь

Стус, Іван Миколайчук, Євген Сверстюк та багато інших [2, с. 89]. Їхні імена асоціюються не лише з мистецькою майстерністю, а й з моральною позицією, громадянською мужністю, відданістю ідеалам свободи. Визнання таких діячів на державному рівні закріплює у суспільній свідомості уявлення про культуру як про простір відповідальності та духовного служіння.

Шевченківська премія виконує функцію культурного відбору та канонізації. Через механізм відбору й нагородження вона формує уявлення про те, що вважається високим мистецтвом, які теми є суспільно значущими, які художні форми відповідають національному духу. Таким чином, премія впливає не лише на окремих митців, а й на напрям розвитку всієї культурної сфери. Вона задає орієнтири, стимулює творчий пошук і підтримує інтелектуальний потенціал нації.

Особливої ваги премія набула в умовах новітніх історичних викликів. Після подій Революції Гідності 2013–2014 років та в умовах російської агресії питання культурної ідентичності стало одним із ключових для українського суспільства. Культура перетворилася на поле боротьби за смисли, за право на власну історію та власний голос у світовому просторі. У цьому контексті Шевченківська премія стала символом незламності культурного фронту. Відзначення творів, що осмислюють досвід війни, травми, втрати й героїзму, свідчить про здатність українського мистецтва реагувати на сучасність і водночас зберігати зв'язок із традицією.

Національна культурна ідентичність формується через мову, пам'ять, символи, ритуали та спільні культурні тексти. Шевченківська премія об'єднує всі ці елементи. Вона пов'язана з ім'ям Шевченка як архетиповим образом національного пророка; вона підтримує твори українською мовою; вона актуалізує історичні сюжети й сучасні проблеми; вона створює публічний ритуал визнання, що підсилює відчуття спільності. У такий спосіб премія функціонує як культурний інститут, який забезпечує тяглість і розвиток національної традиції.

Не менш важливим є міжнародний вимір Національної премії України імені Тараса Шевченка, адже в умовах глобалізації культура стає одним із ключових інструментів формування іміджу держави у світі. Визнання митця на рівні найвищої національної нагороди автоматично підвищує його символічний статус не лише всередині країни, а й за її межами. Лауреат Шевченківської премії сприймається як репрезентант сучасної української культури, носій її цінностей, художніх традицій і новаторських пошуків. Саме тому премія виконує функцію своєрідного знаку якості, що полегшує міжнародну комунікацію та відкриває нові можливості для співпраці.

У літературній сфері міжнародна репрезентація лауреатів Національної премії України імені Тараса Шевченка особливо помітна на прикладі таких авторів, як Ліна Костенко, чиї поетичні твори перекладалися багатьма європейськими мовами та презентувалися на міжнародних літературних подіях; Оксана Забужко, чиї романи й есеї активно перекладаються та обговорюються в академічному й культурному середовищі Європи та США; Юрій Андрухович,

який регулярно бере участь у міжнародних книжкових ярмарках і фестивалях; а також Сергій Жадан, чиї твори здобули широку читацьку аудиторію за кордоном і стали частиною сучасного європейського літературного дискурсу. Державне визнання їхньої творчості посилює інтерес іноземних видавців і культурних інституцій, адже премія слугує своєрідним маркером високої художньої якості та суспільної значущості тексту.

У сфері музики, театру та кінематографа дипломатичний потенціал премії також реалізується через конкретні імена й проєкти. Зокрема, творчість композитора Валентина Сильвестрова виконується на провідних світових сценах, формуючи уявлення про модерний український музичний авангард. Театральні постановки режисера Леся Курбаса (помертньо відзначеного премією) стали символом новаторства українського театру та вплинули на європейську режисерську традицію. У кінематографі вагомим прикладом є творчість Івана Миколайчука, чиї роботи репрезентували українське поетичне кіно на міжнародному рівні.

Завдяки таким постатям премія стає не лише внутрішнім актом державного визнання, а й інструментом зовнішньої культурної репрезентації. Лауреати, інтегровані у світовий мистецький простір, виконують функцію культурних послів України, сприяючи формуванню її позитивного іміджу як держави з глибокою традицією та сучасним творчим потенціалом. Особливої актуальності міжнародний вимір набув після 2014 року та ще більше – після 2022 року, коли Україна опинилася в центрі глобальної уваги. Культура стала важливим каналом пояснення українського досвіду світові: через художні тексти, фільми, музику, мистецькі проєкти міжнародна аудиторія отримує глибше розуміння історії, болю, спротиву та прагнення свободи українського народу. У цьому процесі лауреати Шевченківської премії виступають як культурні амбасадори держави. Їхня творчість допомагає формувати наратив про Україну не лише як про країну війни, а як про країну з потужною інтелектуальною традицією, глибокою історичною пам'яттю та сучасним креативним потенціалом.

Крім того, премія має значення в контексті культурної дипломатії, яку реалізують державні та недержавні інституції. Вона створює символічний капітал, який може бути використаний у міжнародних культурних програмах, двосторонніх обмінах, презентаціях українського мистецтва за кордоном. Таким чином, Національна премія України імені Тараса Шевченка постає складовою культурної дипломатії України, виступаючи засобом міжнародного впливу через культурну репрезентацію, ціннісну комунікацію та мистецький авторитет.

Водночас міжнародний вимір премії сприяє внутрішньому самоусвідомленню. Коли українські митці отримують визнання за кордоном, це посилює національну гордість і підтверджує конкурентоспроможність української культури на світовій арені. Премія демонструє, що українське мистецтво здатне відповідати на універсальні питання людського буття, водночас зберігаючи власну унікальність.

Отже, Шевченківська премія – це не лише нагорода, а багатовимірний символ. Вона втілює історичну пам'ять, духовну спадкоємність, мовну ідентичність та культурний суверенітет України. Через механізм державного визнання вона формує національний канон, підтримує моральні орієнтири суспільства та сприяє консолідації нації в умовах викликів. У сучасному світі, де питання ідентичності набуває особливої актуальності, Шевченківська премія залишається одним із найпотужніших символів української культурної самосвідомості.

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## **ГРОМАДЯНСЬКЕ СУСПІЛЬСТВО ЯК ФАКТОР ДЕРЖАВНОЇ СТІЙКОСТІ В УМОВАХ ВІЙНИ**

Повномасштабна війна проти України поставила перед державою комплексні виклики, що охоплюють військову, економічну, соціальну та інформаційну сфери. У таких умовах особливого значення набуває проблема забезпечення стійкості держави як здатності зберігати функціональність інституцій, суспільну єдність та керованість попри зовнішню агресію. Водночас досвід України переконливо засвідчив, що стійкість держави формується не лише через діяльність органів публічної влади, а й через активну участь громадянського суспільства.

У **науковій літературі** поняття “стійкості” має міждисциплінарний характер і може трактуватися по-різному залежно від сфери застосування. Зокрема, у медичній науці використовується термін (*resistance*), який означає стійкість організму до лікарських препаратів або відсутність належної реакції на лікування. У сфері безпеки відповідне поняття (*resistance*) також може використовуватися для позначення опору противнику, що проявляється у формі саботажу, диверсій, підривної діяльності чи партизанського руху. Водночас у сучасних безпекових і політико-правових дослідженнях використовується інша

концептуальна категорія – *resilience*, яка характеризує системну здатність держави функціонувати в умовах кризових ситуацій [1, с. 29–30].

У науковому дискурсі **стійкість держави (*resilience*) розглядається як здатність політико-правової системи ефективно функціонувати в умовах криз, адаптуватися до зовнішніх і внутрішніх викликів, протидіяти загрозам та забезпечувати відновлення після потрясінь**. У міжнародних безпекових документах ця категорія також визначається як спроможність держави та суспільства **підготуватися до кризових потрясінь, протистояти їм, реагувати на них і швидко відновлюватися після них** [2]. В Україні поняття стійкості держави доповнюється концепцією **національної стійкості**, визначеною у рішенні Ради національної безпеки і оборони України (далі РНБО) від 20 серпня 2021 р. “Про запровадження національної системи стійкості”, затвердженому Указом Президента України № 479/2021. Цей документ визначає національну стійкість як здатність держави і суспільства ефективно протистояти загрозам будь-якого походження і характеру, адаптуватися до змін безпекового середовища, підтримувати стале функціонування, швидко відновлюватися до бажаної рівноваги після кризових ситуацій [3].

Громадянське суспільство охоплює сукупність добровільних об’єднань громадян, професійних спільнот, благодійних організацій, правозахисних структур, незалежних медіа та інших форм самоорганізації, що функціонують автономно від держави, але взаємодіють із нею [4, с. 27]. Конституційною основою його діяльності є положення статей 36–40 Конституції України, які гарантують свободу об’єднань, участь громадян в управлінні державними справами та право на звернення до органів влади [5]. **Правове забезпечення функціонування громадянського суспільства та стабільності держави в умовах кризових ситуацій здійснюється через спеціальні нормативно-правові акти**. Зокрема, Закон України “Про громадські об’єднання” встановлює правові засади створення та діяльності організацій громадянського суспільства, визначає їхні права і обов’язки та механізми взаємодії з органами влади [6]. Водночас Закон України “Про правовий режим воєнного стану” регламентує порядок реалізації прав і свобод людини і громадянина під час збройної агресії, визначає повноваження органів державної влади та заходи щодо забезпечення національної безпеки, що створює правові рамки для підтримки стабільності та функціонування державних інституцій у кризовий період [7].

Попри можливість тимчасового обмеження окремих прав під час воєнного стану, законодавство не передбачає згортання інститутів громадянського суспільства. Навпаки, їх діяльність стає важливим ресурсом держави. У стратегічному вимірі питання забезпечення національної безпеки координуються РНБО, рішення якої формують основні напрями політики у сфері оборони та стійкості. Нормативно-організаційне забезпечення функціонування держави здійснює Кабінет Міністрів України, який у період

війни ухвалює рішення щодо взаємодії з громадськими інституціями, гуманітарної політики та підтримки населення [7].

У цьому контексті громадянське суспільство виконує низку взаємопов'язаних функцій у забезпеченні державної стійкості. Насамперед ідеться про *мобілізаційну функцію*, яка проявляється у здатності суспільства швидко акумулювати ресурси, організовувати допомогу та підтримувати державні ініціативи. Саме через механізми самоорганізації громадян держава отримує додатковий потенціал для оперативного реагування на кризові ситуації, що зміцнює її здатність до адаптації та відновлення у надзвичайних умовах. **Окрім того, важливо виділити соціально-стабілізаційну функцію.** У період війни значна частина населення зазнає переміщення, втрати житла чи роботи, психологічних травм. Громадські організації сприяють збереженню соціальної рівноваги, забезпечуючи підтримку постраждалим групам та знижуючи рівень соціальної напруги. Таким чином формується внутрішня єдність суспільства, що є важливим чинником опору зовнішнім загрозам [8, с. 856].

Не менш значущою є *інформаційна функція*. В умовах гібридної війни та інформаційних атак громадянське суспільство сприяє поширенню достовірної інформації, формуванню критичного мислення та зміцненню довіри до державних інституцій. Саме довіра виступає ключовим елементом стійкості, адже легітимність влади у кризових умовах базується на підтримці громадян. Важливою складовою є також *контрольна функція*. Громадські інституції здійснюють моніторинг діяльності органів влади, використання бюджетних коштів та міжнародної допомоги. Такий громадський контроль підвищує прозорість управлінських процесів і зменшує корупційні ризики, що безпосередньо впливає на ефективність державної політики під час війни. Логічним продовженням є *інтегративна функція*, яка полягає у консолідації суспільства навколо спільних цінностей і цілей. Війна стає каталізатором формування національної ідентичності та солідарності. Активна участь громадян у суспільному житті сприяє зміцненню демократичних засад і формує відчуття спільної відповідальності за майбутнє держави [9].

Водночас взаємодія держави та громадянського суспільства у воєнний період трансформується: якщо в мирний час така взаємодія часто має характер контролю або критики, то під час війни формується модель партнерства, в якій держава визнає значення громадських ініціатив, а громадянське суспільство бере активну участь у реалізації публічної політики. Така **взаємодія** підсилює загальну стійкість державного механізму, у той же час створюючи певні виклики: **занадто висока залежність** від громадської активності може свідчити про недостатню спроможність державних інституцій, тоді як надмірне адміністративне регулювання здатне обмежити автономію громадянського суспільства. Тому важливо забезпечувати баланс між координацією з боку держави та автономією громадянського суспільства.

Підсумовуючи викладене, слід зазначити, що роль громадянського суспільства у забезпеченні стійкості держави під час війни є системною та

багатовимірною. Воно виступає не допоміжним, а рівноправним учасником процесу збереження державності. Стійкість сучасної держави визначається не лише військовою потужністю чи ефективністю урядових структур, а й рівнем соціальної консолідації, довіри та активності громадян. Український досвід демонструє, що саме взаємодія держави та громадянського суспільства створює фундамент для збереження суверенітету та подальшого демократичного розвитку навіть в умовах війни.

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## **АКТУАЛЬНІ ПРОБЛЕМИ ТА ДІЯЛЬНОСТІ ПРАВОЗАХИСНИХ ТА ПРАВООХОРОННИХ ОРГАНІВ: МІЖНАРОДНИЙ ДОСВІД ТА УКРАЇНСЬКІ РЕАЛІЇ**

У сучасних умовах глобальних безпекових викликів, збройних конфліктів, терористичних загроз, кіберзлочинності та соціальної нестабільності особливого значення набуває ефективна діяльність правозахисних і правоохоронних органів. Від рівня їх функціонування залежить реальність забезпечення прав і свобод людини, стан публічної безпеки, довіра населення до державних інституцій та загальна правова культура суспільства. Водночас як на міжнародному рівні, так і в Україні простежується низка системних проблем, що ускладнюють реалізацію покладених на ці інституції завдань.

Нормативно-правова база діяльності правозахисних і правоохоронних органів України має комплексний характер і поєднує конституційні, галузеві та міжнародні норми, однак її практична реалізація супроводжується низкою колізій і проблем застосування. Основу становить Конституція України, яка в ст. 3 проголошує права і свободи людини найвищою соціальною цінністю, а в ст. 29, 55, 64 визначає гарантії свободи, судового захисту та межі можливих обмежень під час воєнного стану. Спеціальне регулювання діяльності поліції встановлює Закон України «Про Національну поліцію», де закріплено принципи законності, пропорційності, відкритості та сервісної спрямованості, проте на практиці спостерігається розширене тлумачення повноважень щодо перевірки документів, превентивних заходів і застосування примусу. Умови воєнного стану, врегульовані Законом України «Про правовий режим воєнного стану», допускають тимчасове обмеження прав, однак відсутність чітких процедурних індикаторів «необхідності» та «загрози національній безпеці» створює ризики надмірної дискреції. Міжнародні стандарти, закріплені в Конвенції про захист прав людини і основоположних свобод та розтлумачені у практиці Європейський суд з прав людини, вимагають ефективного розслідування скарг на жорстоке поводження, забезпечення доступу до адвоката з моменту фактичного затримання та реальної судової перевірки обмежень прав, що не завжди дотримується в національній практиці. Таким чином, ключовою проблемою нормативно-правових актів є не стільки відсутність правових норм, скільки розрив між їх декларативним змістом і механізмами імплементації, недостатня визначеність процедур контролю за застосуванням сили та слабкість інституційних гарантій підзвітності [1, 2].



Однією з глобальних проблем є баланс між безпекою та правами людини. У боротьбі з тероризмом, екстремізмом та організованою злочинністю держави часто розширюють повноваження правоохоронних органів, що може призводити до звуження процесуальних гарантій особи. Міжнародні інституції, зокрема Організація Об'єднаних Націй та Рада Європи, постійно наголошують на неприпустимості виправдання порушень прав людини навіть у надзвичайних умовах. Практика Європейського суду з прав людини демонструє, що держави несуть відповідальність за перевищення повноважень поліцією, незаконні затримання, неналежне розслідування фактів катувань та жорстокого поводження [3].

Серйозною міжнародною проблемою є мілітаризація поліцейської діяльності. У ряді держав спостерігається тенденція до використання спеціальних підрозділів, військових методів і техніки у звичайних правоохоронних операціях. Це посилює ризик надмірного застосування сили та знижує орієнтацію поліції на сервісну модель взаємодії з громадянами. Альтернативою цьому виступає модель *community policing*, поширена в країнах ЄС, де поліція розглядається як партнер громади, а не лише як каральний орган.

Не менш актуальною є проблема цифровізації злочинності та кіберзагроз. Транснаціональний характер кіберзлочинів ускладнює юрисдикційні питання, збирання доказів і міжнародну правову допомогу. Такі структури, як Інтерпол та Європол, відіграють ключову роль у координації боротьби з кіберзлочинністю, однак національні органи часто не мають достатніх технічних ресурсів і фахівців для ефективної протидії цим викликам.

Для правозахисних організацій у світі характерною є проблема обмеження простору громадянського суспільства. У багатьох державах фіксуються випадки тиску на правозахисників, ускладнення процедур реєстрації НУО, криміналізація окремих форм громадської активності. Це суперечить міжнародним стандартам свободи об'єднань і підриває систему демократичного контролю за владою.

В Україні зазначені проблеми мають додаткову специфіку, пов'язану з воєнним станом, реформуванням правоохоронної системи та процесами євроінтеграції. Діяльність Національної поліції України, органів прокуратури, Служби безпеки та правозахисних інституцій відбувається в умовах постійної безпекової напруги. Це створює ризики порушення прав людини під час затримань, фільтраційних заходів, перевірок документів, обмеження свободи пересування. Однією з ключових внутрішніх проблем є недостатній рівень довіри населення до правоохоронних органів, що пов'язано з корупційними проявами, вибірковістю правозастосування, затягуванням розслідувань і недостатньою комунікацією з громадянами. Попри проведені реформи, проблема підзвітності та прозорості діяльності залишається актуальною. Водночас для України характерна активна роль правозахисного сектору, який документує воєнні злочини, порушення прав внутрішньо переміщених осіб, випадки катувань та незаконних утримань. Однак правозахисники стикаються з

проблемами доступу до інформації, ризиками безпеки та психологічним вигоранням [4, с. 43].

Отже, актуальні проблеми діяльності правозахисних і правоохоронних органів мають комплексний, міждисциплінарний і глобальний характер. Міжнародний досвід свідчить, що ефективність правоохоронної системи неможлива без дотримання прав людини, прозорості, підзвітності та партнерства з громадянським суспільством. Для України ключовими напрямками є подальше реформування інституцій, посилення контролю за застосуванням сили, розвиток професійної підготовки, цифрова модернізація та зміцнення правозахисного середовища. Саме поєднання безпеки та прав людини має стати стратегічною основою функціонування відповідних органів у сучасних умовах.

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## **РОЛЬ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА У ПІДТРИМЦІ СИСТЕМИ ДСНС В УМОВАХ ВОЄННОГО СТАНУ**

В умовах повномасштабної збройної агресії проти України суттєво зросло навантаження на систему цивільного захисту, зокрема на підрозділи Державної служби України з надзвичайних ситуацій. Значна кількість пожеж, спричинених бойовими діями, ракетними ударами та диверсіями, потребує оперативного реагування, що вимагає залучення додаткових ресурсів. У цьому контексті особливої актуальності набуває роль громадянського суспільства

Громадянське суспільство в умовах воєнного стану виступає важливим елементом підтримки державних інституцій. Волонтерські організації, громадські об'єднання та ініціативні групи забезпечують підрозділи ДСНС необхідним обладнанням, засобами індивідуального захисту, транспортом і матеріальними ресурсами. Така допомога дозволяє підвищити ефективність реагування на надзвичайні ситуації.

Окрему увагу слід приділити діяльності добровільних пожежних формувань, які функціонують на рівні територіальних громад. У багатьох регіонах України саме вони першими прибувають на місце події, особливо в умовах обмеженого доступу або перевантаження державних служб. Їх діяльність сприяє зменшенню часу реагування та мінімізації наслідків пожеж. Важливим напрямом є також інформаційна та освітня діяльність громадських організацій. Проведення тренінгів, інструктажів та навчань для населення дозволяє підвищити рівень обізнаності громадян щодо дій у разі виникнення пожеж. Це особливо актуально в умовах воєнних загроз, коли ризик виникнення надзвичайних ситуацій значно зростає.

Не менш важливим є питання координації між державними структурами та громадянським суспільством. Ефективна взаємодія дозволяє уникнути дублювання функцій, забезпечити раціональне використання ресурсів та підвищити загальну ефективність системи реагування. У цьому контексті доцільним є створення спільних координаційних центрів та впровадження сучасних інформаційних систем управління.

Таким чином, громадянське суспільство відіграє ключову роль у забезпеченні функціонування системи пожежогасіння в умовах воєнного стану. Його участь дозволяє підвищити стійкість державних інституцій, забезпечити оперативність реагування та мінімізувати наслідки надзвичайних ситуацій.

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## **ВЗАЄМОДІЯ ПОЛІЦІЇ З ОРГАНАМИ ДЕРЖАВНОЇ ВЛАДИ ТА МІСЦЕВОГО САМОВРЯДУВАННЯ**

Взаємодія поліції з органами державної влади та місцевого самоврядування є важливою складовою ефективного функціонування системи публічної безпеки та правопорядку. У сучасному демократичному суспільстві забезпечення прав і свобод людини, підтримання громадського порядку та протидія злочинності потребують узгоджених дій різних інституцій публічної влади. Поліція, виконуючи свої основні функції охорони правопорядку, не може діяти ізольовано від інших органів влади тому що реалізація багатьох завдань у сфері безпеки потребує координації, інформаційного обміну та спільних управлінських рішень. Взаємодія поліції з органами державної влади і органами місцевого самоврядування – це їх спільна, узгоджена за місцем, часом та метою діяльність, спрямована на найбільш ефективне виконання правоохоронних завдань та оптимальне використання наявних можливостей [1, с. 28].

Правову основу діяльності поліції та її взаємодії з іншими органами влади становить Конституція України, що визначає права і свободи людини та громадянина, закріплює принципи організації державної влади, а також встановлює обов'язок держави забезпечувати їх захист. Основним нормативним актом є Закон України «Про Національну поліцію», який визначає статус поліції як центрального органу виконавчої влади, що служить суспільству шляхом забезпечення охорони прав і свобод людини, протидії злочинності та підтримання публічної безпеки і порядку [2]. Відповідно до Закону, Національна поліція України функціонує як центральний орган виконавчої влади у системі Міністерства внутрішніх справ України та здійснює свою діяльність у взаємодії з іншими державними органами, органами місцевого самоврядування, громадськими організаціями та населенням.

Одним із важливих напрямів є взаємодія поліції з органами виконавчої влади. Це партнерство забезпечує громадську безпеку, запобігає та протидіє злочинності, реагування на надзвичайні ситуації. Поліція бере участь у спільних заходах із центральними органами виконавчої влади, обмінюється інформацією, координує діяльність у питаннях забезпечення безпеки громадян, здійснює роботу по боротьбі з корупцією. Взаємодія зі Службою безпеки України дозволяє підвищити ефективність діяльності правоохоронної системи та забезпечити комплексний підхід до вирішення проблем безпеки.

Не менш важливою є взаємодія поліції з органами судової влади та органами прокуратури. Поліція співпрацює та обмінюється даними та

координує спільні дії для забезпечення безпеки з центральними органами виконавчої влади. У своїй діяльності вона керується положеннями Кримінального процесуального кодексу України [3], який визначає порядок проведення слідчих дій, взаємодію з прокурором, а також процедуру виконання судових рішень. Працівники поліції забезпечують охорону судових установ, підтримують громадський порядок під час судових засідань, виконують рішення суду щодо приводу осіб, затримання або інших процесуальних заходів. Ця робота сприяє ефективному здійсненню правосуддя та забезпеченню законності у кримінальному процесі.

Важливе місце у системі забезпечення публічної безпеки займає взаємодія поліції з органами місцевого самоврядування. Одним із суб'єктів забезпечення національної безпеки є органи місцевого самоврядування. Засади організації та діяльності, правовий статус і відповідальність органів та посадових осіб місцевого самоврядування визначені Законом України «Про місцеве самоврядування в Україні» [4]. Відповідно до ст. 5 цього Закону, система місцевого самоврядування включає територіальну громаду, сільську, селищну, міську раду, сільського, селищного, міського голову, виконавчі органи сільської, селищної, міської ради, старосту, районні та обласні ради, органи самоорганізації населення.

Розвиток інфраструктури та благоустрою територій є важливим аспектом забезпечення безпеки. У статті 30 Закону України «Про місцеве самоврядування в Україні» визначено повноваження у сфері житлово-комунального господарства, транспорту і зв'язку, благоустрою населених пунктів, організації ринків і ярмарків, функціонування комунальних підприємств та затвердження місцевих схем санітарного очищення та систем роздільного збору відходів [5, с. 23]. Відповідно до частини 5 та 6 статті 105 Закону України «Про Національну поліцію» передбачено, що виконавчі комітети сільських, селищних, міських рад безкоштовно надають органам і підрозділам поліції службові приміщення, обладнані меблями і засобами зв'язку, транспорт та інші матеріально-технічні засоби. Комунальні та приватні підприємства можуть виділяти органам поліції кошти, транспорт та інші матеріально-технічні засоби, необхідні для виконання повноважень поліції [2].

Основні засади функціонування органів місцевого самоврядування у сфері безпеки передбачають участь у формуванні місцевої політики, сприяння діяльності поліції та реалізацію програм профілактики правопорушень. Діяльність поліції здійснюється у тісній співпраці та взаємодії з населенням, територіальними громадами та громадськими об'єднаннями на засадах партнерства і спрямована на задоволення їхніх потреб. Залучення представників інших правоохоронних органів, органів державної влади та місцевого самоврядування до розв'язання проблем, які турбують населення, сприяє підвищенню рівня безпеки та ефективності діяльності поліції.

Дуже важливе є залучення населення до проведення лекцій, дискусій, круглих столів, екскурсій з представниками громади. Також залучення представників медіа передбачає відкритість та прозорість діяльності, регулярне

спростування "фейків". Залучення журналістів сприяє висвітленню та обговоренню рішень, які стосуються громадськості.

Таким чином, у взаємодії поліції та органів державної влади, місцевого самоврядування важливе місце займає взаємодія, координація, спільні заходи з питань профілактики правопорушень та забезпечення громадського порядку. Незважаючи на наявність законодавчих механізмів співпраці, існують певні проблеми, серед яких: недостатня координація між державними структурами, дублювання повноважень, обмежені фінансові ресурси та недостатня комунікація з громадою. Сучасні виклики вимагають постійного вдосконалення методів взаємодії, розвитку різних форм комунікації між державними інститутами. Співпраця поліції з органами влади та населенням забезпечує належний захист прав і свобод людини.

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## **ТРАНСФОРМАЦІЯ КОНСТИТУЦІЙНО-ПРАВОВИХ ГАРАНТІЙ ПРАВ ЛЮДИНИ В УКРАЇНІ В УМОВАХ ВОЄННОГО СТАНУ**

Права людини становлять фундамент сучасного конституціоналізму та визначають зміст і спрямованість діяльності демократичної держави. В умовах воєнного стану, запровадженого внаслідок повномасштабного вторгнення 2022 року, особливої актуальності набуває питання реального функціонування

конституційно-правових гарантій прав і свобод. Сучасний правовий простір України формується під впливом безпекових викликів, що зумовлює необхідність переосмислення співвідношення між захистом державності та забезпеченням прав людини.

На законодавчому рівні чітко визначено, що людина, її життя і здоров'я, честь і гідність, недоторканність і безпека визнаються в Україні найвищою соціальною цінністю, а спрямованість діяльності держави визначається саме колом прав і свобод людини та системою гарантій їх забезпечення [1, с. 48]. Водночас права та свободи людини і громадянина безпосередньо закріплені й гарантовані в Конституції України, яка визначає їх зміст, обсяг і механізми захисту. Саме ця конституційна аксіома стала орієнтиром для правового реагування держави на виклики воєнного часу.

Однак події 2022 року продемонстрували, що навіть за умов конституційного пріоритету прав людини можливе тимчасове обмеження окремих прав і свобод у зв'язку з необхідністю захисту національної безпеки. Було запроваджено обмеження свободи пересування, проведення мирних зібрань, окремих трудових та майнових прав. На початковому етапі воєнного стану правозастосовна практика формувалася в умовах високої невизначеності, що створювало додаткові ризики для ефективної реалізації прав людини.

У науковій площині слушно наголошується, що ступінь забезпеченості прав і свобод особи є показником демократичного розвитку держави. Зокрема, М.Д. Лазарева підкреслює, що держава повинна не лише визнавати людину найвищою цінністю, а й гарантувати фактичне здійснення її прав, адже саме це свідчить про зрілість громадянського суспільства [3, с. 53]. У 2022 році першочерговим завданням було збереження функціонування державних інституцій, тоді як у 2026 році акцент дедалі більше зміщується на відновлення повноцінного механізму реалізації та захисту прав людини.

Станом на сьогодні можна констатувати певну стабілізацію правового режиму. Законодавство адаптовано до умов тривалого воєнного стану, удосконалено процедури соціального захисту військовослужбовців, внутрішньо переміщених осіб, осіб, які постраждали внаслідок бойових дій. Водночас посилено увагу до забезпечення прав звичайних громадян, зокрема у сфері свободи пересування. Так, було розширено можливості реалізації права на виїзд за межі держави: Уряд України оновив порядок перетину державного кордону для громадян України чоловічої статі віком від 18 до 22 років включно, передбачивши їх право на виїзд за кордон під час дії воєнного стану відповідно до визначених законодавством умов [4].

Активно розвиваються цифрові механізми доступу до адміністративних і судових послуг, що сприяє підвищенню доступності правосуддя навіть за умов обмежень та забезпечує більш ефективну реалізацію конституційних прав і свобод.

У цьому контексті особливого значення набуває позиція Е.Є. Регушевського, який зазначає, що конституційно-правові гарантії є не лише результатом стабільного правового режиму, а й важливою складовою його

функціонування, що унеможлиблює свавілля влади та розбалансування владних повноважень [5, с. 106]. Порівняно з 2022 роком, у 2026 році механізми парламентського контролю, судового захисту та конституційного нагляду функціонують більш системно, що свідчить про поступове відновлення балансу між потребами безпеки та вимогами верховенства права.

Водночас зберігаються складні питання, пов'язані з відновленням прав осіб на тимчасово окупованих територіях, компенсацією шкоди, притягненням винних у воєнних злочинах до відповідальності. Проте загальна тенденція свідчить про перехід від кризового управління правами до інституційно врівноваженого механізму їх гарантування.

Отже, воєнне вторгнення 2022 року стало серйозним випробуванням для системи конституційно-правових гарантій прав людини в Україні. Якщо у 2022 році ключовим завданням було забезпечення виживання держави в умовах загрози, то у 2026 році простежується поступове зміцнення правових механізмів захисту прав і свобод. Попри об'єктивні обмеження, принцип пріоритету людини як найвищої соціальної цінності зберігає свою визначальну роль, а сучасний правовий простір України демонструє тенденцію до поєднання безпекових потреб із конституційними стандартами прав людини.

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## **ЗАБЕЗПЕЧЕННЯ ПРАВ ЛЮДИНИ В УМОВАХ ВОЄННОГО СТАНУ: СУЧАСНІ ВИКЛИКИ ТА ПРАВОВІ МЕХАНІЗМИ**

Проблематика забезпечення прав і свобод людини в умовах правового режиму воєнного стану набуває особливої значущості, оскільки збройний конфлікт істотно трансформує традиційні механізми реалізації та гарантування фундаментальних прав особи. У таких умовах держава змушена здійснювати складний пошук оптимального балансу між необхідністю забезпечення національної безпеки, обороноздатності та громадського порядку, з одного боку, і дотриманням міжнародно визнаних стандартів прав людини – з іншого. Саме тому функціонування правового механізму обмеження окремих прав і свобод у період воєнних загроз має ґрунтуватися на принципах законності, пропорційності, обґрунтованості та тимчасовості.

В українській правовій системі нормативні засади можливого звуження обсягу реалізації конституційних прав і свобод особи в умовах надзвичайних обставин закріплені на рівні Конституція України. Відповідно до статті 64 цього Основного Закону, у період дії правового режиму воєнного або надзвичайного стану допускається встановлення окремих обмежень прав і свобод людини і громадянина, за умови обов'язкового визначення правових меж, змісту та строку дії таких обмежень. При цьому конституційне регулювання передбачає, що відповідні обмеження не можуть мати довільного характеру, а їх застосування повинно бути зумовлене виключно об'єктивною необхідністю захисту суверенітету, територіальної цілісності держави та безпеки суспільства [1].

Водночас Конституція України встановлює чітко визначений перелік основоположних прав і свобод людини і громадянина, які не підлягають обмеженню навіть в умовах запровадження правового режиму воєнного стану. Наявність такого переліку слугує важливою гарантією збереження базових засад правового статусу особи та запобігає можливим проявам надмірного втручання держави у сферу фундаментальних прав людини під час надзвичайних обставин. До них належать права, передбачені статтями 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62 та 63 Конституція України. Серед них – право на життя, повагу до гідності людини, свободу та особисту недоторканність, право на судовий захист, презумпцію невинуватості, право на правову допомогу та інші фундаментальні гарантії, що становлять основу правового статусу особи [1].

Міжнародно-правову основу захисту прав людини становлять положення

Загальна декларація прав людини, Міжнародний пакт про громадянські і політичні права та Європейська конвенція з прав людини. Зазначені міжнародні акти допускають можливість тимчасового відступу держави від виконання окремих зобов'язань у період надзвичайної ситуації, проте такі обмеження повинні відповідати принципам законності, необхідності та пропорційності [2; 3, ст. 4; 4, ст.15].

На національному рівні правові засади запровадження та реалізації воєнного стану визначені у Закон України «Про правовий режим воєнного стану». Відповідно до цього Закону обмеження можуть проявлятися у запровадженні комплексу спеціальних адміністративно-правових заходів, серед яких – встановлення комендантської години, запровадження особливого режиму в'їзду та виїзду на визначених територіях, здійснення перевірки документів, що посвідчують особу, обмеження свободи пересування громадян, тимчасова заборона або обмеження проведення мирних зібрань та інших масових заходів, а також спеціальне регулювання діяльності суб'єктів господарювання. Крім того, законодавство допускає можливість використання майна підприємств, установ і організацій незалежно від форми власності для задоволення потреб оборони держави, що є складовою реалізації публічного інтересу в умовах збройної агресії та функціонування воєнного стану [5, ст. 8].

Разом із тим дотримання прав особи в умовах війни супроводжується низкою сучасних викликів та суперечностей. Однією з ключових проблем є необхідність поєднання ефективного забезпечення обороноздатності держави з дотриманням демократичних стандартів прав людини. З одного боку, держава змушена запроваджувати певні обмеження для гарантування безпеки населення та протидії агресії, з іншого – надмірне або непропорційне обмеження прав може призводити до порушення принципу верховенства права.

Суттєвим викликом є також встановлення певних обмежень щодо реалізації права на свободу пересування та окремих соціально-трудових гарантій громадян, що обумовлено проведенням мобілізаційних заходів, обмеження виїзду за кордон для окремих категорій осіб та необхідністю залучення ресурсів держави для потреб оборони. Такі заходи, хоча й обумовлені безпековими потребами, нерідко викликають суспільні дискусії щодо їх пропорційності та відповідності конституційним гарантіям.

Ще однією проблемою є можливість ефективної реалізації права особи на отримання та поширення інформації, а також свободи вираження поглядів у контексті функціонування держави в умовах інформаційного протистояння. Введення обмежень щодо поширення окремої інформації, функціонування єдиної інформаційної політики чи цензурних елементів може розглядатися як необхідний захід для протидії дезінформації, проте водночас виникає ризик звуження свободи вираження поглядів [6, с. 17].

Суттєвим викликом для державної правової та соціальної політики в умовах воєнного часу є також належне забезпечення прав і законних інтересів внутрішньо переміщених осіб, а також гарантування доступу населення до базових соціальних, медичних та освітніх послуг у регіонах, що зазнали

значного впливу збройного протистояння. У цьому контексті особливої актуальності набуває формування ефективних механізмів державної підтримки та соціального захисту осіб, які були змушені залишити місце свого постійного проживання внаслідок воєнних дій.

Разом із тим масштабні руйнування об'єктів критичної та соціальної інфраструктури, масове переміщення населення, порушення логістичних та економічних зв'язків, а також загальна макроекономічна нестабільність суттєво ускладнюють процес реалізації соціально-економічних прав громадян. За таких умов держава стикається з необхідністю одночасного вирішення гуманітарних, соціальних та економічних проблем, що виникають унаслідок воєнних дій, з метою забезпечення мінімально необхідних стандартів життя та підтримання соціальної стабільності в суспільстві.

В умовах збройного конфлікту особливого значення набуває функціонування міжнародних механізмів гарантування та захисту прав людини, які виступають важливим інструментом контролю за дотриманням державами загальноновизнаних гуманітарних і правозахисних стандартів. У цьому контексті суттєву роль відіграє діяльність таких міжнародних інституцій, як Організація Об'єднаних Націй та Рада Європи, а також правозастосовна практика Європейський суд з прав людини. Зазначені інституції здійснюють моніторинг дотримання прав людини, сприяють фіксації та документуванню випадків їх порушення в умовах воєнних дій, а також формують міжнародно-правові підходи до притягнення винних осіб до юридичної відповідальності.

Отже, дотримання прав і свобод людини в умовах правового режиму воєнного стану постає як складний, багатовимірний та інституційно зумовлений процес, що характеризується наявністю значних правових викликів, колізій та необхідністю постійного узгодження між безпековими інтересами держави і дотриманням фундаментальних стандартів прав людини. Реалізація цього завдання потребує комплексного поєднання ефективної державної політики, національних правових механізмів та міжнародно-правових інструментів захисту прав людини.

Ефективне вирішення цих проблем потребує поєднання національних правових механізмів із міжнародними стандартами захисту прав людини, посилення контролю за функціонуванням державних інституцій та забезпечення дотримання принципу верховенства права навіть у період збройного конфлікту.

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## **ВПРОВАДЖЕННЯ ПРИНЦИПІВ ГЕНДЕРНОЇ РІВНОСТІ У ВНУТРІШНІ НОРМАТИВНІ АКТИ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ УКРАЇНИ**

Відображення проблематики гендерної рівності у суспільстві є однією з передумов стійкої демократії, мирного співіснування у сучасній державі [1, с. 130], тоді як реалізація принципів гендерної рівності у діяльності правоохоронних органів є невід’ємною складовою сучасної реформи сектору безпеки. Національна поліція України, як орган, покликаний захищати права людини, інтегрує гендерно чутливий підхід у внутрішні нормативні акти та практику роботи. Це відповідає як національному законодавству, так і міжнародним зобов’язанням України у сфері прав людини [2]. Дана проблематика є актуальною з огляду на потребу підвищення ефективності роботи поліції та зростання рівня довіри суспільства до правоохоронних органів.

Україна, рухаючись до євроінтеграції, повинна виконувати міжнародні стандарти і зобов’язання щодо прав людини та гендерної рівності (CEDAW, резолюція РБ ООН 1325 тощо). Тому інтеграція принципів гендерної рівності в нормативні акти МВС та Національної поліції є важливою частиною реформ, особливо в умовах сучасних викликів і воєнного стану, коли зростає роль жінок у секторі безпеки і оборони. Свідченням практичної реалізації даних принципів є зростання станом на кінець 2024 року частки жінок в органах Національній поліції до рівня 27% від загальної чисельності особового складу, причому понад 16% керівних посад обіймають саме жінки [3]. Зростання питомої ваги

жінок-поліцейських, у тому числі на керівних постах, стало можливим завдяки усуненню гендерно обумовлених обмежень при доборі та просуванні по службі.

Національна поліція України діє на основі законодавства, яке прямо забороняє будь-яку дискримінацію за ознакою статі. Зокрема, Закон України «Про Національну поліцію» (2015) закріплює принцип дотримання прав і свобод людини та забороняє привілеї чи обмеження за будь-якими ознаками, в тому числі за статтю [4, с.5]. Дисциплінарний статут Національної поліції (2018) покладає на поліцейських обов'язок утримуватися від висловлювань і дій, що порушують права людини або принижують її честь і гідність [4, с.5]. Це створює правову основу для гендерної рівності у службових відносинах.

Важливим кроком стало удосконалення дисциплінарних процедур для протидії гендерно зумовленим правопорушенням. Наказ МВС від 07.11.2018 №893 “Про реалізацію окремих положень Дисциплінарного статуту Національної поліції” передбачив порядок службових розслідувань щодо порушень службової дисципліни. У 2022 році до цього наказу внесено зміни (наказ МВС від 28.09.2022 №615), якими серед підстав для призначення службового розслідування прямо визначено випадки дискримінації за ознакою статі чи сексуальних домагань, вчинені поліцейським [4, с.7]. Тобто, якщо співробітник поліції допустив гендерну дискримінацію або сексуальні домагання, це тягне дисциплінарну відповідальність і внутрішнє розслідування. Даний документ передбачає впорядкування заходів реагування на прояви дискримінації та сексуального домагання у системі МВС відповідно до чинного законодавства [4, с.7].

Розроблена МВСУ в 2023 році Методика запобігання та протидії дискримінації за ознакою статі та сексуальним домаганням на робочому місці в органах системи МВС, започаткувала важливий практичний напрям боротьби з гендерно зумовленим насильством та дискримінацією всередині системи та під час виконання службових обов'язків. Документ містить алгоритм дій для керівників і працівників у разі виявлення фактів сексуальних домагань чи інших форм гендерної дискримінації в колективі. Зокрема, визначено порядок конфіденційного повідомлення про інцидент, проведення внутрішнього розслідування та застосування дисциплінарних стягнень до порушників, а також передбачено принцип “нульової толерантності” до таких проявів[4]. Ця методика стала практичним інструментом реалізації згаданих вище змін до дисциплінарних процедур.

Попри помітний прогрес, залишаються виклики у впровадженні гендерної рівності в системі МВС. Аналітичні огляди та внутрішній моніторинг виявляють низку проблемних зон. Зокрема, ще не повністю подолано бар'єри щодо кар'єрного зростання: на найвищих щаблях управління частка жінок усе ще суттєво менша, ніж серед рядового складу. Потребує уваги гендерний баланс у різних підрозділах – жінки традиційно більше представлені в адміністративних та соціальних службах, тоді як у деяких оперативних і спеціальних підрозділах їх небагато. Причини можуть критися як у давніх стереотипах щодо статевих ролей (силові підрозділи, охорона громадського

порядку тощо), так і в недостатній поінформованості жінок про можливості служби в цих сферах.

Існує також проблема поєднання службових та сімейних обов'язків для поліцейських-жінок, особливо тих, хто має малих дітей. Хоча законодавство гарантує рівні трудові права, на практиці ненормований графік, чергування вночі тощо створюють додаткове навантаження, яке лягає в основному на жінок. Відтак, слід розробити гнучкіші режими роботи, програми підтримки (як-от відомчі дитячі садки чи компенсації за догляд) для забезпечення реальної рівності у можливостях.

З точки зору нормативного забезпечення, перспективним є подальше впровадження гендерно-орієнтованого бюджетування в системі МВС. Це означає, що при плануванні бюджету поліції аналізуються потреби як чоловіків, так і жінок (наприклад, забезпечення форменим одягом відповідних розмірів, належні умови праці для осіб обох статей, заходи з охорони здоров'я з урахуванням гендерних ризиків). Кабінет Міністрів вже схвалив Державну стратегію забезпечення рівних прав та можливостей жінок і чоловіків до 2030 року, де передбачені відповідні заходи у всіх секторах. НПУ слід розробити внутрішній план дій із реалізації цієї Стратегії – з конкретними цілями, показниками (наприклад, збільшення частки жінок на певних посадах до визначеного рівня, кількість працівників, охоплених навчаннями тощо) і відповідальними особами.

Основні практичні аспекти вдосконалення гендерної рівності в правоохоронних органах можна сформулювати за наступними напрямками:

- удосконалення кадрової політики передбачає запровадження прозорих конкурсів на керівні посади з обов'язковим врахуванням принципу рівних можливостей та програми розвитку лідерських навичок для жінок-поліцейських, задля збільшення їх представництва у вищому керівному складі;

- покращення умов служби має врахувати гнучкі графіки роботи, можливість застосування частково дистанційної роботи (для посад, де це можливо, особливо для співробітників з малолітніми дітьми) та забезпечення об'єктів поліції необхідною інфраструктурою (роздягальні, кімнати гігієни тощо) з урахуванням потреб обох статей;

- підвищення обізнаності завдяки проведенню системних тренінгів та включенню окремих модулів до програм підвищення кваліфікації з гендерної рівності для всіх рівнів – від курсантів академій до керівників;

- моніторинг та оцінка має здійснюватись через регулярний гендерний аудит у підрозділах поліції в частині перевірки внутрішніх процесів (найм, просування, оплата праці) на предмет рівності.

Отже, проведені дослідження дають підстави зробити висновок, що нормативні акти Національної поліції України наразі значною мірою відповідають принципам гендерної рівності. Правова база – від законів до відомчих наказів – встановила чіткі вимоги щодо недискримінації за ознакою статі та рівності можливостей у службі. У практичній площині досягнуто помітного прогресу: зростає присутність жінок у поліцейських лавах і на

керівних посадах (понад чверть особового складу); функціонують спеціальні структурні одиниці з питань протидії домашньому насильству та гендерної дискримінації; тисячі співробітників підвищили обізнаність завдяки гендерним навчальним програмам. Ці зрушення не лише виконують нормативні вимоги, а й сприяють покращенню якості роботи поліції, тобто роблять її більш чуйною до потреб різних громадян, підвищуючи довіру населення та згуртованість колективу.

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## **БЕЗПЕКА ЦІВІЛЬНОГО НАСЕЛЕННЯ УКРАЇНИ В УМОВАХ ВІЙНИ: АНАЛІЗ ПРОБЛЕМ НОРМАТИВНО-ПРАВОВОГО РЕГУЛЮВАННЯ**

Довготривала повномасштабне військове вторгнення згенерувало в Україні комплексний спектр загроз для безпеки та благополуччя цивільного населення. Аналіз основних факторів впливу війни та прогнозування їх наслідків підкреслює, що цивільне населення є особливо вразливими під час

військових конфліктів через загрози, пов'язані зі збройними атаками, бомбардуваннями та знищенням інфраструктури. Це призводить до серйозних травм (фізичних, психологічних), втрат серед цивільного населення, а також до економічної нестабільності та гуманітарної кризи.

*Загрози для безпеки цивільних осіб в умовах війни також спричинені рядом порушень прав і свобод людини.* Проведений нами аналіз основних положень Женевської конвенції, дав можливість підтвердити численні порушення прав людини в умовах військової агресії російської федерації проти України.

Зокрема, згідно статті 11, яка визначає захист окремих осіб: 1. Фізичному і психічному стану здоров'я і недоторканності осіб, що перебувають під владою супротивної сторони, або інтернованих, затриманих чи яким-небудь іншим чином позбавлених свободи в результаті ситуації, зазначеної у статті 1, не повинно завдаватися шкоди шляхом якоїсь невинуватеної дії або бездіяльності. Відповідно забороняється піддавати осіб, зазначених у цій статті, жодній медичній процедурі, яка не вимагається за станом здоров'я зазначеної особи й не відповідає загальноприйнятим медичним нормам, що застосовуються за аналогічних, з медичної точки зору, обставин до громадян сторони, що проводить цю процедуру, які не позбавлені свободи в якій би то не було формі.

Згідно Додаткового протоколу до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв збройних конфліктів міжнародного характеру (Протокол II), від 8 червня 1977 року, забороняється піддавати таких осіб, навіть за їх згодою: а) фізичним каліцтвам; б) медичним чи науковим експериментам; с) видаленню тканин чи органів для пересадки; за винятком тих випадків, коли такі дії є виправданими згідно з умовами, передбаченими пунктом 1. ...4. Будь-яка навмисна дія чи навмисна бездіяльність, що серйозно загрожують фізичному чи психічному стану або недоторканності будь-якої особи, яка перебуває під владою супротивної сторони, до котрої вона не належить, та які або порушують будь-яку із заборон, що містяться в пунктах 1 і 2, або не виконують вимог пункту 3, є серйозним порушенням цього Протоколу [ 2].

Згідно Додаткового протоколу до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв міжнародних збройних конфліктів (Протокол I), від 8 червня 1977 року, захист цивільного населення визначається Ст.3: Заборонено вбивства, катування, жорстоке поводження, наруга над людською гідністю, взяття заручників. Ст. 27: Цивільні особи не повинні ставати об'єктом нападу. Ст. 33: Заборонено колективні покарання. Ст.53: Заборонено використовувати цивільних осіб як живий щит. 2. Захист поранених і хворих: Ст. 12: Поранені і хворі повинні забиратися з поля бою і отримувати гуманне поводження. Ст.15: Медичний персонал і медичні заклади повинні поважатися і захищатися. 3. Захист військовополонених визначається: Ст. 13: Військовополонені повинні поважатися і захищатися. Ст.17: Військовополонені мають право на життя, гідність, особисту недоторканність, медичну допомогу, листування з сім'ями. Ст. 27: Заборонено катувати, знущатися, примушувати до



роботи військовополонених. 4. Захист дітей визначається Ст. 50: Діти до 15 років не повинні брати участь у збройних конфліктах. Ст. 51: Діти повинні бути захищені від бомбардувань, обстрілів, насильства [1].

Є відомими численні приклади порушень Женевської конвенції в умовах військової агресії російської федерації проти України, зокрема, обстріли цивільних: російські війська неодноразово обстрілювали житлові квартали, лікарні, школи, що призвело до загибелі тисяч мирних жителів. Вбивства мирних жителів: З'являються свідчення про вбивства, зґвалтування, тортури мирних жителів російськими військовими. Використання цивільних як живого щита: російські війська розміщують військову техніку в житлових кварталах, використовуючи цивільних як живий щит. Напади на медичні заклади: Російські війська неодноразово обстрілювали лікарні, пологові будинки, медичні бригади. Примус до роботи: Є повідомлення про примус українських цивільних до роботи на російських окупантів. Викрадення дітей: російські війська викрадають українських дітей і вивозять їх до Росії. Порушення Женевської конвенції є воєнними злочинами, за які винні мають бути покарані.

Насьогодні під час війни в Україні цивільні особи стикаються з порушенням прав на життя, свободу та безпеку, включаючи примусове переміщення, тортури, викрадення, гвалтування та інші форми насильства. Вважаємо, що для захисту цивільного населення від цих загроз є необхідність у створенні ефективних стратегій захисту та гуманітарної допомоги. Все це підкреслює важливість розробки міжнародних механізмів захисту цивільного населення, а також забезпечення доступу до гуманітарної допомоги та медичної асистенції.

Доповнюючи даний виклад можна додатково зазначити, що гуманітарні принципи, викладені у загальній ст. 3 Женевських конвенцій [1; 2; 4], лежать в основі поваги до людської особистості в разі збройного конфлікту, що не має міжнародного характеру, нагадуючи, що міжнародні документи, які стосуються прав людини, надають основний захист людській особистості; підкреслюючи необхідність забезпечення ефективного захисту жертв таких збройних конфліктів; нагадуючи, що у випадках, не передбачених чинними правовими нормами, людська особистість залишається під захистом принципів гуманності й вимог суспільної свідомості [4].

В контексті сучасних геополітичних реалій, воєнні конфлікти генерують комплексний спектр загроз для безпеки та благополуччя цивільного населення. Ця багатоаспектна проблема потребує системного підходу, який має ґрунтуватися на міждисциплінарних дослідженнях та інноваційних стратегіях, спрямованих на захист людей та забезпечення їхніх фундаментальних прав.

Деталізація даного підходу полягає у проведенні комплексного аналізу спектру загроз: фізичних небезпек (ризиків загибелі, поранення, каліцтва), психологічних небезпек (наслідків - травми, розлади, депресія); економічних небезпек (втрата майна, роботи, доходів); складових соціальної безпеки (втрата сім'ї, дому, соціальних зв'язків) та правової безпеки (порушення прав людини, дискримінація).

Для вирішення вказаного спектру проблем пропонується ряд стратегій: використання інноваційних технологій (штучний інтелект, БПЛА, супутникові знімки); міжнародне співробітництво; гуманітарна допомога; просвітницька робота; юридична підтримка цивільного населення.

Важливо підкреслити, що захист цивільного населення під час воєнних конфліктів є не лише гуманітарною проблемою, а й важливим фактором гарантування міжнародної безпеки та стабільності. Проблема нормативно-правового регулювання безпеки цивільного населення в Україні в умовах війни є комплексною та охоплює колізії в законодавстві, питання імплементації міжнародних норм та практичну ефективність існуючих механізмів.

1. Додатковий протокол до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв міжнародних збройних конфліктів (Протокол I), від 8 червня 1977 року: [https://zakon.rada.gov.ua/laws/show/995\\_199#Text](https://zakon.rada.gov.ua/laws/show/995_199#Text)

2. Додатковий протокол до Женевських конвенцій від 12 серпня 1949 року, що стосується захисту жертв збройних конфліктів неміжнародного характеру (Протокол II), від 8 червня 1977 року: [https://zakon.rada.gov.ua/laws/show/995\\_200#Text](https://zakon.rada.gov.ua/laws/show/995_200#Text)

3. Закон України "Про правовий режим воєнного стану" <https://zakon.rada.gov.ua/laws/show/389-19#Text>

4. Конвенція про захист цивільного населення під час війни. [https://zakon.rada.gov.ua/laws/show/995\\_154#Text](https://zakon.rada.gov.ua/laws/show/995_154#Text)

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## **ВОЛОНТЕРСТВО ЯК ФОРМА ГРОМАДСЬКОЇ УЧАСТІ ПІД ЧАС ВОЄННОГО СТАНУ**

В умовах воєнного стану українське суспільство переживає глибоку трансформацію соціальних цінностей та форм громадської активності. Війна в Україні активувала потребу в швидкій самоорганізації громадян, мобілізації їхніх ресурсів задля підтримки обороноздатності нашої держави та захисту цивільного населення. В таких умовах волонтерство постало перед нами не лише як форма благодійності, а й як потужний механізм громадської участі, котре забезпечує оперативне реагування на виклики війни. Волонтерська діяльність охопила широкий спектр напрямів, від матеріально-технічної допомоги військовим до гуманітарної та психологічної підтримки постраждалих.

Волонтерська діяльність у громадських організаціях розглядається як один із ключових способів реалізації особистісних цінностей, громадянської відповідальності та активної життєвої позиції. Залученість до волонтерства ґрунтується на спільності світоглядних орієнтирів, прагненні до соціальної справедливості, підтримці та взаємодопомозі державі в умовах війни. У період бойових дій волонтерство постає не лише формою допомоги, а й дієвим механізмом соціальної консолідації та особистісної самореалізації. Масштаби активізації громадянської участі підтверджуються статистичними даними: у перший рік повномасштабного вторгнення в Україні було зафіксовано різке зростання кількості офіційно зареєстрованих волонтерів — їх число збільшилося у кілька разів порівняно з попередніми роками, що свідчить про безпрецедентний рівень мобілізації суспільства [4, с. 48].

На сьогодні волонтерські організації спеціалізуються та фактично компенсують окремі обмеження інституційної спроможності держави в умовах воєнного стану. Вони системно вивчають потреби фронту на локальному рівні, здійснюють багатоканальний збір коштів, організовують пошук, закупівлю й доставку необхідного обладнання, техніки, медикаментів і гуманітарної допомоги як в Україні, так і за кордоном. Фактично, волонтерські структури виконують функції логістичних центрів, забезпечуючи оформлення, транспортування та передачу ресурсів безпосередньо кінцевим отримувачам. Така діяльність засвідчує високий рівень самоорганізації громадянського суспільства та його здатність оперативно реагувати на виклики війни [3].

Волонтерство в умовах війни стало ключовим чинником трансформації громадської активності та формування нової моделі взаємодії

між нашим суспільством та державою. Однією із визначних рис волонтерської діяльності є її горизонтальна структура, відсутність ієрархії та висока адаптивність. На відміну від традиційних інституцій із формалізованою системою управління, волонтерські ініціативи здатні оперативно реагувати на виклики війни, швидко розподіляти ресурси, змінювати напрями своєї діяльності та залучати нових учасників. Саме така гнучкість забезпечує ефективність мобілізації людей та матеріальних ресурсів у критичні терміни. У сучасних реаліях волонтерство перестало бути виключно актом доброчинності — воно перетворилося на форму активного громадського самовираження та відповідальності. Значна кількість людей, які раніше не брали участі у суспільних процесах, почала долучатися до різних ініціатив із підтримки армії, внутрішньо переміщених осіб та постраждалих громадян [1, с. 61]. Водночас волонтерський рух набув не лише масового, а й професійного виміру. Поряд із невеликими ініціативними групами активно функціонують великі та потужні благодійні організації, котрі системно координують допомогу, вибудовують саме прозорість звітності та співпрацюють із міжнародними партнерами. Саме такі інституалізовані форми волонтерства стали важливою ланкою підтримки сектору безпеки й оборони України.

Яскравий приклад ефективною трансформації громадянської ініціативи у впливову суспільну інституцію є діяльність фонду “Повернись живим”, який став одним із символів сучасного українського волонтерського руху та системної підтримки Збройних Сил України.

Громадська організація “Повернись живим” є одним із найвідоміших інституційно розвинених прикладів волонтерської діяльності в Україні, котрий набув особливого значення в умовах воєнного стану. Заснована у 2014 році як ініціатива підтримки українських військових, з часом організація переросла у благодійний фонд з чіткою структурою управління та прозорою фінансовою звітністю. Після повномасштабного вторгнення у 2022 році масштаби діяльності фонду суттєво зросли, а його роль у зміцненні обороноздатності держави стала ще більш вагомою. Особливість цього фонду полягає не лише у оперативному закритті нагальних потреб, а й у довгостроковому підвищенні ефективності української армії. Системно, ця організація забезпечує підрозділи сучасними засобами зв’язку, оптикою, тепловізійною технікою, безпілотними літальними апаратами та іншим обладнанням. Також фонд інвестує у навчальні програми для військовослужбовців, котрі спрямовані на розвиток їхніх професійних компетентностей, що свідчить про стратегічну підтримку сектору безпеки та оборони [2].

У нинішніх реаліях волонтерство стало одним із ключових аспектів зміцнення українського народу. Воно проявляється не лише як формальна форма благодійності, а й як ефективний механізм соціальної мобілізації, оперативного реагування на виклики війни. Масштабна залученість громадян до волонтерської діяльності свідчить про високий рівень солідарності, соціальної відповідальності та активної громадської позиції. У підсумку, волонтерство в умовах війни виступає не лише як соціальний інструмент

допомоги, а й потужним фактором формування нової моделі громадської активності, підвищення соціальної згуртованості та зміцнення державності та єдності народу.

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## **АДМІНІСТРАТИВНО-ПРАВОВЕ ЗАБЕЗПЕЧЕННЯ ПУБЛІЧНОЇ БЕЗПЕКИ ПОЛІЦІЄЮ В УМОВАХ КОМЕНДАНТСЬКОЇ ГОДИНИ**

У контексті сучасних умов воєнного стану в Україні питання забезпечення публічної безпеки та порядку набуло принципово нового характеру. Одним із головних інструментів підтримання правопорядку та забезпечення публічної безпеки стало запровадження комендантської години. Актуальність цієї теми зумовлена необхідністю пошуку оптимального балансу між забезпеченням національних інтересів держави та дотриманням прав людини в умовах війни. Динамічність безпекового середовища та постійні загрози диверсійної діяльності вимагають від органів поліції не лише оперативного реагування, а й бездоганного знання адміністративних процедур. Дослідження правових механізмів реалізації комендантської години дозволяє виявити прогалини у чинному законодавстві, що безпосередньо впливає на ефективність превентивної діяльності та рівень довіри суспільства до правоохоронних органів (зокрема, Національної поліції України) у критичні періоди.

Згідно з ч. 5 ст. 8 Закону України «Про правовий режим воєнного стану» комендантська година - це заборона перебування у певний період доби на вулицях та в інших громадських місцях без спеціально виданих перепусток і посвідчень [1]. Це особливий правовий режим, що характеризується суттєвими обмеженнями прав і свобод громадян, зокрема свободи пересування. Для Національної поліції України, як ключового суб'єкта застосування адміністративного примусу, цей період став викликом, що потребує чіткого правового регулювання та ефективних підходів реалізації повноважень.

Адміністративно-правове забезпечення публічної безпеки в умовах комендантської години ґрунтується на розгалуженій системі нормативно-правових актів. Одним з головних нормативно-правових актів є Закон України «Про правовий режим воєнного стану» [1]. Процедурні аспекти цього режиму деталізовані у Постанові Кабінету Міністрів України від 08.07.2020 р. № 573 «Питання запровадження та здійснення заходів правового режиму воєнного стану» [2], яка визначає порядок встановлення комендантської години та повноваження комендатур. Для поліцейського, який виконує завдання з охорони порядку, ключовим регулятором залишається Закон України «Про Національну поліцію» [3], зокрема норми, що стосуються превентивних заходів та заходів примусу.

Діяльність поліції у цей період має чітко виражений адміністративно-превентивний характер. Основними методами є патрулювання, перевірка документів, огляд транспортних засобів та речей. Згідно зі ст. 32 Закону «Про Національну поліцію» [3], правоохоронці мають право вимагати документи, якщо особа перебуває на вулиці під час комендантської години. Однак практична реалізація цього заходу часто стикається із правовими колізіями. Наприклад, тривалий час існує проблема відсутності адміністративної відповідальності саме за порушення режиму комендантської години в Кодексі України про адміністративні правопорушення (далі - КУпАП) [4].

На практиці при виявленні порушника комендантської години, поліцейські перевіряють документи та з'ясовують причину перебування на вулиці. Якщо причина є поважною і підтверджується документально, особу можуть відпустити. В іншому випадку особу можуть затримати для проведення бесіди та складання протоколу про адміністративне правопорушення. Порушення комендантської години часто розглядається через статті 210-1 та 185 КУпАП [4]. При цьому конкретного законодавчого механізму для штрафів за порушення комендантської години немає [6].

У межах реалізації правового режиму комендантської години Національна поліція України виконує роль органу, що безпосередньо контактує з цивільним населенням. Адміністративна діяльність тут включає не лише контроль, а й сервісну функцію, наприклад надання допомоги особам, які опинилися на вулиці через об'єктивні обставини, такі як повітряна тривога або повернення з евакуаційного рейсу.

Окрему увагу слід приділити безпековим ініціативам, таким як інтеграція систем відеоспостереження «Безпечне місто» у роботу патрульних нарядів.

Основними її елементами є: система відеоспостереження з аналітикою руху; моніторингові центри, які обробляють відео в реальному часі; інтеграція з базами даних МВС та Національної поліції України; використання штучного інтелекту та аналітики для виявлення правопорушень (перевищення швидкості, проїзд на червоне світло, порушення правил стоянки). Завдяки роботі системи фіксуються не лише порушення Правил дорожнього руху, але й: виявлення авто, що перебувають у розшуку; контроль за рухом громадського транспорту (GPS-моніторинг, дотримання графіка); моніторинг комендантської години та маршрутів спецтранспорту [7, с. 172]. Таке адміністративне забезпечення публічного порядку мінімізує фізичні контакти та підвищує рівень безпеки самих правоохоронців.

Адміністративна превенція під час комендантської години також відіграє роль у роботі слідчих підрозділів. Виявлення порушників режиму часто веде до виявлення більш тяжких правопорушень, таких як диверсійна діяльність, незаконний обіг зброї чи наркотиків. Таким чином, адміністративна діяльність стає підґрунтям для подальшого кримінального провадження. Проте важливо, щоб затримання особи за порушення комендантської години суворо відповідало вимогам ст. 260–263 КУпАП [8] щодо строків та порядку оформлення протоколів про адміністративне затримання, оскільки будь-яке процесуальне порушення на цьому етапі може поставити під сумнів законність отриманих доказів у майбутній кримінальній справі.

Аналіз практичної діяльності правоохоронних органів свідчить про стійку динаміку правопорушень у цій сфері, лише у Києві протягом 2023 року виявлено понад 41 тисячу порушників [9], а на Полтавщині у 2024 році щодня фіксують близько 500 таких випадків [10]. Така статистика змушує Національну поліцію України ініціювати перегляд часових меж обмежень задля оптимізації безпекових заходів. Висока кількість зафіксованих фактів підкреслює потребу у вдосконаленні адміністративно-правових механізмів та посиленні юридичної відповідальності за ігнорування встановлених вимог правового режиму.

Отже, адміністративно-правове забезпечення публічної безпеки та порядку в умовах комендантської години є динамічною сферою, що постійно пристосовується до вимог воєнного часу. Головним викликом залишається остаточне врегулювання відповідальності за порушення режиму на рівні закону (зміни до КУпАП), щоб адміністративний примус був максимально чітким та ефективним, але, в той же час, суверенітет та життя громадян залишались пріоритетом, навіть в умовах воєнного стану. Це фундамент, який дозволяє державі зберігати керованість і правопорядок у надзвичайних обставинах.

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## ВИКОРИСТАННЯ ШТУЧНОГО ІНТЕЛЕКТУ У ПРЕВЕНТИВНІЙ ДІЯЛЬНОСТІ ПОЛІЦІЇ

В умовах стрімкої цифровізації суспільних відносин та ускладнення форм злочинності, традиційні методи правоохоронної діяльності потребують докорінного переосмислення. Одним із найбільш перспективних напрямів модернізації роботи поліції є впровадження технологій штучного інтелекту (далі - ШІ) у превентивну діяльність. Превентивна діяльність, на відміну від реактивної, спрямована не на реагування на вчинений злочин, а на



попередження правопорушень шляхом аналізу ризиків та прогнозування загроз [1, с. 20]. Використання ШІ дозволяє обробляти величезні масиви даних, які не під силу опрацювати людині-аналітику, що створює фундамент для переходу до моделі «розумної поліції».

Основним концептом використання ШІ в цьому аспекті є предиктивна поліцейська діяльність (Predictive Policing), яка стрімко розвивається завдяки блискавичному розвитку комп'ютерних технологій, і є модель здійснення правоохоронної діяльності на основі прогнозів [2, с. 142]. Ця стратегія базується на математичному моделюванні та використанні алгоритмів машинного навчання для виявлення закономірностей у вчиненні правопорушень. Наприклад, аналізуючи дані про час, місце та характер минулих злочинів, системи ШІ можуть генерувати «теплові карти» - це потужний інструмент веб аналітики, що вказують на зони з найвищою ймовірністю вчинення злочинів у найближчому майбутньому [3, с. 26]. Це дозволяє керівництву територіальних підрозділів поліції ефективніше розподіляти патрульні наряди, спрямовуючи ресурси саме туди, де присутність правоохоронців матиме максимальний стримуючий ефект.

Окрім географічного прогнозування, ШІ відкриває значні можливості у сфері індивідуальної превенції. Йдеться про системи оцінки ризиків, які аналізують імовірність повторного вчинення злочину особами, що перебувають на обліку. Алгоритми здатні виявляти складні кореляції між соціальними чинниками, поведінковими паттернами та кримінальною активністю. Однак, впровадження таких інструментів потребує жорсткого дотримання етичних норм та прав людини, щоб уникнути стигматизації певних груп населення або дискримінації за ознаками, що можуть бути закладені в алгоритм через упередженість вхідних даних.

Важливим компонентом превенції є використання систем інтелектуального відеоспостереження, які здатні автоматично розпізнавати осіб та транспортні засоби; моніторити великі території без безпосередньої присутності правоохоронців; аналізувати патерни поведінки підозрюваних осіб; зберігати відеозаписів для подальшого розслідування, також сучасні камери, інтегровані з ШІ, здатні в режимі реального часу ідентифікувати осіб, що перебувають у розшуку, або виявляти аномальну поведінку в натовпі (наприклад, залишені речі, різкі агресивні рухи, скупчення людей у нетипових місцях) [4, с. 150]. Це дозволяє поліції реагувати на потенційну загрозу ще до моменту її переростання у відкритий конфлікт або теракт. В Україні розвиток систем на кшталт «Безпечне місто» є яскравим прикладом руху в цьому напрямку, проте інтеграція ШІ в ці системи все ще перебуває на стадії активного формування.

Окремим аспектом є превенція кіберзлочинності та інформаційних загроз. В епоху цифрових технологій, коли інформація стає доступною з різних джерел, використання OSINT (Open Source Intelligence) інструментарію набуває важливого значення при розслідуванні кримінальних правопорушень. Слід зазначити, що OSINT - це процес збору, аналізу і використання інформації, яка

відкрито доступна [5, с. 221]. Автоматизований аналіз контенту дозволяє правоохоронцям діяти на випередження, блокуючи канали розповсюдження шкідливого контенту або проводячи роз'яснювальну роботу з групами ризику. У контексті протидії дезінформації ШІ може бути використаний для виявлення «ботоферм» та дипфейків, які часто використовуються для дестабілізації громадського порядку.

Проте, широке впровадження ШІ у діяльність правоохоронних органів України стикається з низкою викликів. По-перше, це правове регулювання. На сьогодні вітчизняне законодавство не містить чітких норм, які б визначали межі використання ШІ поліцією, статус рішень, прийнятих за допомогою алгоритмів, та відповідальність за помилки системи. Необхідна адаптація українського права до стандартів ЄС, зокрема врахування положень «Акту про штучний інтелект», який класифікує певні види використання ШІ в правоохоронній сфері як «високоризикові».

По-друге, існує технічна проблема якості та чистоти даних. Для ефективної роботи нейромереж необхідні структуровані, повні та достовірні бази даних. Проблеми з інтеграцією різних реєстрів МВС, застарілість деяких форматів даних та людський фактор при їх внесенні можуть призвести до помилкових висновків алгоритмів.

По-третє, актуальним залишається питання кадрового забезпечення. Поліції майбутнього потрібні не лише класичні оперативники та слідчі, а й дата-аналітики та спеціалісти з кібербезпеки, здатні інтерпретувати результати роботи ШІ та налаштовувати ці системи під конкретні завдання.

Етичний вимір використання ШІ також не можна ігнорувати. Існує ризик несанкціонованого доступу до особистих даних через витік або злам системи, що може призвести до крадіжки ідентичності, фінансових втрат або інших форм зловживання, і навіть якщо дані анонімізовані, існує ризик, що за допомогою додаткової інформації можна буде ідентифікувати конкретні особи. Це може порушувати приватність і породжувати етичні дилеми [6, с. 130]. Принцип «технологічного детермінізму» не повинен підміняти собою верховенство права. Будь-яке рішення, що впливає на права та свободи людини, має прийматися або остаточно перевірятися людиною. ШІ має залишатися інструментом підтримки прийняття рішень, а не заміною професійної інтуїції та юридичного аналізу офіцера поліції.

Підсумовуючи, можна стверджувати, що використання ШІ у превентивній діяльності поліції є неминучим етапом еволюції правоохоронної системи. Це відкриває безпрецедентні можливості для зниження рівня злочинності, оптимізації ресурсів та підвищення рівня публічної безпеки. Однак успіх цієї трансформації залежить від комплексного підходу: створення гнучкої нормативно-правової бази, розробки надійних технічних стандартів та неухильного дотримання балансу між безпекою суспільства та правами окремої особи. Подальші дослідження у цій сфері мають бути спрямовані на розробку алгоритмів, що мінімізують помилки та забезпечують прозорість процесу прийняття превентивних заходів.

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## **ВІДЕОАНАЛІТИКА ТА ЦИФРОВІ РОЗСЛІДУВАННЯ ЗЛОЧИНІВ У ПЕРІОД КОМЕНДАНТСЬКОЇ ГОДИНИ**

Сучасний етап розвитку криміналістичної науки в Україні характеризується гострою необхідністю адаптації традиційних методів розслідування до специфічних умов правового режиму воєнного стану. Одним із найбільш значущих викликів для правоохоронної системи стало запровадження комендантської години, що докорінно змінило обстановку вчинення злочинів та, відповідно, алгоритми їх розкриття.

Згідно з ч. 5 ст. 8 Закону України «Про правовий режим воєнного стану» комендантська година - це заборона перебування у певний період доби на вулицях та в інших громадських місцях без спеціально виданих перепусток і посвідчень [1].

Криміналістичне забезпечення розслідування злочинів у цей період вимагає не лише оперативності, а й глибокої інтеграції цифрових технологій, оскільки традиційна слідова картина у порожньому місті часто доповнюється або заміщується «цифровим слідом». Актуальність обраного напряму підкріплюється тим, що обмеження вільного пересування створює унікальні умови для ідентифікації правопорушників, де кожен суб'єкт, що перебуває в громадському місці без дозволу, автоматично потрапляє в поле зору превентивних та слідчих органів, що вимагає належної методики фіксації такої інформації.

Ефективність розслідування злочинів, вчинених під час комендантської години, напряму залежить від використання інтелектуальних систем відеоспостереження та відеоаналітики. Системи типу «Безпечне місто», що функціонують в українських мегаполісах, перестали бути просто засобом пасивного спостереження. Програма «Безпечне місто» - це цілодобовий оперативний контроль ситуації на вулицях та об'єктах міста в режимі реального часу; ведення відео та аудіо архіву; автоматичне оповіщення про надзвичайні ситуації відповідних служб і організацій, надання візуальної інформації з місця розташування телекамер; відновлення перебігу подій за записаними відео-матеріалами; інтеграція відеоінформації з інформацією інших автоматизованих систем міської інфраструктури [2, с. 128].

З криміналістичної точки зору, відеоаналітика дозволяє автоматизувати процес пошуку релевантних доказів через розпізнавання облич, ідентифікацію номерних знаків транспортних засобів та аналіз траєкторії руху об'єктів у режимі реального часу. В умовах відсутності сторонніх осіб (перехожих) на

вулицях, будь-який рух, зафіксований камерою, набуває статусу потенційно доказової інформації. Криміналістична техніка сьогодні включає в себе алгоритми штучного інтелекту, здатні диференціювати типи об'єктів (людина, автомобіль, тварина) та сигналізувати про аномальну поведінку, що є критично важливим для виявлення диверсійно-розвідувальних груп або мародерів, які діють під прикриттям темряви.

Міжнародний досвід цифрових розслідувань (digital forensics) пропонує Україні готові протоколи роботи з електронними доказами, які успішно застосовуються в країнах ЄС та США. Зокрема, йдеться про «Протокол Берклі» щодо розслідувань із використанням відкритих джерел (OSINT), який визначає стандарти збору цифрових даних так, щоб вони не втрачали своєї допустимості в суді. Протокол Берклі – це практичний посібник з ефективного використання цифрової інформації з відкритим вихідним кодом при розслідуванні порушень міжнародного кримінального права, права людини та гуманітарного права, розроблений школою права Університету Каліфорнії в Берклі разом з представниками ООН [3, с. 195]. Для українських слідчих та криміналістів важливим є засвоєння методик перевірки автентичності відеозаписів та захисту їх від модифікацій (хешування даних). У країнах з високим рівнем цифровізації правоохоронної діяльності розслідування злочинів у «порожньому просторі» (аналог комендантської години під час пандемії або надзвичайних ситуацій) базується на концепції цифрового двійника міста, де кожна подія синхронізується з часом, геопозицією та даними з різних сенсорів, створюючи цілісну модель злочину.

Особливого значення набуває криміналістична тактика огляду місця події в умовах обмеженого освітлення та комендантського режиму. Використання тепловізійних пристроїв та дронів, оснащених високоточними камерами, дозволяє проводити фіксацію обставин події без ризику для життя слідчо-оперативної групи в зонах можливого обстрілу або мінної небезпеки. Криміналістичне забезпечення тут переходить у площину дистанційного документування. Використання результатів відеоаналітики дозволяє звузити коло підозрюваних до осіб, які мали спеціальні перепустки або легальне право на перебування на вулиці, що значно полегшує процес висунення слідчих версій. Крім того, важливо враховувати психологічний аспект: злочинець у період комендантської години відчуває себе більш вразливим до виявлення через відсутність «натовпу», що часто призводить до вчинення ним помилок, які мають бути професійно зафіксовані криміналістом.

Проте, інтеграція високих технологій у процес розслідування стикається з низкою проблем процесуального характеру. Чинний КПК України та КУпАП не завжди встигають за технічним прогресом, що створює ризики визнання доказів, отриманих за допомогою штучного інтелекту, недопустимими. Тут на допомогу приходить досвід Європейського суду з прав людини, який у своїх рішеннях неодноразово наголошував на допустимості використання технологічних засобів за умови дотримання балансу між приватним життям та публічною безпекою. Зокрема, у справі «Узун проти Німеччини» Суд

підтвердив, що технічне спостереження є втручанням у приватність (ст. 8 Конвенції про захист прав людини і основоположних свобод [4]), воно є виправданим, якщо слугує запобіганню злочинам та захисту національної безпеки [5].

Для України це означає необхідність розробки чітких методик верифікації даних з камер спостереження, які б виключали можливість маніпуляцій чи помилок алгоритмів. Криміналістичне дослідження цифрових записів має стати обов'язковим етапом експертизи, що підтверджує цілісність ланцюжка зберігання доказів (chain of custody).

Підбиваючи підсумок дослідженню, слід зазначити, що криміналістичне забезпечення розслідування злочинів в умовах комендантської години сьогодні є синтезом класичної методики та новітньої цифрової аналітики. Використання систем відеоспостереження не лише спрощує пошук зловмисників, а й виступає потужним превентивним чинником. Адаптація міжнародного досвіду цифрових розслідувань дозволить українським правоохоронним органам не просто фіксувати факти порушень, а будувати бездоганну доказову базу, яка витримає перевірку в будь-яких судових інстанціях, включаючи міжнародні. Подальший розвиток цього напрямку має полягати у створенні єдиного цифрового простору взаємодії між поліцією, військовими адміністраціями та експертними установами, що забезпечить максимальну безпеку громадян та невідворотність покарання для порушників закону в складні часи воєнного стану. Майбутнє криміналістики - у розумному поєднанні людського досвіду та обчислювальної потужності машин, що є запорукою стійкості правопорядку в сучасній Україні.

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## **ЩОДО АДМІНІСТРАТИВНО-ПРАВОВОГО РЕГУЛЮВАННЯ ФУНКЦІОНУВАННЯ БЛОКПОСТІВ В УМОВАХ ВОЄННОГО СТАНУ**

Запровадження воєнного стану в Україні зумовило необхідність застосування спеціальних заходів адміністративного примусу, серед яких обмеження свободи пересування. Встановлення особливого режиму в'їзду та виїзду, а також обмеження руху транспортних засобів є необхідними інструментами для забезпечення національної безпеки, виявлення диверсійно-розвідувальних груп та підтримання громадського порядку. Проте, реалізація цих заходів на практиці часто стикається з проблемою дотримання балансу між суспільним інтересом та конституційними правами особи.

Спочатку необхідно зазначити, що відповідно до ст. 64 Конституції України «в умовах воєнного або надзвичайного стану можуть встановлюватися окремі обмеження прав і свобод із зазначенням строку дії цих обмежень» [1].

До таких обмежень ми можемо віднести право на свободу пересування, юридичне закріплення цього обмеження знаходиться в Законі України «Про правовий режим воєнного стану», а саме у пункті 6 частини 1 статі 8 зазначається, що військове командування разом із військовими адміністраціями (у разі її утворення) можуть встановлювати у порядку, визначеному Кабінетом Міністрів України, особливий режим в'їзду і виїзду, обмежувати свободу пересування громадян, іноземців та осіб без громадянства, а також рух транспортних засобів [2].

Таке обмеження встановлюється для посилення контролю за переміщенням осіб і техніки, для виявлення диверсантів, запобігання незаконному обігу зброї, а також створення логістичних пріоритетів для безперешкодного руху військових підрозділів. Такий захід є вимушеним

механізмом мінімізації ризиків для цивільного населення в зонах бойових дій та захисту стратегічних об'єктів від ворожої розвідки.

Розглянемо одне з ключових понять, що стосується обмеження пересування. Блокпост - це укріплений контрольно-пропускний пункт із озброєною охороною, встановлений для перешкоджання незаконному переміщенню людей та вантажів. Зазвичай вони розташовані на стратегічно важливих шляхах, при в'їздах у населені пункти або в районах, де проводяться антитерористичні заходи. Основною функцією блокпостів є контроль за пересуванням транспорту та осіб, огляд вантажів та перевірка документів, а головною метою - запобігання проникненню незаконних збройних формувань, обмеження їх можливостей для маневру і доступу до ресурсів, необхідних для ведення бойових дій [3, с.117].

Відповідно до ст. 20 постанови Кабінету Міністрів України від 29 грудня 2021 року №1455 «Про затвердження Порядку встановлення особливого режиму в'їзду і виїзду, обмеження свободи пересування громадян, іноземців та осіб без громадянства, а також руху транспортних засобів в Україні або в окремих її місцевостях, де введено воєнний стан», заходи з контролю в'їзду/виїзду на блокпостах включають: перевірку документів, що посвідчують особу, підтверджують громадянство України чи спеціальний статус особи; перевірку документів, необхідних для здійснення перевезення вантажу (документів на транспортний засіб, документів на вантаж, дорожнього листа тощо); проведення огляду транспортного засобу та вантажу (товару) щодо відповідності документам на вантаж (товар); затримання осіб, транспортних засобів, вантажу (товару), проведення їх огляду та передачу їх уповноваженим представникам правоохоронних органів; тимчасове обмеження (заборону) руху транспортних засобів та осіб [4].

У сучасних реаліях контрольні заходи полягають у переході від суто безпекових функцій до адміністрування мобілізаційних процесів. Це проявляється через поєднання вищезазначених стандартних процедур перевірки на блокпостах із заходами військового обліку та використанням цифрових реєстрів, що дозволяє здійснювати верифікацію даних у режимі реального часу.

Також слід зауважити, що під час здійснення заходів з обмеження свободи пересування громадян України, іноземців та осіб без громадянства, а також руху транспортних засобів не можуть бути обмежені права і свободи людини і громадянина, передбачені частиною другою статті 64 Конституції України, та повинні бути дотримані вимоги статей 12 і 13 Закону України «Про свободу пересування та вільний вибір місця проживання в Україні» [4]. До суб'єктів, уповноважених на проведення перевірки документів в осіб, огляду речей, транспортних засобів, багажу та вантажів, службових приміщень і житла громадян, постановою КМУ від 29 грудня 2021 року №1456 віднесено: Національна поліція України, Служба безпеки України, Національна гвардія України, Державна прикордонна служба України, Державна міграційна служба України, Державна митна служба України, Збройні Сили України [5].



Підсумовуючи вищезазначене, можна дійти висновку, що адміністративно-правове регулювання особливого режиму пересування в умовах воєнного стану є ключовим елементом забезпечення національної безпеки та оборони України. Аналіз чинного законодавства, зокрема Закону України «Про правовий режим воєнного стану» та відповідних постанов Кабінету Міністрів України дозволяє зробити висновок, що обмеження свободи пересування є виправданим і пропорційним заходом у відповідь на збройну агресію.

Встановлено, що сучасна модель функціонування блокпостів трансформувалася: окрім суто безпекових завдань таких, як виявлення диверсійно розвідувальних груп, контроль за обігом зброї, вони стали інструментом оперативного адміністрування мобілізаційних процесів через інтеграцію з цифровими реєстрами. Водночас, ключовою умовою легітимності таких заходів залишається суворе дотримання уповноваженими суб'єктами процедурних меж, визначених законодавством. Подальше вдосконалення цього інституту має бути спрямоване на чітке розмежування повноважень між різними силовими структурами та мінімізацію ризиків порушення прав і свобод людини, які навіть в умовах війни не можуть бути обмежені понад встановлену законом міру.

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2. Про правовий режим воєнного стану: Закон України від 12 травня 2015 року № 28. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text> (дата звернення: 10.02.2026).

3. Євтушок В.А., Смола Р.М. Особливості несення служби національною поліцією на стаціонарних і мобільних блокпостах. *Підготовка поліцейських в умовах реформування системи МВС України*: зб. наук. пр. [конф. (м. Харків, 31 трав. 2019 р.)] / МВС України, Харків. нац. ун-т внутр. справ, Каф. тактич. та спец.-фіз. підгот. ф-ту № 2. Харків: ХНУВС, 2019. С.117-121. URL: <http://dspace.univd.edu.ua/xmlui/handle/123456789/8694>

4. Про затвердження Порядку встановлення особливого режиму в'їзду і виїзду, обмеження свободи пересування громадян, іноземців та осіб без громадянства, а також руху транспортних засобів в Україні або в окремих її місцевостях, де введено воєнний стан: Постанова Кабінету Міністрів України від 29 грудня 2021 року №1455. URL: <https://zakon.rada.gov.ua/laws/show/1455-2021-%D0%BF#Text> (дата звернення: 10.02.2026).

5. Про затвердження Порядку перевірки документів в осіб, огляду речей, транспортних засобів, багажу та вантажів, службових приміщень і житла громадян під час забезпечення заходів правового режиму воєнного стану: Постанова Кабінету Міністрів України від 29 грудня 2021 року №1456. URL: <https://zakon.rada.gov.ua/laws/show/1456-2021-%D0%BF#Text> (дата звернення: 10.02.2026).

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## **ОСОБЛИВОСТІ КОМУНІКАЦІЙНОЇ ДІЯЛЬНОСТІ ПРАЦІВНИКІВ ПРАВООХОРОННОЇ СФЕРИ**

Комунікативна діяльність працівників правоохоронної сфери є однією з головних складових професійної взаємодії, яка забезпечує ефективне виконання службових завдань, дотримання прав і свобод громадян, а також підтримання правопорядку. Успішна комунікація в цій галузі вимагає не лише володіння вербальними та невербальними засобами спілкування, але й глибокого розуміння психології спілкування, конфліктології, етики службових відносин та правових норм. Особливості професійної комунікації зумовлені високим ступенем соціальної відповідальності, необхідністю взаємодії з представниками різних соціальних груп, а також частим функціонуванням у стресогенних і конфліктних умовах.

Комунікативна діяльність працівників поліції – це складна, багатопланова діяльність щодо встановлення та розвитку контактів із представниками різних вікових, професійних, культурних, етнічних груп, а також з особами, психічний стан яких непередбачуваний (потерпілі, підозрювані, свідки), що відбувається за несприятливих умов та обставин, породжена виконанням службового обов'язку в боротьбі зі злочинністю, захисту від протиправних посягань на життя та здоров'я, права та свободи громадян; захисту державного устрою та громадського порядку; містить обмін інформацією, вироблення єдиної стратегії взаємодії, сприйняття та розуміння іншої людини [1, с. 166].

У сферу професійної діяльності поліцейського входить ситуаційність постійно змінних умов навколишнього середовища. Своєрідність та індивідуальність поведінки поліцейського залежить від характеру його взаємовідносин із оточенням, від правових норм, ціннісних орієнтацій.

Діяльність працівників органів внутрішніх справ відносять до професійного типу суб'єкт-суб'єктних взаємовідносин, що пов'язані з безпосереднім спілкуванням із людьми. Поліцейський має усвідомлювати, що від його вміння спілкуватися залежить встановлення офіційних, службових, ділових, партнерських контактів, налагодження його приватних стосунків з людьми. Тому «основними необхідними комунікативними якостями, які повинен мати поліцейський, є вміння слухати інших людей, долати психологічні бар'єри в спілкуванні, вміння швидко встановлювати психологічний контакт із незнайомими людьми, емоційна стриманість, терплячість, вміння чинити психологічний вплив на людей під час здійснення службової діяльності» [2, с. 126-127].

Важливим чинником підвищення ефективності роботи органів внутрішніх справ є налагодження відносин співпраці поліції з населенням на основі взаємодовіри, взаєморозуміння та взаємодії. Взаємовідносини поліції та населення можуть впливати на рівень ефективності діяльності поліцейських щодо охорони громадського порядку, профілактики й запобіганню злочинів.

Працівник поліції має володіти не лише професійними знаннями, але ще хоча б мати достатні навички з основ психолінгвістики, соціолінгвістики, юридичної лінгвістики. Від якості контакту працівника поліції з різними групами населення буде залежати ефективність його діяльності. Одним із визначальних чинників ефективної роботи працівника поліції буде правильно сформована фахова комунікативна компетентність. Виділяють основні необхідні комунікативні якості, якими повинен володіти співробітник правоохоронних органів, а саме: вміння слухати інших людей, здатність долати психологічні бар'єри в комунікації, вміння швидко встановлювати психологічний контакт із незнайомими людьми та наближати їх до себе, емоційна стриманість та терпіння, здатність психологічно впливати на людей, під час здійснення оперативно-службової діяльності, рольові компетенції [3]. Під час спілкування поліцейський отримує необхідну для розкриття злочину інформацію; керує процесом ведення бесіди (іноді у важких умовах); передає письмово вербальну інформацію. З практики відомо, що поліцейський не має вибору, з ким спілкуватися, а з ким ні, тому така комунікація має виключно діловий характер з метою здобуття необхідної інформації для проведення службових дій і регулюється офіційними стандартами [4, с. 682].

Однією з головних ознак комунікаційної діяльності працівників правоохоронних органів є її інституційний характер: вона відбувається в умовах жорстко регламентованої системи правових норм, службових інструкцій, наказів і процедур. У зв'язку з цим комунікація набуває формалізованого змісту, що особливо помітно в офіційному спілкуванні під час проведення слідчих дій, оформлення протоколів, складання рапортів, допитів тощо. Однак водночас працівники мають бути гнучкими в комунікації, зокрема під час спілкування з потерпілими, свідками, затриманими, громадянами в умовах масових заходів чи кризових ситуацій. Таким чином, професійна комунікація вимагає поєднання емоційної стабільності, адаптивності, правової обізнаності та психологічної підготовки.

Важливим елементом є конфліктна комунікація – тобто спілкування, що відбувається у ситуаціях з високим рівнем напруги, коли можливі прояви агресії, недовіри або відмови від співпраці з боку співрозмовника. Такі ситуації є типовими в оперативно-розшуковій діяльності, під час патрулювання, розслідувань або затримання правопорушників. У таких умовах працівники мають продемонструвати вміння нейтралізувати конфлікт, деескалювати агресію, зберігати самоконтроль і водночас чітко виконувати процесуальні вимоги. Окрім того, велике значення має невербальна комунікація – пози, жести, інтонація, зоровий контакт, що часто відіграють вирішальну роль у встановленні авторитету та довіри.

Особливу увагу слід приділити професійній етиці комунікації, яка регулює норми поведінки працівників у процесі взаємодії з громадянами. Від працівника очікують дотримання принципів нейтральності, об'єктивності, толерантності, уникнення дискримінації за будь-якими ознаками. З огляду на правозахисну функцію правоохоронних органів, будь-які прояви неповаги, упередженості або грубості можуть мати негативні правові та іміджеві наслідки для інституції в цілому. Водночас високий рівень професійної комунікації сприяє зростанню довіри суспільства до органів правопорядку, що є важливою передумовою правової держави.

Проблема психолінгвістичного забезпечення діяльності працівників поліції в екстремальних умовах останнім часом займає важливе місце серед інших завдань забезпечення професійної діяльності. Особливої уваги потребують випадки, пов'язані із захопленням заручників; викраданням людей (зокрема дітей), творів культури та мистецтва з метою отримання викупу; погрози вчинення збройних нападів, вбивств, вибухів, підпалів, масових отруєнь, активної протидії злочинців заходам щодо їх затримання тощо. Як свідчить практика, одним із ефективних засобів запобігання тяжким наслідкам у таких випадках є переговори – діалогічне спілкування з правопорушниками, злочинцями чи їх представниками з метою захисту прав і свобод громадян, забезпечення правопорядку. Основними труднощами переговорного спілкування є: відсутність навичок професійної підготовки та досвіду проведення переговорів, недоліки в організації психолінгвістичної підтримки переговорного процесу, недоліки в матеріально-технічному забезпеченні, організації та керівництві проведенням переговорів. Таким чином, спілкування є однією з центральних проблем, крізь призму якої вивчаються питання сприймання й розуміння людьми одне одного, лідерство й керівництво, згуртованість і конфліктність, міжособистісні взаємини тощо.

Отже, комунікаційна діяльність працівників правоохоронної сфери є складною, багатовимірною і критично важливою у виконанні службових обов'язків. Вона поєднує в собі формалізовану юридичну взаємодію, адаптивне міжособистісне спілкування та здатність ефективно діяти в умовах психологічної напруги. Успішна реалізація комунікативної функції значною мірою залежить від професійної підготовки працівників, розвитку комунікативної компетентності, а також створення сприятливих умов для безперервного вдосконалення навичок службового спілкування.

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## **ОМБУДСМАН ЯК ІНСТИТУЦІЙНА ГАРАНТІЯ ПРАВ ЛЮДИНИ: НАЦІОНАЛЬНО-ПРАВОВИЙ ВИМІР**

В умовах трансформації правової системи України та посилення викликів у сфері дотримання прав людини особливого значення набувають позасудові механізми захисту прав і свобод. У сучасній правовій державі гарантування прав і свобод людини і громадянина є не лише конституційним обов'язком держави, а й ключовим критерієм демократичності та відповідності європейським стандартам. Інститут омбудсмана виступає важливою інституційною гарантією забезпечення принципу верховенства права, сприяє відновленню порушених прав та здійснює парламентський контроль за діяльністю органів державної влади. З огляду на євроінтеграційний курс України, питання ефективності функціонування омбудсмана набуває особливої актуальності.

Інститут омбудсмана функціонує відповідно до загальновизнаних міжнародних стандартів у сфері захисту прав людини, насамперед принципів, вироблених у межах діяльності Організація Об'єднаних Націй. Йдеться про **“Принципи, які стосуються статусу національних установ, що займаються заохоченням і захистом прав людини”** так звані **“Паризькі принципи”**, закріплені в Резолюції 48/134 Генеральної Асамблеї ООН від 20 грудня 1993 року. Зазначені принципи визначають основні вимоги до правового статусу, повноважень, гарантій діяльності та механізмів функціонування національних інституцій з прав людини, включно з омбудсманом. Вони слугують універсальним орієнтиром для формування ефективної моделі парламентського контролю у сфері дотримання прав і свобод людини та забезпечення відповідності національних механізмів міжнародним стандартам [1].

В Україні парламентський контроль за додержанням конституційних прав і свобод здійснює Уповноважений Верховної Ради України з прав людини (далі Уповноважений). З 1 липня 2022 р. цю посаду обіймає Лубінець Дмитро Валерійович. Конституційно-правові засади діяльності Уповноваженого

визначені Основним Законом України, який гарантує право особи на звернення до Уповноваженого з метою захисту своїх прав (ст. 55) та встановлює, що саме через цей інститут реалізується парламентський контроль за додержанням конституційних прав і свобод людини і громадянина (ст. 101) [2].

Базовим нормативно-правовим актом, який визначає статус, повноваження та порядок діяльності омбудсмена, є Закон України “Про Уповноваженого Верховної Ради України з прав людини” (далі Закон) від 23 грудня 1997 р. Закон визначає, що Уповноважений здійснює свою діяльність незалежно від інших державних органів та посадових осіб і підзвітний лише Верховній Раді України. Незалежність інституту гарантується: особливим порядком призначення та звільнення; визначеним строком повноважень; заборонаю втручання в діяльність Уповноваженого; наявністю власного секретаріату [3].

Особливістю інституту є його позасудовий механізм захисту прав людини, що не замінює судовий захист, але доповнює його. Згідно зі ст. 16–17 Закону, кожна особа має право звернутися до Уповноваженого із заявою про порушення її прав і свобод. При цьому звернення подається у письмовій формі протягом року після виявлення порушення прав і свобод людини і громадянина. За наявності виняткових обставин цей строк може бути подовжений Уповноваженим, але не більше ніж до двох років. Подання звернення не потребує сплати судового збору, не вимагає дотримання спеціальної юридичної форми та може здійснюватися як особисто, так і через представника, що забезпечує доступність зазначеного позасудового механізму захисту прав людини та сприяє ефективній реалізації права на звернення [3].

Відповідно до положень ст. 13 Закону, Уповноважений наділений широким колом повноважень, спрямованих на забезпечення парламентського контролю за додержанням конституційних прав і свобод людини і громадянина. Зокрема, він має право на невідкладний прийом у вищих посадових осіб держави; бути присутнім на засіданнях Верховної Ради України, Кабінету Міністрів України, судових та інших колегіальних органів; звертатися до Конституційного Суду України з поданнями щодо конституційності нормативно-правових актів та їх офіційного тлумачення; ініціювати вдосконалення законодавства у сфері прав людини; безперешкодно відвідувати органи державної влади, органи місцевого самоврядування, підприємства, установи й організації незалежно від форми власності, бути присутнім на їх засіданнях, вимагати надання документів, у тому числі з обмеженим доступом (у порядку, встановленому законом), а також отримувати усні й письмові пояснення від посадових осіб і громадян [3].

Важливим елементом мандата є здійснення функцій національного превентивного механізму відповідно до Факультативного протоколу Конвенції проти катувань, що передбачає регулярний моніторинг місць несвободи без попереднього повідомлення, право опитування осіб, які там перебувають, та оцінку умов їх тримання. Крім того, Уповноважений може бути присутнім на судових засіданнях усіх інстанцій (у тому числі закритих – за згодою

відповідного суб'єкта), звертатися до суду в інтересах осіб, які не здатні самотійно захистити свої права, вступати у справи на будь-якій стадії розгляду, ініціювати перегляд судових рішень, направляти акти реагування у разі виявлення порушень, перевіряти діяльність органів, що здійснюють оперативно-розшукову діяльність чи виконання судових рішень, а також здійснювати контроль за забезпеченням рівних прав та можливостей жінок і чоловіків та реалізовувати інші повноваження, визначені законом [4, с. 100]. Таким чином, інститут омбудсмана виконує не лише контрольну, а й нормотворчу та превентивну функції.

Повномасштабна збройна агресія 24 лютого 2022 р. російської федерації проти України спричинила безпрецедентні виклики для системи захисту прав людини. Масові обстріли цивільної інфраструктури, тимчасова окупація окремих територій, вимушене переміщення мільйонів осіб, збільшення кількості військовополонених та зниклих безвісти, факти катувань і депортацій суттєво загострили проблематику гарантування основних прав і свобод. В умовах війни інститут омбудсмана перетворився на один із ключових механізмів парламентського контролю за дотриманням конституційних гарантій, навіть тоді, коли закон дозволяє тимчасово обмежувати окремі права і свободи в інтересах національної безпеки.

Основні напрями діяльності Уповноваженого в умовах війни: моніторинг дотримання прав військовослужбовців; захист прав внутрішньо переміщених осіб; контроль за дотриманням прав осіб, які перебувають у місцях несвободи; документування фактів порушення прав людини [5]. Водночас навіть у **період дії воєнного стану** держава зобов'язана дотримуватися принципів пропорційності та недискримінаційності при встановленні обмежень прав і свобод. Інститут омбудсмана виконує функцію додаткової гарантії недопущення свавільних чи надмірних обмежень, забезпечуючи баланс між потребами національної безпеки та збереженням фундаментальних прав людини.

Отже, у період збройної агресії та дії особливого правового режиму роль Уповноваженого Верховної Ради України з прав людини суттєво посилюється, адже його діяльність стає важливим інструментом демократичного контролю, гарантією дотримання конституційних прав і свобод та показником інституційної стійкості держави.

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## **ОБМЕЖЕННЯ МАНДАТУ ТА ЕФЕКТИВНІСТЬ ЗАХИСТУ ПРАВ ЛЮДИНИ: АНАЛІЗ ДОСВІДУ MINUSMA**

У 2013 році Рада Безпеки United Nations створила United Nations Multidimensional Integrated Stabilization Mission в Малі з амбітним переліком завдань: стабілізація територій, підтримка політичного переходу, сприяння мирному процесу, захист цивільного населення та моніторинг дотримання прав людини в Малі. Протягом десяти років операція залишалася ключовим інструментом міжнародної присутності у країні, однак у 2023 році уряд Малі ініціював її припинення, що засвідчило втрату згоди приймаючої сторони та кризи довіри.

Досвід MINUSMA наочно продемонстрував системну проблему невідповідності між розширеним мандатом і реальними можливостями його виконання. Із погіршенням безпекового середовища завдання місії розширювалися, зокрема на центральні регіони країни, однак необхідного збільшення ресурсів і спроможностей не відбулося. Такий дисбаланс обмежував здатність миротворців ефективно реагувати на нові загрози та підривав очікування населення щодо рівня безпеки. [1]

Суттєвим чинником, що визначав результативність операції MINUSMA, стала її критична залежність від рівня взаємодії з державною владою Малі. Після неконституційних змін уряду у 2020 та 2021 роках політична підтримка міжнародної присутності почала стрімко зменшуватися. Це проявлялося не лише в риториці, а й у практичних кроках, що безпосередньо обмежували оперативні можливості миротворців.

Зокрема, влада дедалі частіше відмовляла у погодженні польотів, затримувала видачу дозволів на переміщення авіації та наземних колон, а також встановлювала додаткові бюрократичні процедури для проведення операцій



поза великими містами. Порушення окремих положень угод про статус сил ускладнювало координацію з національними збройними формуваннями та звужувало можливості для спільного патрулювання. У результаті підрозділи місії втрачали мобільність і не могли своєчасно реагувати на повідомлення про загрози цивільному населенню.

Особливо чутливою стала сфера моніторингу прав людини. Після публікації критичних звітів уряд обмежував доступ представників місії до окремих районів, а також відкрито заперечував легітимність розслідувань. Напруження досягло такого рівня, що окремі посадові особи місії зазнавали дипломатичного тиску, що ще більше ускладнювало виконання мандату. [2]

Паралельно із цим зростали ризики для самого персоналу. Через мінування шляхів постачання, напади на конвої та обмеження використання розвідувальних засобів миротворці були змушені концентрувати значну частину ресурсів на самозахисті й логістиці. Це призводило до перерозподілу сил від завдань із безпосереднього захисту цивільних до забезпечення безпеки власної інфраструктури.

Додаткові труднощі виникали у зв'язку з активним поширенням дезінформації та організацією кампаній, спрямованих на дискредитацію місії. У суспільстві формувався образ миротворців як сили, неспроможної або неготової реально протидіяти збройним групам. Обмежена присутність у віддалених районах лише підсилювала ці настрої.

У ситуації, коли очікування безпеки залишалися незадоволеними, частина громад почала звертатися до альтернативних механізмів захисту. Це сприяло виникненню та розширенню діяльності загонів самооборони, нерідко організованих за етнічною ознакою. Подібна фрагментація безпекового простору поглиблювала міжгромадні суперечності й у підсумку створювала нові цикли насильства, які виходили за межі можливостей миротворчої місії впливати на ситуацію.[3]

Таким чином, приклад MINUSMA свідчить, що навіть найбільш деталізований мандат не гарантує результативності без належних ресурсів, підтримки держави перебування та узгодженої міжнародної позиції. Ефективність захисту прав людини у миротворчих операціях значною мірою визначається політичними передумовами, рівнем взаємної довіри та можливістю адаптації до асиметричних загроз.

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## **ЦИФРОВА КОМУНІКАЦІЯ ТА ЇЇ ВПЛИВ НА СОЦІАЛЬНІ СТРУКТУРИ СУЧАСНОСТІ**

За останні два десятиліття людство зазнало глибоких трансформацій, спричинених стрімким розвитком цифрових технологій та глобальною цифровізацією суспільства. У сучасних умовах цифрова комунікація перестала бути лише інструментом передачі інформації, перетворившись на один із ключових чинників формування соціальних структур, трансформації суспільних відносин, психології особистості та правових норм. Як зазначає український дослідник інформаційного суспільства В. Бебик, цифрові технології поступово змінюють не лише спосіб комунікації людей, а й моделі соціальної взаємодії та структуру суспільних інститутів [1].

Молоде покоління, що формується в умовах тотальної цифровізації, перебуває під постійним впливом надмірного інформаційного потоку. Така ситуація значно ускладнює здатність ефективно відокремлювати важливу інформацію від другорядної. Перебування в умовах постійного «цифрового шуму» негативно впливає на концентрацію уваги та сприяє формуванню так званої ситуативної або «польової поведінки», коли людина реагує на зовнішні стимули імпульсивно, без глибокого осмислення. Подібні процеси дослідники пов'язують зі змінами у когнітивних моделях сприйняття інформації, характерних для цифрового покоління [4].

На нашу думку, сучасна молодь і студентство є не просто черговим поколінням, а відображенням нової соціальної реальності, сформованої під впливом цифрових технологій. Відмінності між поколіннями сьогодні зумовлені не стільки конфліктом цінностей, скільки еволюційною адаптацією до нових умов соціального середовища. Дослідження у сфері комунікативістики свідчать, що людський мозок формує своєрідну «карту реальності» на основі індивідуального досвіду та частоти сенсорних стимулів. У зв'язку з цим цифрове середовище стає важливим чинником формування нових моделей мислення та поведінки [4].

Водночас цифрові технології, створюючи ілюзію глобальної комунікативної єдності, трансформують сприйняття реальності, роблячи його більш фрагментарним. Це особливо помітно у сфері освіти та педагогіки, де

традиційні підходи до навчання стикаються з новими викликами цифрової епохи. На думку О. Дубаса, інформаційне суспільство формує нові типи комунікативної культури, що характеризуються швидкістю, кліповістю мислення та зростанням ролі візуального контенту [2]. У перспективі такі зміни можуть призвести не лише до поглиблення міжпоколіннього розриву, а й до виникнення складних психологічних та соціальних проблем.

Масштаби цифрової комунікації сьогодні вражають не лише статистичними показниками, а й швидкістю розвитку відповідних процесів. За даними міжнародних досліджень, станом на 2023 рік кількість активних користувачів інтернету перевищила 4,8 млрд осіб, що свідчить про фактичне формування глобального цифрового середовища. При цьому змінюється і характер споживання інформації. Якщо раніше домінували такі платформи, як Facebook, Instagram та YouTube, то нині спостерігається стрімке зростання популярності TikTok та активна міграція користувачів до месенджерів - зокрема WhatsApp і Telegram. Це свідчить про зміну моделі споживання інформації - від пасивного перегляду до миттєвої інтерактивної комунікації.

Сучасні цифрові платформи фактично перетворилися на потужні інструменти впливу на економіку, політику та громадську активність. Як підкреслює Н. Кушакова-Костицька, цифрові технології істотно змінюють характер суспільних відносин і потребують формування нових правових механізмів регулювання [3]. У зв'язку з цим цифрова трансформація виходить далеко за межі суто психологічних чи освітніх дискусій і потребує системного правового осмислення.

Сьогодні правове регулювання дедалі більше виконує функцію адаптації суспільства до нових технологічних умов. Цивільне право, як в Україні, так і у світі, стикається з необхідністю визначення принципово нових правових категорій. Традиційне розуміння власності зазнає трансформації у зв'язку з появою цифрових активів, віртуальних об'єктів та онлайн-акаунтів. Особливої уваги потребують такі феномени, як NFT (невзаємозамінні токени), які вимагають формування нових підходів до правового регулювання цифрової власності.

Крім того, суттєвих змін зазнають договірні відносини. Поширення смарт-контрактів, електронних підписів та блокчейн-технологій поступово змінює традиційні процедури укладення угод, зменшуючи роль посередників та людського фактора. У таких умовах правова система повинна демонструвати високий рівень гнучкості, щоб автоматизація правових процесів не створювала загроз для забезпечення прав та обов'язків сторін.

Однією з найскладніших проблем цифрової епохи залишається захист персональних даних. Масштабна обробка інформації про користувачів створює реальні ризики дискримінації, маніпуляцій громадською думкою та цифрового шахрайства. Одночасно стрімкий розвиток електронної комерції змушує держави переглядати законодавство щодо захисту прав споживачів у цифровому середовищі.

Особливим викликом для сучасного суспільства є розвиток штучного інтелекту. З одного боку, ця технологія відкриває значні можливості для розвитку медицини, науки, освіти та економіки. З іншого - вона породжує нові ризики, серед яких поширення дипфейків, алгоритмічна упередженість та можливість маніпулювання інформацією. Вплив штучного інтелекту дедалі більше поширюється і на сферу правосуддя та професійну діяльність юристів, що підвищує ризики надмірної довіри до автоматизованих систем.

У зв'язку з цим у науковому середовищі формується новий міждисциплінарний напрям – право цифровізації, що поєднує дослідження у сфері права, інформаційних технологій та соціальних комунікацій. Водночас тривають дискусії щодо термінологічного розмежування понять «оцифрування», «цифровізація» та «цифрова трансформація». Незважаючи на ці дискусії, очевидно є потреба інтеграції цифрових компетентностей у професійну підготовку юристів.

Україна поступово адаптується до нових викликів цифрової епохи. Сучасні стандарти вищої юридичної освіти передбачають формування цифрових компетентностей, зокрема вміння працювати з базами даних, аналізувати великі масиви інформації та перевіряти її достовірність. Крім того, Стратегія цифрової трансформації України до 2030 року визначає ключові напрями розвитку державної політики у сфері цифровізації, серед яких особливу роль відіграють штучний інтелект, кібербезпека, GovTech та DefenseTech.

Отже, цифрова комунікація стає одним із визначальних чинників трансформації сучасних соціальних структур. Її вплив проявляється у зміні моделей комунікації, когнітивних процесів, правових відносин та професійної діяльності. У цих умовах ключовим завданням науки та освіти є формування нових підходів до осмислення цифрової реальності та підготовки фахівців, здатних ефективно діяти в умовах цифрового суспільства.

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## **ПРАВА ЖІНОК У СУЧАСНОМУ ПРАВОВОМУ ПРОСТОРІ УКРАЇНИ**

У сучасному суспільстві питання забезпечення прав жінок є важливою складовою розвитку демократичної держави. Реальна рівність між жінками і чоловіками не обмежується лише проголошенням відповідних принципів у законодавстві. Вона передбачає створення умов, за яких кожна людина може повноцінно реалізувати свої права незалежно від статі. Саме тому проблема забезпечення прав жінок залишається актуальною як для правової науки, так і для державної політики.

Однією з найбільш складних проблем у цій сфері є різні прояви насильства щодо жінок. Йдеться не лише про фізичне насильство, але й про психологічний тиск, приниження, економічну залежність або інші форми впливу, які порушують гідність людини. Подібні явища створюють серйозні соціальні наслідки та негативно впливають на відчуття безпеки в суспільстві. Тому протидія таким проявам має бути одним із пріоритетів державної політики.

В Україні протягом останніх років приділяється більше уваги питанням запобігання насильству та підтримки осіб, які постраждали від таких дій. Важливу роль у цьому процесі відіграють правоохоронні органи, соціальні служби та громадські організації. Їх діяльність спрямована не лише на реагування на конкретні випадки правопорушень, але й на формування суспільного розуміння того, що насильство є неприпустимим явищем.

Особливої актуальності проблема забезпечення прав жінок набула після початку повномасштабної війни проти України у 2022 році. Воєнні події значно вплинули на умови життя населення та спричинили масштабні переміщення людей. У таких обставинах жінки нерідко опиняються у складнішому становищі, оскільки на них часто покладається відповідальність за сім'ю та дітей. Тому важливо забезпечити їм належну підтримку та гарантії захисту їхніх прав.

Водночас варто підкреслити, що роль жінок у сучасному українському суспільстві постійно зростає. Вони активно беруть участь у громадських ініціативах, займаються волонтерською діяльністю, організовують гуманітарну допомогу та долучаються до вирішення важливих соціальних питань. Крім того, жінки працюють у державних установах, сфері управління та інших галузях, які мають значення для розвитку держави.

На мою думку, ефективне забезпечення прав жінок неможливе без формування відповідної правової культури в суспільстві. Важливо, щоб принцип рівності сприймався не лише як юридична норма, а як невід'ємна

цінність суспільного життя. Саме поєднання правових механізмів і суспільної підтримки створює умови для реального дотримання прав людини.

Отже, питання забезпечення прав жінок у сучасному правовому просторі залишається важливим напрямом розвитку українського суспільства. Подальше вдосконалення державної політики, підвищення рівня правової свідомості громадян та активна участь громадськості можуть сприяти утвердженню рівних можливостей і поваги до гідності кожної людини.

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## **РОЛЬ ЦИВІЛЬНОГО НАСЕЛЕННЯ ПРИ ГАСІННЯ ПОЖЕЖ В УМОВАХ ВОЄННОГО СТАНУ**

Війна – це завжди катастрофа, яка несе смерть, руйнування та численні загрози. Однією з найбільш небезпечних і частих загроз у зоні бойових дій є пожежі. На відміну від звичайного мирного часу, гасіння пожеж під час воєнного стану супроводжується загрозою артобстрілів, повторних ракетно-бомбових ударів, ускладнений доступом до місць займання, руйнування критичної інфраструктури тощо.

Гасіння пожежі в таких умовах вимагає оперативності, чіткого плану дій, скоординованої роботи рятувальників, військових та місцевого населення.

Першочерговими причинами виникнення пожеж у період збройної агресії є атаки на об'єкти критичної інфраструктури. Цілеспрямовані ракетні удари по електростанціях, газогонах, нафтобазах, підстанціях спричиняють масштабні займання, які вкрай важко контролювати. Крім того, регулярні обстріли житлових кварталів, шкіл, лікарень, торговельних центрів призводять до пожеж у цивільному секторі. Однією з найбільш небезпечних причин є підриви складів боєприпасів, нафтопродуктів і бойової техніки. Такі події викликають не лише

великі займання, але й можуть спричинити серію вибухів, що створює додаткову небезпеку для рятувальників. Окрему категорію причин становлять побутові пожежі, пов'язані з використанням свічок, газових пальників, генераторів, пічного опалення тощо. Такі пожежі виникають у тимчасових укриттях, підвалах, прихистках, де порушуються елементарні правила пожежної безпеки.

Дії при пожежі в умовах воєнного стану залежать від обставин, але існує базовий алгоритм, який дозволяє мінімізувати ризики. Насамперед, за можливості слід повідомити про загоряння за телефоном 101 або звернутись до представників військової адміністрації чи місцевих волонтерів. Якщо ситуація дозволяє, необхідно організувати евакуацію людей з охопленої вогнем будівлі. У першу чергу слід допомогти дітям, літнім людям, хворим або особам з інвалідністю. Далі – спробувати перекрити газ, відключити електрику. Якщо є доступ до засобів пожежогасіння, таких як, вогнегасники, вода, пісок, то потрібно намагатися загасити вогонь на початковій стадії. Водночас, якщо є ризик обстрілу або вибухів – гасіння відкладається, а пріоритетом є порятунок життя. Рекомендується не наражати себе на небезпеку й не намагатися гасити вогонь у складних умовах без належного захисту. Для полегшення роботи рятувальників необхідно забезпечити їм доступ до будівлі, надати інформацію про можливу наявність балонів, нафтопродуктів або хімікатів.

У багатьох регіонах саме звичайні громадяни першими реагують на пожежі. Це особливо актуально у прифронтових, окупованих або важкодоступних районах, де відсутній зв'язок або доступ до офіційних служб. Навчання населення елементарним навичкам пожежогасіння є ключовим фактором безпеки: правильне використання вогнегасника, перекриття газу, виклик допомоги, накриття диму вологою тканиною – все це може врятувати життя. В окремих громадах створюються добровільні пожежні формування, які складаються з місцевих жителів. Вони працюють як мобільні екіпажі, які прибувають до місця пожежі раніше за оперативні служби. Окрема увага приділяється інформаційній гігієні: не можна викладати фото з місця події в реальному часі, аби не розкрити координати об'єкта для ворога.

Юридичне регулювання пожежної безпеки у воєнний період в Україні здійснюється відповідно до чинного законодавства. Основним документом є Закон України «Про правовий режим воєнного стану», який визначає загальні принципи функціонування служб цивільного захисту в умовах війни. У ньому прописані повноваження державних органів, місцевих адміністрацій та ДСНС. Закон України «Про цивільний захист» детально описує структуру цивільного захисту, порядок евакуації, розгортання мобільних підрозділів, обов'язки громадян у надзвичайних ситуаціях. Постанова Кабінету Міністрів України № 307 від 2022 року регламентує особливості роботи органів місцевого самоврядування в умовах війни, включно з пожежною безпекою. Окрім того, ДСНС України розробила методичні рекомендації та інструкції щодо дій у разі пожежі під час бойових дій. Ці документи мають адаптований характер і враховують реальні виклики, з якими стикаються громади і рятувальники.

Отже, пожежі в умовах війни становлять не лише технічну, а й гуманітарну загрозу. Їх гасіння є надзвичайно небезпечною, виснажливою і часто героїчною справою. В таких обставинах лише скоординована робота ДСНС, військових, місцевої влади та активного громадянського суспільства може забезпечити ефективну протидію поширенню вогню та врятувати життя. Водночас важливо посилювати правове забезпечення, розвивати добровільні пожежні формування, проводити навчання населення. Пожежна безпека в умовах воєнного стану — це обов'язок, відповідальність і справа спільного виживання.

1. Наказ ДСНС України № 375 від 02.04.2024р. «Рекомендації про особливості виконання органами управління та підрозділами ДСНС завдань за призначенням у населених пунктах і на територіях під час збройної агресії».

2. Дії підрозділів ДСНС України під час воєнного стану – навчальний посібник / Мирослав КОВАЛЬ, Дмитро ЧАЛИЙ, Віктор КОВАЛЬЧУК та ін. Львів: ЛДУБЖД, 2023. 308 с.

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## **ВОЄННИЙ ЕКОЦИД В УКРАЇНІ ТА ЙОГО ВПЛИВ НА ЕКОНОМІЧНУ БЕЗПЕКУ ДЕРЖАВИ**

Найбільш важкою формою екоциду є воєнний екоцид, що являє собою порушення екосистем середовища проживання людини в результаті бойових дій, які мають військову і політичну ціль. Поняття екоциду має історичні корені – задокументовані випадки руйнування довкілля під час військових дій датуються ще античністю (наприклад, отруєння джерел води під час облоги Кіри). У XX столітті серйозні екологічні наслідки війни стали особливо помітними під час Першої світової війни із застосуванням хімічної зброї [1, с. 20].

Воєнний екоцид є одним із найгостріших викликів сучасної України. Повномасштабне вторгнення російської федерації спричинило значне руйнування екосистем, забруднення навколишнього середовища та втрати природних ресурсів, що безпосередньо впливає на економічну безпеку країни. Для України однією з головних проблем на сьогодні є екологічна катастрофа, яка спричинена війною в Україні і яка має досить негативний вплив на економіку нашої держави [1, с. 19].



Воєнний екоцид визначається як порушення екосистем унаслідок бойових дій, що мають військову чи політичну мету та спричиняють масштабні негативні зміни в навколишньому середовищі, включно з деградацією ґрунтів, забрудненням вод та атмосферного повітря, знищенням рослинного і тваринного світу. Це поняття охоплює не лише прямі дії в зоні бойових дій, але й непрямі екологічні наслідки, що проявляються через викиди токсичних речовин та руйнування інфраструктури. Екоцид поки що не закріплений як самостійний міжнародний злочин у сучасних правових документах, хоча активно обговорюється в науковому та міжнародно-правовому середовищі [2, с. 115-116].

Воєнні дії призводять до різних форм руйнування довкілля:

- забруднення ґрунту паливно-мастильними матеріалами та важкими металами;
- руйнування гідротехнічних споруд і відповідне підтоплення чи зневоднення територій;
- викиди токсичних речовин після руйнування промислових об'єктів;
- загибель флори та фауни внаслідок вибухів, пожеж і знищення природних зон;
- значні площі мінних полів, що роблять землі непридатними для сільськогосподарства [1].

За оцінками українських екологічних служб, загальна сума збитків довкіллю через воєнні дії становить десятки тисяч мільярдів гривень – лише офіційна оцінка на листопад 2022 року перевищувала 16848 млрд грн [1, с. 21-22].

Масштабні екологічні втрати під час війни створюють численні ризики:

- зниження сільськогосподарського потенціалу через втрату родючих земель;
- скорочення виробництва продукції та зростання витрат на її виробництво;
- посилення бюджетного тиску через потребу в ліквідації наслідків забруднення;
- зниження інвестиційної привабливості через невизначеність екологічних ризиків [2].

Питання визнання екоциду окремим міжнародним злочином активно обговорюється в міжнародно-правовій спільноті. Пропозиції включити воєнний екоцид до складу злочинів у межах Римського статуту Міжнародного кримінального суду свідчать про необхідність встановлення чітких стандартів відповідальності в умовах конфліктів [2, с. 118-119].

Для зменшення негативних наслідків воєнного екоциду необхідно:

- впроваджувати механізми оцінки екологічних збитків;
- розробляти стратегії рекультивації земель та екосистем;
- посилювати екологічне законодавство та міжнародну співпрацю;
- стимулювати «зелену» відбудову та відновлення екологічного балансу.

Ми погоджуємося, що вказані заходи не лише мінімізують екологічні втрати, але й сприятимуть довгостроковій економічній стабільності та розвитку держави [1].

Зараз Україна вважається самою замінованою країною у світі [2, с. 118].

Сільське господарство, яке є важливим джерелом валютних надходжень, зазнало значних втрат через пошкодження земель, мінування територій та руйнування фермерських господарств. Енергетичний сектор також зазнає суттєвої шкоди, що впливає на стабільність енергопостачання та рівень виробництва [3, с.123-125].

За офіційними даними Міністерства захисту довкілля України, кількість екологічних злочинів, пов'язаних із бойовими діями, вже перевищує тисячі випадків, а загальні втрати оцінюються в десятки мільярдів євро. Це демонструє не лише масштаб екологічних проблем, але й їх глибокий зв'язок із економічними показниками, такими як ВВП, інвестиції, зайнятість та прогнозовані темпи зростання [3, с. 121].

Екоцид в останні часи призвів до релокації і причиною цього стали війни та воєнні агресії. Зокрема, процес релокації в Україні, починаючи з лютого 2022 року, став одним із способів виживання як фізичних осіб, так і способом функціонування суб'єктів господарювання у подальшому [4, с. 70].

Принципом земельного права є пріоритет вимог екологічної безпеки при землекористуванні різними суб'єктами земельних правовідносин. Ми погоджуємося, що у даному випадку законодавець виходить із необхідності правової охорони земель як елементу екологічної безпеки [5, с. 93-94].

Принцип екологізації землевикористання не лише використовується в земельному праві, але й він започаткував становлення нового комплексного міжгалузевого принципу аграрного права – принципу екологізації [6, с.180].

Ми погоджуємося, що воєнний екоцид в Україні становить складний комплекс екологічних та економічних проблем, що мають безпосередній негативний вплив на економічну безпеку держави. Подолання воєнного екоциду потребує системного підходу, а також міжнародної співпраці та інтеграції екологічних стандартів у процеси відбудови та економічної політики держави.

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## **СУТНІСТЬ ТА РОЛЬ ФУНКЦІОНУВАННЯ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В УМОВАХ ВІЙНИ**

Вивчення поняття й сутності інституту громадянського суспільства є відносно молодим і розпочалося в 90-х роках ХХ ст. з набуттям Україною незалежності й розбудовою демократичного суспільства, яке, власне, за своєю природою тотожне громадянському. Дискусія довкола інституту громадянського суспільства набула в Україні особливої актуальності останні десять років. Пов'язано це з агресією з боку російської федерації та насильницькою зміною державного кордону, коли вже всім стало зрозуміло, що без тісного взаємозв'язку та взаємопідтримки між державою та громадянським суспільством неможливо побудувати по-справжньому сильну державу.

Сьогодні інтереси громадянського суспільства розповсюджуються практично на всі сфери діяльності держави, відповідно, громадянське суспільство є ключовим елементом для забезпечення національної безпеки України.

Громадянське суспільство характеризується розвиненими економічними, політичними, духовними та іншими відносинами та зв'язками, воно взаємодіє з державою та функціонує на засадах демократії і права [1, с. 646-647], є обов'язковим складником демократичної держави, оскільки його представники впливають як на місцеві, так і загальнодержавні справи, консолідуються з метою захисту своїх прав, інтересів, досягнення певних цілей, створюючи відповідні організації, спілки, установи, волонтерські рухи тощо. Громадянське суспільство становлять громадяни з високим рівнем правосвідомості, освіченості, відповідальності, політично активні, які знають свої права та обов'язки, відстоюють їх у взаємодії з державними інститутами, впливають на життєдіяльність суспільства.

Процес формування громадянського суспільства базується на низці фундаментальних детермінант, серед них засадничі: демократичний режим як необхідна умова існування та зміцнення громадянського суспільства; високий

рівень освіченості й політичної грамотності; система цінностей, ідеалів, пріоритетів; доступний до вивчення та подальшого застосування успішний досвід політичної активності; навички, які дозволяють сформувати громадянську позицію та ефективно її відстоювати; бажання громадян діяти – відстоювати свої права й свободи, взаємодіяти з владою та ін.

Українці сьогодні переживають доленосний, критичний період свого існування, виборюючи у війні з росією право на життя, власну державність та європейське майбутнє. Українське суспільство проходить через складну історичну полосу переосмислення, перевизначення, трансформації власної культурно-цивілізаційної ідентичності, формування політичної нації.

В Україні громадянське суспільство тривалий час характеризувалося нечисельністю та слабкістю, що є наслідком колоніального минулого – перебування у межах інших державно-політичних утворень, особливо деструктивним та руйнівним був вплив Російської імперії та Радянського Союзу [2, с. 49]. Миролюбивий український народ, користуючись досягненнями демократичного режиму, обирав (або ж навпаки: масово не обирав – не голосував, бо не відчував важливості та впливовості власного голосу) владу, досить часто під впливом пропаганди та власних емоцій, надмірно толерантно трактуючи корупцію та численні зловживання з боку влади.

Громадянське суспільство його цінності та пріоритети формують національні інтереси держави. Вони полягають у забезпеченні національної безпеки, економічного розвитку, поширення духовних та культурних цінностей. Становлення політичної нації залежить від забезпечення національних інтересів. Важливим елементом державотворення виступає процес залучення громадянського суспільства до законотворчої діяльності. Ведення ефективного діалогу між державою та суспільством сприяє формуванню ефективної системи забезпечення національної безпеки держави.

На сьогодні великі інформаційні потоки з різних точок світу за рахунок розрізненості інформації здатні створити хибне уявлення про діяльність владних структур. Вони дезорієнтують громадян в обранні власної позиції щодо правлячої еліти чи політичних процесів у державі. ЗМІ намагаються створити уявлення про прозорість роботи державної влади, але у суспільстві відбувається зворотний процес. Така ситуація призводить до розрізненої позиції громадян щодо роботи владних структур та не дозволяє звести громадську думку до спільної ідеї. Таким чином виникає нова масова культура. Вона руйнує соціальні зв'язки та не дозволяє становленню політичної культури в державі.

Сталою тенденцією останніх років залишається зростання кількості офіційно зареєстрованих громадських об'єднань значна частина з яких, тією чи іншою мірою, зміцнює обороноздатність держави. Це стосується, зокрема, незалежних аналітичних центрів, науково-технічних товариств, об'єднань ветеранів бойових дій, ветеранів збройних сил та спецпідрозділів, оборонно-спортивних товариств, оздоровчих та фізкультурно-спортивних об'єднань,

козацьких об'єднань, молодіжних патріотичних організацій тощо [3, с. 145–147].

Показники дієвості громадянського суспільства входять до оцінки якості життя, за декількома методиками. Так методика European Statistical System Committee налічує індикатори громадське життя та політична стабільність; методика European Statistical System Committee містить напрям державне управління та індикатори: інституції (установи) та громадські послуги, дискримінація та рівні можливості, активна громадянська позиція; методика International Living містить напрям дослідження – свобода з індикатором громадянські свободи і політичні права [4, с. 36–48].

Таким чином, активізація громадянського суспільства має прояв у діяльності громадських та бюджетних організацій, які використовуючи свій потенціал можуть впливати на соціально-економічний розвиток держави, при цьому державні органи влади могли би застосувати економіко-організаційний механізм державного регулювання, який може містити наступні складові:

- вживання заходів, які будуть спрямовані на формування потенціалу громадських організацій для сприяння сталого розвитку суспільства;
- розроблення актуальних та суспільно важливих напрямів діяльності, програм, проєктів, для реалізації яких громадським організаціям на конкурсній основі надаватиметься державне фінансування;
- створення алгоритму залучення громадських організацій для здійснення моніторингу діяльності органів публічної влади;
- застосування системи заходів, які будуть спрямовані на активізацію діяльності профспілок на сучасних підприємствах різних форм власності [5].

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## **СУЧАСНІ ВИКЛИКИ ТА ЗАГРОЗИ НАЦІОНАЛЬНІЙ БЕЗПЕЦІ УКРАЇНИ В КОНТЕКСТІ ГЛОБАЛЬНИХ ТРАНСФОРМАЦІЙ**

Сьогоднішня архітектура світового порядку переживає період глибокої турбулентності, що ставить Україну перед викликами, які не мають історичних прецедентів за своєю складністю та масштабністю. Поняття безпеки остаточно трансформувалося з суто воєнного терміну у багатогранну систему, де правові, технологічні та соціальні чинники переплетені в єдиний вузол. Головною особливістю сучасного моменту є те, що класичні інструменти міжнародного стримування виявилися паралізованими, а національна правова система змушена в режимі реального часу адаптуватися до умов, які раніше розглядалися лише як теоретичні сценарії кризових ситуацій.

Першочерговим пластом проблем є необхідність фундаментального переосмислення функціонування державних інститутів у правовому режимі воєнного стану. Це вимагає від юридичної спільноти та правоохоронних органів розробки унікальних алгоритмів, що дозволяють зберігати керованість державою, не порушуючи при цьому засадничих демократичних принципів. Зокрема, гостро постає питання легітимізації нових форм фіксації доказової бази воєнних злочинів, що є критично важливим для майбутніх процесів у міжнародних трибуналах. У цьому контексті вітчизняна юриспруденція сьогодні стає фактично «лабораторією» для розробки нових стандартів міжнародного гуманітарного права.

Паралельно із фізичним протистоянням, не менш запекла боротьба розгортається у цифровому та когнітивному просторах. Гібридний характер сучасних конфліктів нівелює кордони між фронтом і тилом, перетворюючи кожного громадянина на потенційний об'єкт інформаційного впливу. Цифровізація, яка є безумовним здобутком останніх років, водночас створює нові точки вразливості для критичної інфраструктури. Використання технологій штучного інтелекту для генерації дезінформації та проведення психологічних операцій вимагає від держави не лише технічного захисту, а й формування нової стратегії когнітивної стійкості суспільства. Правове регулювання кіберпростору має еволюціонувати від пасивного спостереження до проактивного захисту національного інформаційного суверенітету.

Окремим викликом є глибока трансформація соціальної тканини суспільства. Масові міграційні процеси, як внутрішні, так і зовнішні, спричиняють довгострокові демографічні ризики та створюють навантаження на систему соціального захисту, яка не була розрахована на таку кількість

запитів. Питання реінтеграції населення з територій, що тривалий час перебували під ідеологічним тиском агресора, вимагає розробки делікатних, але дієвих юридичних та психологічних механізмів відновлення довіри до державних інституцій. Подолання соціальної відчуженості та забезпечення належного рівня реабілітації ветеранів стає не просто гуманітарною місією, а фундаментом внутрішньої стабільності держави на десятиліття вперед.

У підсумку, сучасні виклики вимагають від нас відмови від застарілих догм та переходу до динамічного управління ризиками. Синергія між посиленням обороноздатності, впровадженням інноваційних правових норм та інвестиціями в людський капітал є єдиним шляхом до збереження суб'єктності України. Тільки через комплексне розуміння природи цих загроз та готовність до швидких інституційних змін ми зможемо не лише вистояти в умовах глобальної нестабільності, а й сформувати нову модель стійкої держави, здатної відповідати на будь-які запити сучасності.

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## **КІБЕРГІГІЄНА ЯК СКЛАДОВА СУЧАСНОЇ КОМУНІКАЦІЇ**

Стрімка еволюція технологій перетворює цифровий світ у невід'ємну частину життя кожного. Сучасні діти народжуються з інтуїтивним розумінням інтерфейсів та легким розумінням роботи гаджетів, опанування яких зазвичай

стає швидшим, ніж вміння говорити, що створює надзвичайний парадокс. Більше того, молоде покоління все частіше стає цифровими провідниками для старших, навчаючи їх тонкощам взаємодії з сучасними девайсами.

Однак, опанування новітніх технологій має зворотній бік, інтуїтивне використання та поводження з інтерфейсом не рівнозначне розумінню, що стоїть за ним та не несе поняття прихованих загроз та розуміння безпеки перебування у цьому безмежному просторі. Кожен натиск клавіші та кожне завантаження потребує захисту та вимагає свідомого ставлення до безпеки. Тому на перший план виходить дотримання правил кібербезпеки. Виникає гостра потреба у новому виді грамотності - кібергігієні.

Кібергігієна розглядається як система практик і правил, що спрямовані на забезпечення безпечної взаємодії користувачів із цифровими технологіями та інформаційними ресурсами. Йдеться не лише про технічні інструменти захисту, а й про формування відповідальної поведінки у мережевому середовищі. У науковій літературі кібергігієна визначається як сфера, що спрямована на підтримку фізичного та психічного благополуччя користувачів в умовах постійної взаємодії з інформаційними технологіями [1].

Зростання ролі кібергігієни безпосередньо пов'язане з динамічним збільшенням кількості кіберзагроз. Поширення шахрайських схем, фішингових повідомлень, шкідливого програмного забезпечення та різноманітних інформаційних маніпуляцій створює нові виклики для безпечного використання мережі [2]. Додатковим фактором виступає активне поширення персональних даних у соціальних мережах, а також зростання популярності дистанційної роботи та онлайн-навчання [3]. Унаслідок цього цифрове середовище перетворюється на простір, де комунікація, навчання та професійна діяльність тісно переплітаються з питаннями безпеки.

Окрему категорію загроз становлять фішингові листи та шахрайські вебресурси, створені з метою отримання доступу до конфіденційної інформації користувачів. Подібні ресурси часто маскуються під офіційні сайти банків, державних установ або популярних онлайн-сервісів [4]. Після введення логінів, паролів або банківських реквізитів ці дані потрапляють до злоумисників. У результаті можливе викрадення коштів, злам акаунтів або поширення шкідливих програм.

Разом із технічними ризиками користувачі стикаються і з соціальними викликами цифрового середовища. Одним із них є кібербулінг, що проявляється у формі образливих повідомлень, поширення неправдивої інформації або психологічного тиску через мережу [5]. Не менш небезпечним явищем є масове поширення фейкових новин, які здатні формувати викривлене сприйняття подій [6]. У результаті зростає значення критичного мислення та здатності аналізувати інформацію перед її поширенням або використанням.

Показовим є те, що значна частина кіберінцидентів виникає саме під час комунікації між користувачами. Обмін повідомленнями, файлами або посиланнями часто стає каналом поширення шкідливих програм чи шахрайських схем. Це дозволяє розглядати кібергігієну як складову культури



цифрової комунікації. Безпечне використання електронної пошти, месенджерів та соціальних мереж поступово перетворюється на важливу навичку сучасної людини.

Водночас кіберзагрози не слід розглядати як явище, що робить використання цифрових технологій небезпечним або неконтрольованим. Більшість ризиків можна суттєво зменшити завдяки підвищенню цифрової грамотності та уважному ставленню до власної інформаційної безпеки. Наприклад, використання складних унікальних паролів у поєднанні з двофакторною автентифікацією значно ускладнює несанкціонований доступ до облікових записів. Антивірусне програмне забезпечення дозволяє виявляти шкідливі файли ще на ранніх етапах їхнього поширення, що допомагає запобігти зараженню пристроїв.

Не менш важливою є перевірка джерел інформації, посилань та файлів перед їх відкриттям. Підозрілий вигляд вебсторінки, помилки у доменному імені або нехарактерний дизайн можуть свідчити про спробу фішингової атаки. Подібні деталі нерідко стають першими сигналами небезпеки, які дозволяють уникнути втрати персональних даних.

Кібергігієна охоплює не лише технічні аспекти захисту інформації, але й етичні принципи поведінки у цифровому середовищі. Культура спілкування в мережі передбачає повагу до особистих кордонів співрозмовників, відповідальне ставлення до поширення інформації та протидію проявам кібербулінгу. Важливою складовою цього процесу виступає розвиток критичного мислення, що передбачає здатність аналізувати джерела інформації, перевіряти факти та оцінювати достовірність отриманих повідомлень.

У сучасних умовах кібергігієна поступово перетворюється на невід'ємну складову цифрової культури. Безпечна поведінка у мережі сприяє не лише захисту персональних даних, але й формуванню стабільного інформаційного середовища, у якому комунікація між людьми відбувається відповідально та усвідомлено. У результаті підвищення рівня кібергігієни дозволяє зменшити вплив кіберзагроз і забезпечує більш безпечне функціонування цифрового суспільства.

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## **ЄВРОПЕЙСЬКА КОНВЕНЦІЯ З ПРАВ ЛЮДИНИ 1950 Р. ТА ВОЄННИЙ СТАН: БАЛАНС МІЖ НАЦІОНАЛЬНОЮ БЕЗПЕКОЮ ТА НЕПОРУШНИМИ ПРАВАМИ**

Права людини – це природні можливості особи, основоположні й непорушні свободи, які гарантують її життя, гідність і свободу діяльності у всіх сферах суспільного життя. Вони мають природний характер і становлять невід’ємну частину людського існування, не залежать від територіальних чи національних меж, а також існують незалежно від їх закріплення в законодавстві держави, [1].

Права людини класифікують за різними критеріями, проте найбільш значущим як у теоретичному, так і в практичному аспектах є їх поділ за змістом (громадянські, політичні, економічні, соціальні та культурні, а також колективні права) та можливістю обмеження (абсолютні та відносні), [2, с. 43], [3, с. 110]. Доцільно припустити, що класифікація прав людини за змістом є більш чіткою та однозначною, тоді як поділ за можливістю обмеження має досить розмиті межі, оскільки вони залежать від конкретних обставин і правозастосовної практики.

Абсолютні права – це такі права людини, що не можуть бути обмежені за жодних обставин. Відносні, у свою чергу, можуть бути обмежені за певних умов – таке обмеження є законним, необхідним у демократичному суспільстві, [2, с. 43]. Європейська конвенція з прав людини (далі – ЄКПЛ, Конвенція) гарантує широкий перелік прав, водночас дозволяючи обмеження деяких з них у виняткових випадках.

Зокрема ЄКПЛ закріплює наступні права: право на життя (ст. 2), заборона катувань (ст.3), заборона рабства і примусової праці (ст.4), право на свободу та особисту недоторканність (ст.5), право на справедливий суд (ст.6), право не бути покараним без закону (ст. 7), право на повагу до приватного і сімейного життя (ст. 8), свобода думки, совісті та релігії (ст. 9), свобода вираження поглядів (ст. 10), свобода мирних зібрань та об’єднань (ст. 11), право на шлюб (ст. 12), право на ефективний засіб юридичного захисту (ст. 13) та заборона дискримінації (ст. 14).

Серед вищеперелічених прав одні з них мають абсолютний характер (наприклад, це стосується заборони катувань та рабства), тоді як інші є відносними і можуть бути обмежені державою за умови дотримання принципів законності, необхідності (наприклад, йдеться про свободу вираження думки тощо), [4].

Тому переходячи власне до питання балансу між національною безпекою та непорушними правами, необхідно визначити природу обмеження прав людини. З одного боку, обмеження розглядається як звуження та, певною мірою, порушення прав та свобод людини, з іншого – у певних випадках обмеження прав однієї людини заради захисту прав іншої допомагає запобігти свавіллю та зловживанням правами, що сприяє дотриманню справедливості, рівності перед законом і верховенства права, адже існують випадки, коли наші права можуть «конкурувати» з правами інших, [5]. Питання обмеження прав також можна розглянути у таких двох аспектах: 1) безпосередньо обмеження прав 2) обмеження у реалізації прав, [6, с. 359]. Причому розуміння обмеження прав та свобод саме під призвою обмеження здійснення прав є точнішим, оскільки усі права залишаються у носія прав, проте за певних умови, передбачених у національному законодавстві та міжнародних правових актах, стає неможливим користування ними частково чи повністю, [6, с. 360].

Правовою основою для таких обмежень за ЄКПЛ є стаття 15, яка передбачає можливість тимчасового відступу від зобов'язань у разі війни чи іншої суспільної небезпеки, що загрожує життю нації. Однак наведене положення не стосується права на життя (ст.2), за винятком випадків, коли позбавлення життя є наслідком виключно необхідного застосування сили: для захисту особи від незаконного насильства, здійснення законного арешту або запобігання втечі, а також для придушення заворушення чи повстання. Також жодних відступів не допускається щодо заборони катування (ст.3), заборони рабства чи тримання людини у підневільному стані (ч.1 ст. 4), а також принципу «немає покарання без закону» (ст. 7), який гарантує, що ніхто не може бути засуджений за діяння, яке не було злочином на момент його вчинення.

Практична реалізація цього балансу в Україні сьогодні відбувається через офіційне застосування вищезгаданої статті ЄКПЛ. У зв'язку з повномасштабним вторгненням РФ та введенням воєнного стану, Україна скористалася правом на дерогацію. Важливо підкреслити, що такий відступ не є скасуванням прав. Це – правовий інструмент, який дозволяє державі ефективно захищати суверенітет, залишаючись під моніторингом Ради Європи та зберігаючи ядро непорушних прав (ст. 2, 3, 4, 7), щодо яких жоден відступ не є законним навіть у розпал війни, [7].

Разом з тим, межі таких обмежень визначаються статтями 17 і 18 ЄКПЛ. Стаття 17 забороняє будь-яке тлумачення Конвенції, яке могло б використовуватися для скасування або надмірного обмеження гарантованих нею прав і свобод. Водночас, стаття 18 чітко закріплює, що будь-які обмеження прав і свобод можуть застосовуватися виключно в межах і для тих цілей, які

передбачені Конвенцією, унеможлиблюючи їх свавільне використання державами, [4].

Підсумовуючи, можна дійти висновку, що баланс між національною безпекою та непорушними правами в умовах воєнного стану не є статичним. Він базується на принципі, що навіть у найнапруженіші періоди існування нації держава не має права посягати на абсолютні права людини. Будь-яке обмеження відносних прав має бути тимчасовим, пропорційним загрозі та перебувати під суворим міжнародним і внутрішнім правовим контролем. Саме такий підхід, закладений у ЄКПЛ, дозволяє демократичній державі ефективно захищатися, не втрачаючи своєї правової природи та поваги до особистості.

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## **ВЗАЄМОДІЯ ПОЛІЦІЇ З ГРОМАДСЬКИМИ ОРГАНІЗАЦІЯМИ У СФЕРІ ПРОТИДІЇ ДОМАШНЬОМУ НАСИЛЬСТВУ**

Проблема зростання кількості випадків домашнього насильства тривалий час залишалася поза межами правового регулювання, оскільки традиційно її вирішували на основі місцевих звичаїв і традицій, а втручання держави чи окремих осіб у приватне життя родини вважалося недопустимим. Проте останні десятиліття засвідчили зростання актуальності питань запобігання і протидії домашньому насильству, що зумовило необхідність їх комплексного вивчення на національному та міжнародному рівнях [1].

Протидія домашньому насильству є складним завданням, що вимагає скоординованої співпраці між державними органами та громадськими організаціями. Поліція відіграє ключову роль у швидкому реагуванні на випадки насильства, захисті потерпілих та притягненні винних до відповідальності. Однак справжня ефективність досягається лише за умови тісної взаємодії з громадським сектором, який має безпосередній контакт із постраждалими та краще розуміє їхні потреби. Синергія державних і громадських зусиль дозволяє комплексно підходити до захисту прав жертв домашнього насильства та забезпечувати їм необхідну підтримку.

Громадські організації відіграють надзвичайно важливу роль у сфері протидії домашньому насильству. Вони організовують кризові центри, забезпечують психологічну та соціальну підтримку, надають тимчасове житло та допомагають відновлювати самостійність постраждалих. Ці структури створюють безпечне середовище, де людина може отримати не лише матеріальну допомогу, а й психологічну підтримку, що є критично важливим для подолання наслідків травми.

Співпраця громадських організацій із поліцією дозволяє координацію дій щодо оперативного реагування, своєчасного документування фактів насильства та ефективного розслідування правопорушень. Такий підхід забезпечує комплексний захист постраждалих, поєднуючи юридичну, соціальну та психологічну підтримку. Він створює основу для системного реагування, що не обмежується лише ізоляцією жертви або покаранням кривдника, а охоплює весь спектр необхідних заходів від первинної допомоги до повної соціальної реабілітації.

Ми переконані, що основними напрямками активізації взаємодії поліції з громадськістю є підвищення авторитету та довіри населення до правоохоронних органів, що виступає ключовим чинником їх ефективної

діяльності у демократичному суспільстві. Необхідною передумовою цього є розвиток комунікативних навичок та загальної професійної культури працівників поліції, оскільки це не лише покращує якість безпосередньої взаємодії з громадянами, а й сприяє створенню атмосфери відкритості, взаємної поваги та партнерства. Важливу роль у цьому процесі відіграє об'єктивне інформування населення про діяльність поліції через засоби масової інформації, що дозволяє громадянам отримувати достовірні й повні відомості, зменшує рівень недовіри та упередженого ставлення до правоохоронних органів [2, с. 88].

Формування позитивного іміджу поліції досягається завдяки підвищенню професійної компетентності особового складу та покращенню результатів оперативної роботи. Водночас важливим напрямом є забезпечення постійного й безпосереднього діалогу з громадськими об'єднаннями, профспілками, асоціаціями та локальними підприємствами, що дозволяє правоохоронним органам краще розуміти потреби громад, оперативно реагувати на виклики та спільно вирішувати актуальні проблеми у сфері публічної безпеки. Такий комплексний підхід сприяє не лише підвищенню ефективності діяльності поліції, а й сталому розвитку довіри між поліцією та суспільством.

Важливим аспектом ефективної взаємодії є регулярний обмін інформацією та навчання персоналу. Громадські організації можуть консультувати поліцію щодо психології жертв насильства, особливостей кризового реагування та безпечних методів втручання [3, с. 56]. У свою чергу, правоохоронні органи можуть інформувати громадські структури про актуальні криміногенні тенденції, практики реагування на насильство та нові методи профілактики, що дозволяє спільно планувати превентивні заходи та підвищувати рівень безпеки у громадах.

Ефективна координація між поліцією та громадськими організаціями сприяє формуванню довіри у суспільстві, що є особливо важливим для жертв домашнього насильства. Коли постраждалі бачать, що державні інституції та соціальні служби працюють скоординовано, професійно та системно, вони більш охоче звертаються за допомогою, що дозволяє своєчасно запобігати подальшому насильству [4, с. 68]. Така взаємодія також стимулює розвиток превентивних програм, освітніх ініціатив та громадських кампаній, спрямованих на підвищення обізнаності населення та зниження ризику насильницьких інцидентів.

Висновки. Взаємодія поліції з громадськими організаціями у сфері протидії домашньому насильству є критичною для підвищення ефективності заходів захисту постраждалих. Координація ресурсів державних інституцій і громадських структур дозволяє забезпечити комплексну підтримку, правовий захист та психологічне відновлення постраждалих. Такий інтегрований підхід не лише підвищує безпеку у суспільстві, а й закладає основу для стабільності, довіри та соціальної гармонії.

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## **ПСИХОЛОГІЧНА ДОПОМОГА ЖЕРТВАМ ДОМАШНЬОГО НАСИЛЬСТВА: СУЧАСНІ МЕТОДИКИ ТА ПІДХОДИ**

Проблема домашнього насильства залишається однією з найбільш гострих і комплексних соціально-психологічних проблем сучасного суспільства. Жертви насильства стикаються не лише з очевидними фізичними травмами, але й із глибокими психологічними ранами, що проявляються у вигляді тривоги, депресії, посттравматичного стресового розладу та зниження самооцінки. Ці наслідки можуть тривати роками, серйозно впливаючи на здатність людини адаптуватися в соціальному та професійному середовищі. У зв'язку з цим психологічна допомога стає критично важливою складовою підтримки постраждалих, оскільки вона спрямована на відновлення психічного здоров'я, повернення почуття власної гідності та розвиток навичок соціальної інтеграції.

Домашнє насильство є багатовимірним явищем, що охоплює фізичне, психологічне, сексуальне та економічне насильство, і кожна з цих форм несе серйозні наслідки для постраждалих, особливо для жінок та дітей. Воно має циклічний характер, повторюючи певні деструктивні моделі поведінки у сім'ях [1, с.198]. Сім'я, будучи ключовим інститутом соціалізації, відіграє фундаментальну роль у формуванні особистості, цінностей та соціальних норм навіть у складних соціально-політичних умовах, тому порушення її нормального функціонування має далекосяжні наслідки.

Домашнє насильство – це глобальна проблема, яка зачіпає жінок, чоловіків і дітей, однак статистика свідчить, що основними постраждалими залишаються жінки. Подолання цього явища є критично важливим для підтримання соціальної стабільності, адже насильство не лише руйнує сімейні стосунки, а й впливає на формування ціннісних орієнтирів у дітей, які можуть перенимати моделі агресивної поведінки. Ефективна профілактика цього явища потребує комплексних заходів, що включають освітні програми, удосконалення законодавчої бази, надання підтримки постраждалим та забезпечення відповідальності агресорів. Кризові центри виконують важливу роль у цьому процесі, створюючи безпечне середовище, надаючи психологічну підтримку та сприяючи реабілітації, що допомагає жертвам відновити впевненість у собі та повернутися до повноцінного життя.

Психологічне насильство проявляється у словесних приниженнях, погрозах, маніпуляціях і контролі, що провокують страх, тривожність та емоційну нестабільність. Постраждалі часто стикаються з депресивними станами, психосоматичними розладами, соціальною ізоляцією та почуттям безпорадності. Страх перед життям, небажання звертатися за допомогою та втрата активності є типовими наслідками психологічного насильства, що робить необхідним комплексний та системний підхід до підтримки й реабілітації жертв.

Сучасні методики психологічної підтримки постраждалих від домашнього насильства ґрунтуються на комплексному поєднанні індивідуальних та групових форм роботи. Індивідуальна терапія дозволяє детально опрацювати травматичний досвід, навчитися ефективним стратегіям подолання страху та тривожності, а також розробити персоналізований план безпечної поведінки у повсякденному житті. Групова терапія або підтримуючі групи створюють простір для взаєморозуміння, де постраждалі можуть ділитися досвідом, отримувати підтримку та усвідомлювати, що вони не залишаються наодинці зі своєю проблемою.

Особливу роль у сучасних підходах відіграють когнітивно-поведінкові методики, які допомагають змінити деструктивні моделі мислення та поведінки, сформовані під впливом насильства. Також ефективними є арт-терапія, музична терапія та тілесно-орієнтовані практики, що дозволяють виражати емоції та внутрішні переживання через творчість і фізичну активність [2, с.88]. Інтеграція соціальної підтримки, включаючи правові консультації, допомогу у пошуку тимчасового житла та взаємодію з органами влади, значно підвищує відчуття контролю та безпеки у постраждалих.

Сучасна психологічна допомога жертвам домашнього насильства виходить за межі простого подолання наслідків травми. Вона спрямована на формування внутрішньої стійкості, розвиток особистісних ресурсів та здатності самостійно ухвалювати рішення [3, с.185]. Системний підхід враховує індивідуальні потреби кожної людини, її соціальне оточення та специфіку пережитого насильства, що дозволяє не лише підтримати постраждалих у



кризовий період, а й запобігти повторним травмам, створюючи основу для повноцінного психологічного та соціального відновлення.

Висновки. Таким чином, сучасні підходи до психологічної допомоги жертвам домашнього насильства поєднують терапевтичну роботу, соціальну підтримку та превентивні стратегії, спрямовані на відновлення безпеки, самоповаги та психоемоційного здоров'я постраждалих. Вони стають ключовим інструментом у подоланні наслідків насильства та сприяють формуванню більш захищеного, стійкого та соціально здорового суспільства.

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## **ШЛЯХИ ОПТИМІЗАЦІЇ АДМІНІСТРАТИВНО-ПРАВОВОГО РЕГУЛЮВАННЯ СИСТЕМИ СИЛОВИХ ЗАХОДІВ ДЕРЖАВНОЇ ПРИКОРДОННОЇ СЛУЖБИ УКРАЇНИ В КОНТЕКСТІ ЄВРОІНТЕГРАЦІЇ**

Сучасна трансформація безпекового середовища на державному кордоні України та постійне виникнення нових гібридних загроз потребують докорінного переосмислення підходів до застосування сили через призму європейських правових стандартів. Глибоке наукове опрацювання питань діяльності Державної прикордонної служби України (надалі – ДПСУ) повинно базуватися на розумінні того, що будь-який стан об'єкта, який має коріння в

минулому, через відображення в теперішньому обов'язково спрямований у майбутнє. Вивчення досвіду розвинутих країн, які мають сталі демократичні традиції охорони кордонів правоохоронними органами, дозволяє сформувати дієву модель адміністративно правового регулювання, де фундаментальним пріоритетом виступає баланс між державною безпекою та непорушністю конституційних прав людини.

Досвід Республіки Польща демонструє зразкову модель законодавчого обмеження права на застосування зброї, де будь-який вогнепальний вплив розглядається виключно як крайній захід та виняток із загальних правил. Співробітники польської прикордонної поліції при здійсненні примусових дій суворо керуються принципами доцільності, попередження та мінімізації наслідків, що зобов'язує їх проводити миттєву оцінку характеру небезпеки перед кожною дією. Окремої уваги заслуговує позитивний обов'язок польської держави щодо технічного забезпечення персоналу спеціальними засобами знешкодження паралізуючої дії, що дозволяє персоналу ДПСУ в перспективі ефективно виконувати завдання без заподіяння фатальних поранень особам, які не чинять збройного опору.

Німецька правова доктрина у сфері охорони кордонів базується на принципі обмеженого державного втручання, згідно з яким свобода індивіда принципово не обмежена, тоді як право на втручання держави має бути чітко детермінованим. Законодавство Німеччини про федеральну прикордонну охорону детально розмежовує поняття безпосереднього примусу, акцентуючи увагу на фізичному впливі як інструменті захисту, що виключає можливість суб'єктивного психологічного тиску. Такий поділ гарантує, що застосування зброї підрозділами або окремими службовцями можливе лише для відбиття збройних нападів або в ситуаціях крайньої самооборони, що повністю відповідає правозастосовній практиці Європейського суду з прав людини.

Впровадження європейських стандартів у практику ДПСУ вимагає остаточної відмови від застарілих методів, що допускали застосування надмірної сили проти осіб, чії дії не становлять прямої загрози життю та здоров'ю оточуючих. Пріоритетним стратегічним напрямом розвитку є створення розгалуженої інфраструктури підготовки спеціалістів та впровадженні інтелектуальних систем аналізу відеопотоку, що базуються на алгоритмах машинного навчання та автоматичного розпізнавання об'єктів. Це дозволяє прикордонним нарядам заздалегідь отримувати об'єктивну інформацію про рівень загрози, ідентифікувати потенційно небезпечні предмети в руках правопорушників та обирати найбільш адекватний і найменш травматичний захід силового впливу.

На основі детального аналізу європейських моделей вбачається за необхідне імплементувати в українське законодавство чіткий алгоритм оцінки ризиків, який передуватиме безпосередньому застосуванню фізичної сили чи спецзасобів особовим складом ДПСУ. Доцільно закріпити обов'язок прикордонника не лише попередити про намір застосувати силу, а й надати особі достатньо часу для виконання законних вимог, якщо обстановка не

містить ознак раптового нападу. Такий підхід забезпечить гармонізацію діяльності вітчизняного прикордонного відомства з правовими системами провідних країн Європи, підвищить довіру суспільства до правоохоронних органів та забезпечить надійний захист державних інтересів у межах правового поля.

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## **ОПЕРАТИВНО-РОЗШУКОВИЙ АСПЕКТ ЗАСТОСУВАННЯ БЕЗПІЛОТНИХ АВІАЦІЙНИХ СИСТЕМ В ОХОРОНІ ДЕРЖАВНОГО КОРДОНУ УКРАЇНИ**

Ефективність оперативно-розшукової діяльності (надалі – ОРД) у сфері охорони державного кордону безпосередньо залежить від впровадження високотехнологічних засобів негласного отримання інформації. В умовах інтелектуалізації транскордонної злочинності, Державна прикордонна служба України (надалі – ДПСУ) активно трансформує систему оперативного моніторингу, де безпілотні авіаційні системи (надалі – БАС) посідають чільне місце. Застосування безпілотних технологій у межах ОРД дозволяє оперативно-розшуковим підрозділам ДПСУ виконувати завдання з дистанційної фіксації ознак протиправної діяльності, що значно підвищує якість документування правопорушень.

Основним функціональним елементом застосування БАС у розрізі ОРД є здійснення оперативного візуального спостереження за особами та об'єктами, що становлять оперативний інтерес. Використання безпілотних систем дозволяє здійснювати прихований моніторинг маршрутів пересування правопорушників, локалізувати місця накопичення контрабандних вантажів та виявляти місця укриття порушників кордону. Застосування безпілотників із високотехнологічним обладнанням гарантує своєчасну фіксацію спроб незаконного перетину кордону. Така стратегія дозволяє діяти на випередження, не видаючи розташування та чисельності особового складу ДПСУ на місцевості.

Важливою складовою ОРД є документування обставин вчинення кримінальних правопорушень. Фото- та відеоматеріали, отримані за допомогою БАС, слугують важливою доказовою базою під час проведення досудового розслідування. У межах оперативного супроводження, БАС забезпечують безперервний контроль за розвитком оперативної ситуації, що дозволяє оперативним співробітникам приймати обґрунтовані рішення щодо моменту проведення реалізації оперативних матеріалів та затримання фігурантів «на гарячому». Крім того, БАС можуть виконувати роль технічних засобів забезпечення безпеки оперативних співробітників під час проведення негласних слідчих (розшукових) дій.

Окремим напрямом є використання БАС для оперативного пошуку засобів технічної розвідки та каналів зв'язку, що використовуються правопорушниками. Правоохоронна діяльність у сфері ОРД вимагає постійного

моніторингу радіоелектронної обстановки, оскільки порушники законодавства України з прикордонних питань все частіше застосовує дрони для ведення контррозвідки за діями прикордонних нарядів. Системне застосування власних БАС дозволяє виявляти такі спроби та нейтралізувати технічні канали витоку інформації з обмеженим доступом.

Ефективність оперативно-розшукового застосування БАС потребує чіткої нормативно-правової регламентації, яка б відповідала сучасним викликам та технічним можливостям систем. Актуальним залишається питання легалізації результатів використання БАС у межах Закону України «Про оперативно-розшукову діяльність» та Кримінального процесуального кодексу України, зокрема в частині визнання відеоматеріалів належними та допустимими доказами.

Подальший розвиток цього напрямку в ДПСУ має зосереджуватися на професійній підготовці фахівців, здатних ефективно інтегрувати дані повітряної розвідки в єдину систему оперативного управління. Це дозволить зміцнити безпековий потенціал держави та забезпечити невідворотність покарання за транскордонну злочинність шляхом створення безперервного ланцюга отримання та обробки оперативної інформації.

Особливого значення набуває розвиток правових механізмів, які б дозволили повноцінно використовувати результати повітряної розвідки як процесуальні джерела доказів у кримінальному провадженні, мінімізуючи при цьому можливості для оскарження процедури їх отримання.

Стратегічний розвиток цього напрямку має ґрунтуватися на створенні розгалуженої інфраструктури підготовки спеціалістів та впровадженні інтелектуальних систем аналізу відеопотоку, що базуються на алгоритмах машинного навчання та автоматичного розпізнавання образів.

Лише комплексний підхід, що поєднує технічне переоснащення із вдосконаленням нормативної бази, дозволить створити дієвий механізм протидії сучасним загрозам національній безпеці. Це гарантуватиме ефективний контроль за правопорядком на державному кордоні України в умовах глобальних викликів та дозволить оперативно реагувати на будь-які зміни в оперативній обстановці.

Підсумовуючи вищевикладене, можна стверджувати, що БАС стали невід'ємним атрибутом сучасної оперативно-розшукової діяльності в системі ДПСУ. Вони забезпечують трансформацію традиційних методів негласного спостереження у високотехнологічну модель інтегрованого цифрового моніторингу.

Це дозволяє виявляти правопорушення ще на стадії їхнього планування та превентивно нейтралізувати канали незаконного переміщення осіб чи вантажів. Подальша цифровізація та автоматизація процесів збору й аналізу даних з БАС дозволить значно зміцнити оперативно-службовий потенціал прикордонних нарядів та оперативних підрозділів, що в свою чергу забезпечить надійну фіксацію доказової бази для судового розгляду та значно підвищить відсоток успішних реалізацій оперативних матеріалів.

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## **ПЕРЕВАГИ ТА НЕДОЛІКИ КОРИСТУВАННЯ ІНФОРМАЦІЙНОЮ СИСТЕМОЮ ЕЛЕКТРОННИЙ СУД**

Сьогодні технології змінюють усі сфери життя, і суди не є винятком. Впровадження електронного судочинства допомагає оновити судову систему, роблячи її більш справедливою та відкритою для людей. Завдяки цифровим сервісам державні послуги стають доступнішими та зручнішими, а права людини отримують кращий захист. Саме перехід у цифровий формат здатний якісно змінити українські суди та допомогти громадянам знову довіряти системі правосуддя.

В українській правничій системі поняття «Електронний суд» розглядають у двох напрямках: як технічний інструмент та як повноцінну форму правосуддя. У першому, вузькому значенні, це лише одна з підсистем великої державної мережі, яка допомагає суду миттєво надсилати сторонам повістки, офіційні повідомлення та копії рішень у цифровому форматі, що значно економить час порівняно зі звичайною поштою. У другому, значно ширшому

значенні, «Електронний суд» представляє собою сучасний формат правосуддя, де весь шлях справи – від моменту реєстрації позовної заяви до винесення фінального вердикту – проходить повністю в електронному середовищі без використання паперових документів [1, с.3].

Впровадження проєкту електронного суду забезпечує низку беззаперечних переваг, зокрема оптимізацію бюджетних витрат на поштову кореспонденцію, а також суттєву економію часу та коштів учасників судового процесу під час подання документів. Окрім цього, цифровізація пришвидшує опрацювання великих масивів даних і гарантує користувачам цілодобовий доступ до матеріалів справ. Подальша розбудова цієї системи є важливим кроком на шляху до реформування судоустрою та утвердження е-демократії в Україні [1, с.4]

Згідно з вимогами Закону України «Про судоустрій і статус суддів» , а також нормами процесуального права, функціонування ЄСІТС спрямоване на реалізацію таких завдань: 1. Цифровізація діловодства: забезпечення повного циклу обігу та реєстрації електронної документації як усередині структурних одиниць, так і в межах міжвідомчої взаємодії; 2. Систематизація даних: формування єдиної бази для централізованого зберігання всієї процесуальної інформації та документів; 3. Аналітика та безпека: гарантування захищеності даних, а також автоматизація процесів статистичної та аналітичної обробки відомостей; 4. Електронний архів: створення надійних умов для тривалого зберігання справ у цифровому форматі; 5. Дистанційна взаємодія: налагодження оперативного обміну інформацією між судами, учасниками проваджень та іншими органами правосуддя, зокрема через проведення судових засідань у режимі відеоконференцій [2; 3, с.4-5].

Ефективність впровадження реформи стримується низьким рівнем довіри з боку суспільства та професійної правничої спільноти. Зокрема, адвокати виявляють пасивність у реєстрації електронних кабінетів, а частка позовів, поданих через цифрові канали, залишається низькою. Ключовим бар'єром є побоювання учасників процесу щодо технічних збоїв, які можуть призвести до втрати документів. За відсутності паперових підтверджень (відміток про отримання чи описів вкладення) доведення факту подання доказів стає проблематичним. В умовах які обмежуються процесуальними строками, встановлених кодексами, будь-яка технічна помилка загрожує втратою права на подання матеріалів. Додатковим ускладненням є необхідність регулярного оновлення сертифікатів електронного цифрового підпису, що через певні незручності змушує користувачів відмовлятися від експлуатації системи [4, с.2].

Електронний суд – це важливе нововведення, яке допоможе державі зрозуміти, як змінити закони, щоб суди стали дешевшими та швидшими. Вже зараз є всі умови для того, щоб цифрові сервіси стали звичною частиною роботи юристів та зручним інструментом для звичайних людей. Більше не варто сперечатися, чи потрібна нам така система (ЄСІТС), адже її робота вже офіційно закріплена законом. Проте, оскільки це дуже великий проєкт,

важливо, щоб він дійсно полегшував розгляд справ і робив правосуддя доступнішим, а не створював нові труднощі під час переходу на цифрові рейки.

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## **СУЧАСНІ ПІДХОДИ ДО ГАСІННЯ ПОЖЕЖ ТА ПРОВЕДЕННЯ АВАРІЙНО-РЯТУВАЛЬНИХ РОБІТ В УМОВАХ ВІЙСЬКОВОГО СТАНУ**

Гасіння пожеж та проведення аварійно-рятувальних робіт є ключовими складовими реагування на надзвичайні ситуації природного, техногенного та воєнного характеру. В сучасних умовах зростає кількість пожеж, спричинених бойовими діями, руйнуванням інфраструктури, аваріями на об'єктах підвищеної небезпеки. Це потребує удосконалення організації дій підрозділів цивільного захисту та впровадження сучасних технологій.

Основними завданнями під час гасіння пожеж та проведення аварійно-рятувальних робіт є рятування людей, локалізація небезпечних факторів, запобігання поширенню пожежі, зменшення матеріальних збитків та мінімізація негативного впливу на довкілля. Ефективність виконання цих завдань залежить від оперативності реагування, рівня підготовки особового складу та технічного оснащення підрозділів.

Сучасна організація гасіння пожеж базується на принципах безперервного управління силами і засобами, взаємодії служб, безпеки особового складу та використання оперативної інформації про розвиток пожежі. Особливо важливим є застосування систем моніторингу та прогнозування розвитку небезпечних процесів.



Аварійно-рятувальні роботи включають пошук і рятування постраждалих, деблокування людей із зруйнованих будівель, ліквідацію наслідків вибухів, аварій на транспорті, а також роботу в умовах хімічного, радіаційного та біологічного забруднення. В умовах воєнного стану особливого значення набуває проведення робіт після ракетних ударів та обстрілів, коли існує ризик повторних уражень.

Перспективними напрямками розвитку є використання безпілотних літальних апаратів для розвідки, застосування роботизованої техніки у небезпечних зонах, цифровізація управління силами цивільного захисту та впровадження систем підтримки прийняття рішень.

Таким чином, підвищення ефективності гасіння пожеж та проведення аварійно-рятувальних робіт можливе за рахунок впровадження сучасних технологій, розвитку матеріально-технічної бази підрозділів цивільного захисту та вдосконалення системи підготовки персоналу.

1. Наказ ДСНС України № 375 від 02.04.2024 р. «Рекомендації про особливості виконання органами управління та підрозділами ДСНС завдань за призначенням у населених пунктах і на територіях під час збройної агресії».

2. Дії підрозділів ДСНС України під час воєнного стану - навчальний посібник Мирослав КОВАЛЬ, Дмитро ЧАЛИЙ, Віктор КОВАЛЬЧУК та ін. Львів: ЛДУБЖД, 2023. 308 с.

3. Методичні рекомендації при виконанні завдань за призначенням у населених пунктах і на територіях під час ведення бойових дій.

4. ДБН В.2.5-56:2014 «Системи протипожежного захисту» (наказ Мінрегіонбуду України від 13.11.2014 р. № 312).

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## **ФУНКЦІОНУВАННЯ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В УМОВАХ ВІЙНИ ТА ЙОГО РОЛЬ У СИСТЕМІ ПОЖЕЖНОЇ БЕЗПЕКИ ТА ЦИВІЛЬНОГО ЗАХИСТУ**

Повномасштабна збройна агресія проти України суттєво трансформувала механізми функціонування державних інституцій, системи безпеки та громадянського суспільства. В умовах постійних загроз життю населення, руйнування об'єктів критичної інфраструктури, збільшення кількості надзвичайних ситуацій техногенного та воєнного характеру особливого

значення набуває ефективна взаємодія державних органів сектору безпеки та оборони з громадськістю.

Громадянське суспільство в умовах війни виконує не лише соціальну та гуманітарну функції, але й безпосередньо впливає на рівень безпеки населення, стійкість територіальних громад та ефективність реагування на надзвичайні ситуації. Особливо це проявляється у сфері пожежної безпеки та цивільного захисту, де участь громадських організацій, волонтерських рухів та місцевих ініціатив дозволяє значно підвищити рівень готовності населення до дій у кризових умовах.

Мета дослідження полягає в аналізі ролі громадянського суспільства у забезпеченні пожежної безпеки та цивільного захисту населення в умовах воєнного стану, а також у визначенні напрямків підвищення ефективності взаємодії між громадськістю та підрозділами ДСНС, пожежної охорони та іншими суб'єктами системи цивільного захисту.

В умовах війни структура ризиків для населення значно ускладнюється. До традиційних загроз додаються масові пожежі внаслідок ракетних ударів, руйнування житлового фонду, аварії на об'єктах критичної інфраструктури, виникнення вторинних надзвичайних ситуацій, значне навантаження на підрозділи ДСНС. У цих умовах громадянське суспільство стає важливим елементом системи національної безпеки.

Одним із ключових напрямів участі громадянського суспільства є волонтерська підтримка підрозділів цивільного захисту. Вона включає забезпечення технічними засобами, допомогу у відновленні після надзвичайних ситуацій, матеріально-технічну підтримку рятувальників. Значну роль відіграють благодійні фонди, міжнародні гуманітарні організації, місцеві громадські ініціативи.

Важливим напрямом є інформаційно-просвітницька діяльність. В умовах війни особливого значення набуває навчання населення правилам пожежної безпеки, поширення алгоритмів дій під час повітряних тривог, популяризація культури безпеки життєдіяльності. Завдяки активності громадських організацій значна частина населення отримує доступ до актуальної інформації щодо дій у надзвичайних ситуаціях.

Окрему роль відіграє розвиток добровільних формувань цивільного захисту. До них належать добровільні пожежні команди, місцеві групи швидкого реагування, громадські аварійно-рятувальні ініціативи. В умовах воєнного стану їх значення зростає через обмеженість ресурсів державних служб та необхідність швидкого реагування на локальні надзвичайні події.

Важливою складовою є підтримка постраждалого населення. Громадські організації активно залучаються до евакуаційних заходів, забезпечення гуманітарною допомогою, надання психологічної підтримки постраждалим від бойових дій та надзвичайних ситуацій.

В умовах воєнного стану ефективна взаємодія між громадянським суспільством та системою цивільного захисту базується на принципах оперативності обміну інформацією, довіри між населенням та службами

реагування, єдиної системи координації дій, нормативно-правового врегулювання участі громадськості.

Важливим напрямом розвитку є впровадження сучасних систем оповіщення, цифрових платформ координації волонтерів та інтеграції громадських ініціатив у територіальні підсистеми єдиної державної системи цивільного захисту. Особливу роль відіграють системи раннього виявлення надзвичайних ситуацій, які дозволяють мінімізувати втрати та підвищити ефективність реагування.

Незважаючи на значний потенціал громадянського суспільства, існують проблемні питання. До них належать недостатній рівень підготовки добровольців, обмежене нормативне регулювання діяльності добровільних формувань, нестача фінансування, нерівномірний розвиток громадської активності в різних регіонах держави.

Перспективними напрямами розвитку є створення систем підготовки добровільних пожежних формувань, інтеграція громадських організацій у систему реагування на надзвичайні ситуації, розширення програм навчання населення діям при надзвичайних ситуаціях, впровадження сучасних технологій моніторингу та прогнозування загроз.

Таким чином, громадянське суспільство в умовах війни виступає важливим елементом забезпечення національної та цивільної безпеки. У сфері пожежної безпеки та цивільного захисту його роль проявляється через підтримку підрозділів реагування, підвищення рівня готовності населення та участь у ліквідації наслідків надзвичайних ситуацій.

Подальший розвиток співпраці держави та громадянського суспільства є ключовим фактором підвищення стійкості держави в умовах воєнних загроз та важливою складовою формування сучасної системи безпеки України.

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1. Наказ ДСНС України № 375 від 02.04.2024 р. «Рекомендації про особливості виконання органами управління та підрозділами ДСНС завдань за призначенням у населених пунктах і на територіях під час збройної агресії».

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3. Методичні рекомендації при виконанні завдань за призначенням у населених пунктах і на територіях під час ведення бойових дій.

4. ДБН В.2.5-56:2014 «Системи протипожежного захисту» (наказ Мінрегіонбуду України від 13.11.2014 р. № 312).

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## **ПСИХОЛОГІЧНА ПІДТРИМКА НАСЕЛЕННЯ ЯК НАПРЯМ ДІЯЛЬНОСТІ ГРОМАДСЬКИХ ОРГАНІЗАЦІЙ В УМОВАХ ВІЙНИ**

*...Війна проходить не лише по лінії фронту.  
Війна вже всередині кожного: на лінії фронту вона фізична,  
поза ним – вона психологічна...*

Сучасна збройна агресія проти України створює для населення численні психоемоційні виклики, включно з тривогою, страхом, втратою близьких, руйнуванням житла та дестабілізацією соціальних мереж підтримки. Така ситуація значно підвищує ризик розвитку посттравматичного стресового розладу (далі ПТСР), депресивних станів та емоційно-поведінкових розладів. Від початку повномасштабного вторгнення психологічна підтримка населення стала одним із пріоритетних напрямів діяльності громадянського суспільства.

Значна кількість волонтерів та громадських організацій надає допомогу різним категоріям осіб: внутрішньо переміщеним особам, тим, хто покинув країну через воєнні дії, мешканцям зон потенційних та активних бойових дій, особам, які пережили окупацію або перебувають під нею, а також дітям **варіативних** вікових груп. Особливу увагу приділено психологічній підтримці військовослужбовців [1, с. 10]. У такому контексті діяльність громадських організацій, що забезпечують психологічну підтримку постраждалих, набуває стратегічного значення як для збереження психічного здоров'я окремих громадян, так і для зміцнення соціальної стійкості українського суспільства.

Психологічна підтримка населення визначається як комплекс заходів, спрямованих на попередження та подолання наслідків психотравмуючих подій, відновлення емоційного та соціального стану громадян, а також формування здатності до адаптації у кризових обставинах [2].

**Законодавча основа діяльності громадських організацій у сфері психологічної підтримки населення включає Конституцію України, яка гарантує право кожного на охорону здоров'я, соціальний захист і забезпечення гідних умов життя (ст. 3, 49, 49–50, 53) [3]. Окрім того, діяльність громадських організацій регулюється рядом спеціальних законів, серед яких: “Про громадські об'єднання”, “Про систему охорони психічного здоров'я в Україні”, “Про благодійну діяльність та благодійні організації”, “Про волонтерську діяльність” та наказом “Про затвердження Порядку організації психологічної допомоги в системі Міністерства оборони України” від 11 листопада 2025 р. [4, 5, 6, 7, 8]. Зазначені правові засади створюють юридичну основу для діяльності громадських організацій, дозволяючи їм**

професійно надавати психологічну допомогу та координувати дії з державними структурами.

За підтримки міжнародних партнерів низка громадських організацій України створила мережу гарячих ліній психологічної допомоги, на яких працюють кваліфіковані психологи з досвідом кризового консультування. Така підтримка є особливо важливою для українських біженців та осіб, які перебувають за кордоном. Зокрема, ГО **“Фундація Суспільність”** та центр **“Брейнкульт”** реалізували спільний проєкт **“Хаб стійкості”**, який об’єднав близько 50 фахівців різних спеціалізацій і пропонує безкоштовні індивідуальні консультації у форматі відеоконференцій, а також матеріали для психологічної самопомоги. Аналогічну діяльність здійснює онлайн-платформа **UA Mental Help**, що надає професійну психологічну підтримку українцям під час війни [1, с. 10–11].

Особлива увага приділяється підтримці військовослужбовців, психічне здоров’я яких у кризових умовах значно вразливіше, ніж у цивільного населення. За оцінками, 20–40 % військових потребують психологічної допомоги, симптоми гострої травми спостерігаються у 60–80 % захисників, які були очевидцями загибелі побратимів або мирного населення, а 12–20 % розвивають ПТСР. Через обмежені можливості державної системи психологічної підтримки важливу роль виконують громадські організації та волонтерські ініціативи. Зокрема, ГО **«Вільний вибір»** надає комплексну підтримку ветеранам та їхнім сім’ям, ГО **«Блакитний птах»** спеціалізується на колишніх військовополонених та їхніх родинах, забезпечуючи супровід від моменту полону до постізоляційної реабілітації, а платформа **VeteranHub** пропонує безплатні консультації в телефонному та онлайн-форматах [1, с. 11]. Таким чином, громадські організації відіграють ключову роль у створенні розгалуженої мережі психологічної допомоги для різних категорій населення, частково компенсуючи дефіцит державних ресурсів і забезпечуючи доступ до професійної підтримки у складних умовах війни.

Психологічна підтримка населення в умовах війни є стратегічним напрямом діяльності громадських організацій. Вона забезпечує одночасно індивідуальне відновлення психоемоційного стану громадян і формування колективної стійкості суспільства. Ефективна координація громадських ініціатив із державними структурами, належне фінансування та розвиток професійних кадрів є ключовими умовами підвищення ефективності психологічної підтримки в кризових умовах.

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## **МІЖНАРОДНІ СТАНДАРТИ ДІЯЛЬНОСТІ ПРАВОХОРОНЦІВ І ЇХНЄ ЗАСТОСУВАННЯ В УКРАЇНІ ПІД ЧАС ВОЄННОГО КОНФЛІКТУ**

Міжнародні стандарти діяльності правоохоронних органів визначають основні принципи, яких мають дотримуватися правоохоронці у будь-яких умовах, включно з воєнними конфліктами. Вони ґрунтуються на положеннях Загальної декларації прав людини (1948), Міжнародного пакту про громадянські та політичні права (1966) та Європейської конвенції з прав людини (1950), які закріплюють базові права громадян на життя, свободу, недоторканність особи, захист від катувань та жорстокого поводження. Основою роботи правоохоронців у воєнний час є принцип пропорційності та крайньої необхідності при застосуванні фізичної сили, а також вимоги до професійної підготовки, неупередженості, підзвітності та дотримання законності. Зокрема, Основні принципи ООН щодо застосування сили та вогнепальної зброї правоохоронцями (1990) встановлюють, що будь-яке застосування сили допускається лише у випадках абсолютної необхідності, має бути пропорційним і мінімізувати шкоду цивільному населенню. Отже, права

людини перебувають у площині взаємин людини і держави та можуть бути обмежені тільки спеціально уповноваженими на те органами держави та лише у випадках відповідності закону [1]. Крім того, міжнародні документи наголошують на важливості документування дій правоохоронців, розслідування фактів порушень і забезпечення належної підготовки персоналу, що дозволяє уникати зловживань і гарантує дотримання стандартів прав людини навіть у складних умовах.

В Україні під час воєнного конфлікту діяльність правоохоронних органів має особливу специфіку. Поєднання бойових дій, загрози життю цивільного населення та ризиків для самих правоохоронців створює надзвичайно складні умови для виконання службових обов'язків. Водночас українська держава здійснює заходи з адаптації міжнародних стандартів до реалій воєнного часу. Це проявляється у спеціальній підготовці правоохоронців до роботи у зонах бойових дій, організації безпечних маршрутів евакуації цивільного населення, взаємодії з гуманітарними та міжнародними організаціями, а також документуванні порушень прав людини для подальшого розгляду у міжнародних інстанціях. Важливим аспектом є дотримання принципу прозорості та підзвітності: дії поліції та силових структур мають бути максимально відкритими для громадськості та контролю з боку держави і міжнародних організацій. Правоохоронні органи забезпечують реалізацію функцій держави у сфері захисту прав і свобод фізичних та юридичних осіб, підтримання правопорядку та зміцнення довіри суспільства до державних інституцій, а тому їхня діяльність потребує постійного громадського контролю [2].

Практичне застосування міжнародних стандартів у Україні включає також використання міжнародних навчальних програм, консультацій від ООН, Ради Європи та інших міжнародних організацій, які допомагають правоохоронцям адаптувати свої дії до міжнародних вимог попри складнощі реалізації. Генеза вказаної проблеми бере початок з 1990 року, коли з перших кроків розбудови незалежності в Україні виникла необхідність створення власної моделі співвідношення міжнародного та національного права [3].

У ході воєнних дій особливо важливими стають питання гуманізації діяльності поліції, мінімізації шкоди цивільним, забезпечення законності затримань та дій у зоні бойових дій. Дотримання цих стандартів сприяє не лише захисту прав людей, а й формує довіру населення до державних інститутів, підвищує легітимність органів правопорядку та створює основу для стабілізації суспільства після завершення конфлікту.

Разом з тим, виклики залишаються значними. Підвищена інтенсивність бойових дій, необхідність швидкого реагування на загрози, обмежені ресурси та ризики для життя правоохоронців ускладнюють повне дотримання міжнародних стандартів. Проте системне впровадження міжнародних норм є ключовим для забезпечення балансу між ефективністю правоохоронної діяльності та захистом прав людини. Український досвід показує, що інтеграція міжнародних стандартів у повсякденну роботу органів безпеки навіть під час

воєнного стану є можливою і надзвичайно важливою для збереження соціальної стабільності та державного суверенітету.

Отже, міжнародні стандарти діяльності правоохоронців виступають не лише нормативною основою для законної та етичної роботи поліції, а й практичним інструментом для організації ефективного реагування на надзвичайні ситуації та воєнні загрози. Умови воєнного конфлікту в Україні демонструють необхідність постійного вдосконалення підготовки правоохоронців, адаптації міжнародних принципів до місцевих умов та забезпечення балансу між захистом безпеки громадян і прав людини. Системне впровадження таких стандартів під час війни дозволяє створювати умови для стабілізації суспільства, підвищує довіру населення до органів державної влади та закладає основу для відновлення правопорядку після завершення воєнних дій.

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## **СОЦІАЛЬНА РЕАБІЛІТАЦІЯ ТА МЕДИЧНЕ ЗАБЕЗПЕЧЕННЯ В УМОВАХ ВОЄННОГО СТАНУ**

У сучасних умовах воєнного стану система соціальної реабілітації та медичного забезпечення в Україні набула стратегічного значення [1]. Вона спрямована не лише на відновлення фізичного й психічного здоров'я учасників бойових дій, а й на їх повну інтеграцію у мирне життя та підтримку родин. Комплексний підхід охоплює психологічне консультування, мережі соціальної підтримки, медичне лікування та професійну й трудову підтримку, що разом формують чотири ключові блоки реабілітації (рис. 1) [2].



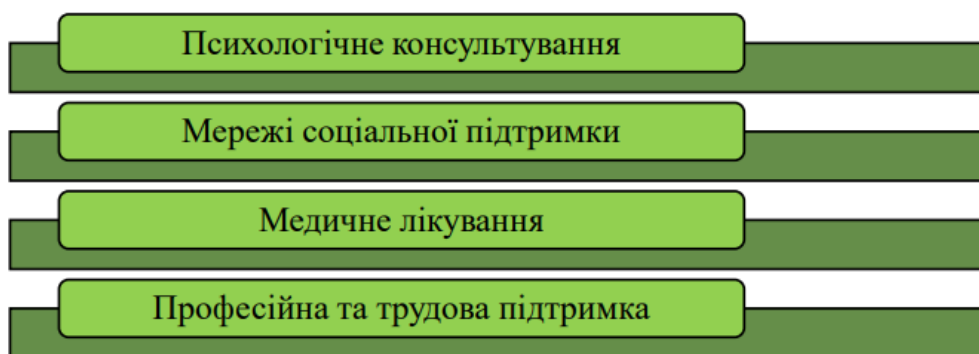


Рис. 1 Основні аспекти реабілітації учасників бойових дій

Психологічне консультування є базовим компонентом реабілітаційного процесу. Воно охоплює індивідуальну та групову терапію, програми подолання посттравматичних розладів, тренінги стресостійкості та цифрові рішення для дистанційної підтримки. Дані соціологічного дослідження показують, що повернення учасників бойових дій до мирного життя часто супроводжується негативною емоційною складовою: 72 % опитаних зазначили, що відчували труднощі при адаптації; найпоширенішими почуттями були роздратованість (67 %), здивування (64 %) та непорозуміння (52 %), тоді як позитивні емоції – радість (45 %) і спокій (37 %) – зустрічались рідше. Це свідчить про необхідність раннього виявлення перших симптомів дезадаптації (порушення сну, зміни харчування, спогади, специфічні фізичні реакції) та роботи з ними до розвитку критичних станів.

Мережі соціальної підтримки забезпечують базове відчуття безпеки та благополуччя. Опитані зазначили, що найбільшу підтримку отримували від чоловіків/дружин (75 %) та близьких родичів (73 %), тоді як на друзів (26 %) та колег (13 %) розраховували значно менше. Це підтверджує ключову роль сім'ї як первинного соціального інституту у процесі реабілітації. Водночас респонденти відзначали значні труднощі при оформленні соціальних гарантій і пільг: 88 % – довга тривалість процедур, 76 % – високий рівень бюрократизації, 31 % – зневажливе ставлення та 46 % – повторне проходження процедур. Таким чином, удосконалення адміністративних процедур і налагодження ефективної комунікації з державними структурами стає критичною складовою соціальної політики.

Медичне лікування та реабілітація залишаються пріоритетним видом допомоги. 72 % респондентів брали участь саме у медичній реабілітації, тоді як психологічна (12 %) і соціальна (16 %) сприймаються як вторинні. Така тенденція відображає високий рівень стигматизації психосоціальних послуг. В умовах війни медичне забезпечення інтегрує військову й цивільну медицину: розгортаються мобільні госпіталі, стабілізаційні пункти, евакуаційні маршрути, використовується телемедицина для консультацій і координації допомоги. Важливою складовою є епідеміологічний контроль серед внутрішньо переміщених осіб та учасників бойових дій для запобігання інфекційним спалахам.

Професійна та трудова підтримка орієнтована на економічну інтеграцію й формування «відновлювальної економіки». Програми перенавчання, соціальне

підприємництво, мікрогранти для започаткування власної справи та пільгове працевлаштування дозволяють учасникам бойових дій не лише відновлювати працездатність, а й підвищувати цінність власного досвіду. Опитані вказували на значні зміни у соціальній сфері: 72 % – відмінності у стилі та ритмі життя, 59 % – розбіжність в інтересах і цінностях, 36 % – зростання рівня відчуження. Це підкреслює важливість створення програм професійної та трудової інтеграції з урахуванням нових цінностей та потреб.

Джерела інформації про реабілітаційні послуги залишаються переважно неформальними: 74 % користуються соціальними медіа, 72 % – телеграм-каналами, 65 % – інформацією від референтних осіб, тоді як лише 38 % орієнтуються на державні установи. Це вимагає активного розвитку офіційних цифрових каналів інформування, які були б простими, зрозумілими й достовірними. [3].

Опитування також показало глибинні особистісні й ціннісні зміни учасників бойових дій: 46 % відзначили зростання цінності життя, 55 % – зростання цінності близьких відносин, 35 % – вищу дисциплінованість і 28 % – готовність відстоювати свої права. Такі зміни можуть бути ресурсом для громадської активності й формування нових соціальних практик, якщо їх підкріпити належною державною та громадською підтримкою [3].

На нашу думку, система соціальної реабілітації та медичного забезпечення в умовах воєнного стану повинна будуватися на психологічному консультуванні, мережах соціальної підтримки, медичному лікуванні та професійній і трудовій підтримці.

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## **ДЕЯКІ ПИТАННЯ РОЗМЕЖУВАННЯ ДЕРЖАВНОЇ ЗРАДИ ТА ШПИГУНСТВА**

В умовах повномасштабної збройної агресії Російської Федерації проти України 24 лютого 2022 року та системного використання іноземними державами для розвідувально-підривної діяльності, особливої актуальності набувають питання кримінально-правової охорони основ національної безпеки. Одним із найбільш суспільно небезпечних проявів такої діяльності є державна зрада у формі шпигунства, яка посягає на суверенітет, територіальну цілісність, незалежність, обороноздатність та інформаційну безпеку держави.

Чинний Кримінальний кодекс України передбачає два різних підходи щодо шпигунської діяльності: перший, коли державна зрада виражена у формі шпигунства (ст. 111 КК України), другий – самостійний склад злочину шпигунство (ст. 114 КК України) [2]. Вважаю, що існування статей 111 КК України та 114 КК України свідчить про диференційований підхід законодавця до оцінки шпигунства, але така конструкція викликає чимало питань у теорії та на практиці, особливо коли потрібно розмежувати ці діяння під час правозастосування.

Безпосередній вплив на правову кваліфікацію вчиненого діяння здійснюють такі ознаки складу злочину, як об'єкт, час його вчинення та суб'єкт злочину. Так, обидва злочини посягають на національну безпеку, але при державній зраді додається елемент порушення присяги, вірності державі або невиконання конституційного обов'язку громадянина. Окрім того, ч. 2 ст. 111 КК України виокремлює воєнний стан як спеціальну обтяжуючу обставину, що тягне за собою посилення санкції для громадян України. Для належної правової інтерпретації ознаки "час вчинення злочину" у контексті ст. 111 КК України, необхідно застосувати системне тлумачення із залученням норм регулятивного законодавства, зокрема Закону України "Про оборону України". Це дозволяє чітко окреслити правовий режим воєнного стану як специфічну часову межу, що виступає обов'язковим елементом кваліфікованого складу державної зради. Так, відповідно до ст. 1 Закону України "Про оборону України" воєнний стан – це особливий правовий режим, що вводиться в Україні або в окремих її місцевостях у разі збройної агресії чи загрози нападу, небезпеки державній незалежності України, її територіальній цілісності та передбачає надання відповідним органам державної влади, військовому командуванню та органам місцевого самоврядування повноважень, необхідних для відвернення загрози та забезпечення національної безпеки, а також тимчасове, зумовлене загрозою,

обмеження конституційних прав і свобод людини і громадянина та прав і законних інтересів юридичних осіб із зазначенням строку дії цих обмежень [3]. Таким чином, воєнний стан виступає спеціальною кваліфікуючою ознакою, що зумовлює посилення санкції за державну зраду (ст. 111 КК України), тоді як відсутність аналогічного положення у статті 114 КК України дозволяє стверджувати про диференційований підхід законодавця до оцінки ступеня суспільної небезпечності діянь.

Розмежувальним критерієм цих посягань є суб'єкт злочину. Вчинити злочин, передбачений ч. 1 ст. 114 КК України, може лише іноземець чи особа без громадянства, тоді як аналогічні дії з боку громадянина України отримують кримінально-правову оцінку як державна зрада (ст. 111 КК України). Дослідження правозастосовної практики дозволяє окреслити типовий суб'єктний склад державної зради. Згідно з матеріалами судових рішень, найчастіше такими особами є: старший інспектор у відділі прикордонної служби прикордонного загону; військовослужбовець Повітряних Сил Збройних сил України на посаді штурмана наведення, звання старший лейтенант; громадянин України, який не працює; військовослужбовець Повітряних Сил Збройних сил України на посаді льотчика, звання майор; військовослужбовець Повітряних Сил Збройних сил України, заступник командира авіаційної ескадрильї по роботі з особовим складом бригади тактичної авіації, звання майор [4].

Вищевказане свідчить, що вчинення дій, спрямованих на шкоду безпеці держави, особою, яка перебуває у сталих правових відносинах із нею (громадянство), правильно сприймається законодавцем як порушення конституційного обов'язку вірності (ст. 65 Конституції України) [1], а тому і вимагає застосування суворіших заходів кримінально-правового реагування порівняно зі шпигунством.

Порівняльний аналіз інститутів звільнення від кримінальної відповідальності (ч. 3 ст. 111 та ч. 2 ст. 114 КК України) свідчить про наявність суттєвих відмінностей у підходах законодавця до превенції злочинів проти основ національної безпеки. Так відповідно до ч. 3 ст. 111 КК України звільняється від кримінальної відповідальності громадянин України, якщо він на виконання злочинного завдання іноземної держави, іноземної організації або їх представників ніяких дій не вчинив і добровільно заявив органам державної влади про свій зв'язок з ними та про отримане завдання [2]. В свою чергу ч. 2 ст. 114 КК визначає, що звільняється від кримінальної відповідальності особа, яка припинила діяльність, передбачену частиною першою цієї статті, та добровільно повідомила органи державної влади про вчинене, якщо внаслідок цього і вжитих заходів було відвернено загрози шкоди інтересам України [2]. Таким чином, Норма ст. 111 КК України спрямована на превенцію злочинного діяння на стадії готування (за умови відсутності активних дій), а ст. 114 КК України передбачає можливість звільнення від відповідальності навіть у разі часткового вчинення шпигунських дій, за умови, що суб'єкт своїми діями сприяв відверненню шкоди інтересам України.

Підсумовуючи викладене, можемо стверджувати, що чинне законодавством дає шанс на звільнення від відповідальності, якщо людина зупинилася і повідомила про все владі, допомагаючи тим самим захистити країну. Ці приписи повністю відповідають положенням ст. 65 Конституції України, щодо обов'язку кожного громадянина захищати незалежність та територіальну цілісність держави, бо добровільна відмова від злочину -це можливість людини фактично виконати свій обов'язок перед країною. Вважаємо, що така різниця в нормах є логічною, тому що пріоритетом державної політики в умовах особливого періоду повинна бути не лише каральна функція, а й усунення загрози безпеці держави в реальному часі, що дозволяє розглядати добровільне повідомлення про злочин як форму реалізації громадянином свого обов'язку перед державою, закріпленого у ст. 65 Конституції України.

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## **ОЦІНКА ВПЛИВУ НА ДОВКІЛЛЯ ТА ЇЇ ПРАВОВЕ РЕГУЛЮВАННЯ**

На сучасному етапі розвитку промисловості та технологій питання збереження довкілля набуває особливої актуальності. Оцінка впливу на довкілля є не лише формальною процедурою, а важливим інструментом запобігання екологічним ризикам та забезпечення сталого розвитку суспільства, адже дозволяє завчасно виявити можливі негативні наслідки для природи, здоров'я людей та екосистем. Ефективне правове регулювання цієї сфери, що передбачає чіткі механізми, прозорість процедур та участь громадськості, робить ОВД дієвим інструментом захисту навколишнього середовища і інтересів майбутніх поколінь.

Щодо національного законодавства, воно забезпечує врахування екологічних наслідків господарської діяльності ще на етапі планування. Закон України «Про оцінку впливу на довкілля» встановлює базові правові та організаційні механізми, які гарантують прогнозування, попередження та мінімізацію негативного впливу на довкілля, здоров'я населення та природних екосистем, забезпечуючи прийняття рішень з урахуванням екологічних пріоритетів і принципів сталого розвитку [1].

У наукових дослідженнях, зокрема у праці С. Л. Гоштинар, інститут ОВД розглядається як ключовий елемент правового забезпечення державної екологічної політики. Він має превентивний характер, поєднує міжнародні та національні підходи до охорони навколишнього середовища та забезпечує інтеграцію екологічних вимог у процес управлінських рішень [2, С. 23-24].

У межах загальної екологічної політики, Закон України «Про охорону навколишнього природного середовища» формує фундамент державної стратегії, наголошуючи на раціональному використанні ресурсів, збереженні біорізноманіття та балансі між економічними й екологічними інтересами. ОВД виступає органічною складовою цієї системи, забезпечуючи відповідність загальнодержавним екологічним пріоритетам при плануванні та реалізації господарської діяльності [3].

Важливо відзначити, що ключові принципи екологічної політики - пріоритет екологічної безпеки, інтеграція екологічних, економічних і соціальних інтересів, обов'язковість екологічної експертизи та дотримання стандартів - формують основу правового регулювання ОВД, забезпечуючи системний аналіз ризиків для довкілля і здоров'я населення при прийнятті рішень щодо реалізації проєктів [4, с. 18].

Щодо міжнародних стандартів, розвиток національної системи ОВД тісно пов'язаний із міжнародними договорами та директивами, що забезпечують узгодженість українського законодавства з європейськими підходами та гарантують дотримання прав людини у сфері екології.

У цьому контексті, Конвенція про доступ до інформації, участь громадськості та доступ до правосуддя у питаннях довкілля закріплює принцип відкритості та прозорості екологічного управління, ставлячи в центр уваги право людини впливати на рішення щодо стану довкілля. Вона визначає обов'язковість громадських слухань, доступу до матеріалів оцінки та можливості судового захисту, а процедура ОВД в Україні забезпечує реалізацію цих стандартів, інтегруючи національне законодавство у європейський правовий простір із пріоритетом прозорості, підзвітності влади та захисту екологічних прав людини [5].

Суттєвим орієнтиром для формування процедури ОВД в Україні стала Директива 2011/92/EU ЄС, яка визначає обов'язковість оцінки планованої діяльності з потенційно значним впливом на довкілля та комплексний аналіз наслідків ще на етапі планування. Водночас директива закріплює участь громадськості, відкритість інформації та врахування позиції суспільства, що сприяє гармонізації українського законодавства з європейськими стандартами

та підвищує прозорість і підзвітність процесу ухвалення екологічно значущих рішень [6].

На практичному рівні, підзаконні акти та методичні документи деталізують правила застосування процедури ОВД та конкретизують вимоги до її реалізації. Постанова Кабінету Міністрів України №982 визначає види діяльності та об'єкти, що потенційно становлять підвищену екологічну небезпеку, роблячи процедуру ОВД юридично обов'язковою та передбачуваною для суб'єктів господарювання [7].

У контексті методичних рекомендацій, наказ Міністерства захисту довкілля та природних ресурсів України встановлює вимоги до змісту та структури звіту з ОВД, деталізуючи опис планованої діяльності, стан довкілля, аналіз впливів і заходи мінімізації шкоди. Це забезпечує якість, повноту та порівнянність звітів і підвищує ефективність екологічного контролю [8].

Попри численні нормативні акти, практика застосування ОВД в Україні, за спостереженнями Н.В. Єремєєвої, демонструє низку системних проблем: фрагментарність правового забезпечення, нечіткі критерії застосування норм, обмежену участь громадськості та високі фінансові витрати для суб'єктів господарювання. Це знижує ефективність процедури та перетворює її на формальність [9, С. 54-58].

В аспекті пошуку шляхів удосконалення, зарубіжний досвід показує, що ефективні моделі в США, Канаді, Японії та Німеччині формувалися як частина державної екологічної політики, поєднуючи правові, економічні та управлінські інструменти. Особливо показовим є досвід США з National Environmental Policy Act (1969), який запровадив обов'язкову підготовку Environmental Impact Statement, міждисциплінарний підхід, відкритість інформації та судовий контроль. Поєднання чіткої законодавчої регламентації та прозорості процедури робить цю систему корисною для формування інтегрованої та дієвої моделі правового регулювання ОВД в Україні [2, С. 25].

Аналізуючи норми сучасного українського законодавства, М. Долинська зауважує, що по аналогії із законодавством інших європейських держав, відбувається «процес екологізації», відповідно до якого правові норми різних галузей права наповнюються «екологічним змістом». На думку автора, варто вести мову про становлення нового комплексного міжгалузевого принципу аграрного права – принципу екологізації [10, С. 67].

Таким чином, ОВД в Україні є комплексним інструментом екологічного регулювання, що поєднує національні закони, підзаконні акти та міжнародні стандарти. Підвищенню ефективності системи сприяє інтеграція норм різних галузей права, активна участь громадськості та контроль за дотриманням екологічних вимог. Вивчення зарубіжного досвіду дозволяє формувати прозору, превентивну та інтегровану модель правового регулювання для сталого розвитку і захисту довкілля майбутніх поколінь.

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## **КОМУНІКАТИВНА ПІДГОТОВКА ПОЛІЦЕЙСЬКОГО ЯК СКЛАДОВА ЕФЕКТИВНОЇ ПРАВООХОРОННОЇ ДІЯЛЬНОСТІ**

Сучасна правоохоронна діяльність потребує відходу від формального навчання на користь практичної комунікативної стійкості. Основна проблема підготовки полягає у розриві між теоретичними знаннями та здатністю зберігати контроль у стані гострого стресу. Варіантом вирішення цього питання є створення штучного навчального середовища, яке моделює реальні кризові ситуації за допомогою VR-технологій, залучення акторів-провокаторів та введення фізичних подразників (шум, обмеження часу). Такий підхід дозволяє поліцейському відпрацювати навички вербальної деескалації до рівня автоматизму, перетворюючи комунікацію на дієвий тактичний інструмент, що мінімізує потребу у застосуванні сили та підвищує рівень довіри суспільства до поліції.

Комунікація в поліцейській діяльності – це не просто обмін інформацією, а складний механізм взаєморозуміння через вербальні та невербальні засоби. Професійна комунікативна компетентність є системою ресурсів (знань, психологічних навичок та емоційної саморегуляції), що дозволяють правоохоронцю ефективно взаємодіяти з громадянами у стресових умовах. Вона передбачає здатність миттєво встановлювати контакт, адаптувати поведінку до контексту ситуації та запобігати ескалації конфліктів [1].

Створення стресового середовища в процесі підготовки поліцейських реалізується через інтеграцію інтенсивних подразників, що змушують мозок працювати в режимі перевантаження. Аудіовізуальна сукупність факторів, таких як безперервне виття сирен, агресивні викрики натовпу чи гучна музика, моделює ситуацію, де офіцер змушений свідомо контролювати тембр, силу голосу та чіткість дикції для збереження командної присутності [2, с 214-219]. Жорстке обмеження часу в сценаріях «швидкого рішення» встановлює ліміт у 15–30 секунд для стабілізації агресивної особи, що формує навичку миттєвого підбору правильних вербальних конструкцій до моменту неминучої ескалації.

Приклад ситуації: «Агресивна група в громадському місці»

Навчання проводиться на відкритому майданчику або в холі, де за допомогою потужних колонок відтворюється ефект «акустичного хаосу»: гул натовпу, вигуки перехожих та автомобільні сигнали. Поліцейський отримує завдання втрутитися в конфлікт між двома групами осіб (ролі яких виконують підготовлені статисти), що поводяться зухвало та порушують громадський порядок. Штучне ускладнення полягає у введенні «ефекту свідків»: кілька

статистів імітують зйомку поліцейського на телефони з близької відстані, вигукуючи провокативні коментарі та намагаючись вивести його з рівноваги.

Поліцейський повинен за 20 секунд ідентифікувати лідера групи та розпочати діалог, ігноруючи камери та образи. Якщо він підвищує голос або проявляє ознаки агресії, статисти згідно зі сценарієм стають ще більш некерованими. Мета вправи – відпрацювати техніку «вербального щита»: здатність чітко віддавати розпорядження, зберігати професійну етику та не піддаватися на провокації в умовах, коли кожне слово може бути зафіксоване та використане проти нього. Це моделювання вчить розділяти особисті емоції та професійну роль у ситуації, де натовп психологічно тисне на правоохоронця [3, 55-58].

Технологічне моделювання на основі VR-симуляторів переводить комунікативну підготовку у площину інтерактивного досвіду, де кожне рішення курсанта має миттєві візуальні та ситуативні наслідки. Використання шоломів віртуальної реальності дозволяє створювати сценарії з розгалуженим сюжетом, у яких цифрові персонажі в реальному часі реагують на ключові слова, інтонацію та швидкість мовлення курсанта. Наприклад, якщо алгоритм розпізнає надмірно агресивний або наказовий тон замість заспокійливого, поведінка віртуального бота автоматично змінюється з пасивної на напад, що змушує поліцейського негайно адаптувати свою тактику спілкування [4, с 32-35]. Паралельно з цим використання спеціалізованих відеолабораторій із камерами 360° дозволяє фіксувати тренування для наступного глибокого дебрифінгу. Такий формат аналізу дає змогу детально розібрати невербальні сигнали правоохоронця – від міміки та мікрожестів до положення рук і дотримання безпечної дистанції. Поєднання VR-симуляцій та відеоаналізу створює замкнений цикл навчання, де курсант не лише проживає кризову ситуацію, а й отримує об'єктивні дані про свої помилки, формуючи навички високоточної комунікації в безпечному, але максимально реалістичному цифровому середовищі.

Фізіологічний моніторинг у процесі комунікативної підготовки дозволяє об'єктивно оцінити рівень стресостійкості поліцейського через систему біофідбеку (Biofeedback). Використання смарт-годинників, нагрудних датчиків або сенсорів шкірно-гальванічної реакції під час навчальних переговорів дає змогу в реальному часі відстежувати реакції організму на конфліктні подразники. Науково обґрунтований аналіз даних свідчить, що при досягненні пульсом критичної позначки у 140 ударів на хвилину і вище, у людини суттєво звужується поле сприйняття та втрачається здатність до складної когнітивної комунікації, що призводить до автоматичного переходу на агресивні або примітивні мовленнєві конструкції. Виявлення таких пікових станів дозволяє інструкторам коригувати навчання, впроваджуючи спеціальні техніки тактичного дихання, які курсант має застосовувати паралельно з веденням діалогу [5, с 41]. Таким чином, фізіологічний контроль перетворює суб'єктивне відчуття хвилювання на конкретні цифрові показники, що допомагає поліцейському свідомо керувати власним станом і зберігати здатність до

переконливого та конструктивного спілкування навіть у моменти найвищої психоемоційної напруги.

Узагальнюючи вищевикладене, можна стверджувати, що якісна комунікативна підготовка є фундаментальною складовою професійної компетентності сучасного поліцейського, яка безпосередньо впливає на безпеку та результативність правоохоронної діяльності. Впровадження інноваційних методів навчання, що поєднують теоретичні знання з інтенсивною практикою у стресових умовах за допомогою VR-технологій та моделювання кризових сценаріїв, дозволяє трансформувати комунікацію з формального процесу в ефективний тактичний інструмент. Такий підхід забезпечує формування високого рівня психологічної стійкості, сприяє автоматизації навичок деескалації конфліктів та мінімізує ризики необґрунтованого застосування сили. Зрештою, перехід до практико-орієнтованої моделі підготовки не лише підвищує професійний захист самого офіцера, а й виступає запорукою зростання суспільної довіри до інституту поліції та зміцнення правопорядку в державі.

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## **МІЖНАРОДНІ СТАНДАРТИ ПОВОДЖЕННЯ З ДОКАЗАМИ ТА ЇХ ВПЛИВ НА НАЦІОНАЛЬНУ КРИМІНАЛІСТИКУ**

Міжнародні стандарти поводження з доказами – це система загальновизнаних принципів, правил і процедур, сформованих у межах міжнародного кримінального права, міжнародного гуманітарного права, практики міжнародних судових інституцій та рекомендацій спеціалізованих організацій, що регламентують порядок збирання, фіксації, збереження, дослідження та використання доказів. Україна, виконуючи свої міжнародні зобов'язання у сфері міжнародного гуманітарного права та прав людини, поступово адаптує національний кримінальний процес до міжнародних стандартів доказування. Для України їх дотримання має не лише наукове й практичне, а й стратегічне значення, з огляду на необхідність документування та розслідування міжнародних злочинів під час воєнних дій на території держави.

Національна криміналістика дедалі більше виконує гарантійну функцію забезпечення допустимості доказів. Імплементация міжнародних стандартів сприяє гармонізації криміналістичної практики через уніфікацію криміналістичних методик та адаптацію національних протоколів до європейських і світових вимог підвищуючи довіру до результатів експертних досліджень.

Метою статті є аналіз конкретних міжнародних стандартів поводження з доказами, дослідження особливостей їх імплементації у кримінальному процесі України.

Міжнародні стандарти поводження з доказами сформувалися під впливом практики міжнародних кримінальних трибуналів, універсальних механізмів захисту прав людини та криміналістичних стандартів. Основними джерелами таких стандартів є практика Європейського суду з прав людини (ЄСПЛ); документи та практика Міжнародного кримінального суду (МКС); рекомендації ООН, зокрема Міннесотський протокол, Стамбульський протокол; стандарти INTERPOL, ENFSI, ISO у сфері криміналістичних досліджень.

Центральне місце серед міжнародних стандартів поводження з доказами посідають положення Римського статуту Міжнародного кримінального суду (1998), який закріплює вимоги законного та добросовісного збирання доказів (ст. 54), оцінку допустимості доказів з урахуванням порушень прав людини (ст. 69); заборону використання доказів, здобутих із серйозним порушенням міжнародних стандартів (ст. 69(7)); забезпечує збереження доказів для

майбутнього судового розгляду. Головна вимога стандарту – доказ має бути не лише формально законним, а й таким, що відповідає стандартам справедливого суду.

Важливими орієнтирами є також Правила процедури та доказування МКС (Rules of Procedure and Evidence), які деталізують вимоги щодо документування походження доказів, безперервності ланцюга їх збереження (chain of custody), можливості перевірки автентичності стороною захисту, документування кожного етапу поводження з доказом. У доктринальному вимірі ці вимоги розглядаються як матеріальні гарантії справедливого судового розгляду.

Окрему групу міжнародних стандартів становлять керівні документи ООН, зокрема Міннесотський протокол ООН 2016 щодо розслідування потенційно незаконних смертей та Стамбульський протокол ООН (2004/2022) щодо ефективного документування катувань, які мають особливе значення для розслідування воєнних злочинів. Міннесотський протокол ООН 2016 р. стандартизує розслідування незаконних смертей, масових убивств, позасудових страт. Документ містить стандарти щодо обов'язкової фото-, відеофіксації місця події; стандарти ексгумації та поводження з останками; встановлює незалежність осіб, які документують докази; стандартизує процес збереження біологічних зразків. Стамбульський протокол ООН (2004/2022) стандартизує розслідування катувань, нелюдського поводження або такого, що принижує гідність людини. Документ містить стандарти щодо правил медичного документування катувань; стандартизує описи тілесних і психічних ушкоджень, вимоги до доказової цінності медичних висновків.

У сфері цифрового доказування важливу роль відіграють стандарти ДСТУ ISO/IEC 27037:2017 Інформаційні технології. Методи захисту. Настанови для ідентифікації, збирання, здобуття та збереження цифрових доказів (ISO/IEC 27037:2012, IDT) та ДСТУ EN ISO/IEC 17025:2019 Загальні вимоги до компетентності випробувальних та калібрувальних лабораторій (EN ISO/IEC 17025:2017, IDT; ISO/IEC 17025:2017, IDT)

Стандарт ISO/IEC 27037:2012 регламентує порядок ідентифікації, збирання та збереження цифрових доказів (відео, фото, телефони, дані з БПЛА, соцмережі). Документ стандартизує ідентифікацію цифрових доказів; копіювання без зміни оригіналу; збереження метаданих; документування доступу до цифрових носіїв. Стандарт ISO/IEC 17025 визначає стандарти компетентності судово-експертних установ, відтворюваність експертних результатів; контроль якості досліджень.

Імплементация міжнародних стандартів поводження з доказами в Україні здійснюється насамперед через норми Кримінального процесуального кодексу України (надалі – КПК України). Так, відповідно до ст. 84 КПК України доказами визнаються фактичні дані, отримані у передбаченому законом порядку. Стаття 86 КПК України закріплює загальну вимогу допустимості доказів. Стаття 87 КПК України передбачає визнання недопустимими доказів, отриманих із істотним порушенням прав і свобод людини, що концептуально відповідає підходам МКС. Стаття 94 КПК України регулює оцінку доказів за

критеріями належності, допустимості та достовірності, їх сукупність оцінюється за достатністю та взаємозв'язком для прийняття рішення, керуючись законом та внутрішнім переконанням. Стаття наголошує про те, що жоден доказ не має наперед встановленої сили. Процесуальний порядок збирання доказів визначається ст. 93 КПК України, а принципи їх оцінки ст. 94 КПК України, яка закріплює вільну оцінку доказів судом на основі внутрішнього переконання. У справах про військові злочини ці норми застосовуються з урахуванням об'єктивних умов збройного конфлікту, що зумовлює необхідність гнучкого, але стандартизованого підходу до доказування.

Сьогодні в ході досудового розслідування кримінальних проваджень, зокрема у справах про злочини проти основ національної безпеки та військові злочини, залучається інформація з відкритих, тобто загальнодоступних, джерел. Для цього використовується авторитетний посібник що стандартизує використання цифрової інформації – Протокол Берклі, який містить понад 50 базових методів, серед яких ланцюг зберігання доказів(chain of custody) – документування кожного етапу контакту з доказом, як то фіксація передачі речових доказів між слідчим, експертом, прокурором; ведення журналів зберігання; маркування уламків боєприпасів, зброї, тілесних решток тощо. Стандарт спрямований на запобігання фальсифікаціям і втратам.

Практика ексгумацій на деокупованих територіях (Буча, Ізюм, Лиман) свідчить про фактичне використання положень Міннесотського протоколу через інструменти, передбачені ст. 237 КПК України (огляд), ст. 238 КПК України (огляд трупа). Ст. 242 КПК України передбачає залучення експертів.

Аналогічно, при документуванні катувань та жорстокого поводження використовуються підходи, близькі до стандартів Стамбульського протоколу, як то документування тілесних ушкоджень після полону, судово-медичні експертизи з деталізацією механізму травм, використання медичних доказів у справах за ст. 438 КК України тощо. На жаль, пряме нормативне закріплення таких стандартів у КПК України відсутнє що збільшує ризик різної якості експертних висновків.

КПК України не містить прямого посилання на Міжнародний стандарт ISO/IEC 27037:2012 і не закріплює цифрові докази як окрему категорію. Імплементация положень ISO/IEC 27037 у КПК України має фрагментарний характер і здійснюється опосередковано через загальні норми кримінального процесуального законодавства. Зокрема, принципи стандарту узгоджуються з вимогами КПК України щодо законності отримання доказів (ст. 86 КПК України); допустимості доказів та недопущення використання доказів, отриманих із порушенням прав людини (ст. 87 КПК України); фіксації процесуальних дій та збереження доказів (статті 104, 105, 107 КПК України); зберігання речових доказів, у тому числі носіїв цифрової інформації (ст. 100 КПК України). Вимоги ISO/IEC 27037 щодо забезпечення ланцюга зберігання (chain of custody), мінімізації втручання в цифрові дані та документування кожного етапу роботи з ними частково реалізуються через процесуальні

гарантії оформлення слідчих (розшукових) дій і залучення спеціалістів та експертів (ст. 71, 242 КПК України).

Такий стан вітчизняного законодавства актуалізує потребу в подальшій нормативній імплементації стандарту шляхом законодавчого визначення поняття цифрових доказів; закріплення вимог до процедур їх ідентифікації, збирання, копіювання та збереження; нормативного визнання міжнародних стандартів як орієнтирів належної процесуальної практики.

КПК України також не містить прямого посилання на стандарт ISO/IEC 17025, однак окремі його вимоги імплементовані опосередковано через норми, що регулюють призначення та проведення судових експертиз. Зокрема, відповідні положення стандарту корелюють із вимогами КПК України щодо: залучення експерта та спеціальних знань (ст. 69, 242 КПК України); кваліфікації та компетентності експерта, його процесуального статусу, прав і обов'язків (ст. 69, 70 КПК України); обґрунтованості та науковості висновку експерта як джерела доказів (ст. 101 КПК України); оцінки доказів судом з точки зору належності, допустимості та достовірності (ст. 94 КПК України). Вимоги ISO/IEC 17025 щодо використання валідованих методик, забезпечення простежуваності вимірювань, контролю якості результатів та документування процедур знаходять практичне відображення в діяльності судово-експертних установ України, зокрема тих, що пройшли акредитацію відповідно до цього стандарту. Така акредитація підвищує рівень довіри до результатів експертних досліджень і сприяє визнанню їх доказового значення в кримінальному процесі. Разом із тим відсутність прямої нормативної інтеграції ISO/IEC 17025 у КПК України зумовлює певні проблеми, зокрема неоднакову оцінку судами висновків експертів, виконаних в акредитованих і неакредитованих лабораторіях. У зв'язку з цим актуалізується необхідність подальшої імплементації стандарту шляхом: законодавчого закріплення вимог до компетентності судово-експертних установ; встановлення обов'язковості застосування акредитованих лабораторій у визначених категоріях кримінальних проваджень; нормативного врахування міжнародних стандартів як критеріїв оцінки якості експертних досліджень.

Судова практика Верховного Суду відіграє ключову роль у фактичній імплементації міжнародних стандартів доказування. У практиці українських судів поступово формується підхід, відповідно до якого допустимість доказів оцінюється не лише з позицій формального дотримання процесуальної процедури, а й з урахуванням способу їх отримання та дотримання фундаментальних прав людини. Так, у постанові Касаційного кримінального суду від 3 травня 2022 р. у справі № 696/99/21 підкреслено, що відсутність належних процесуальних повноважень у слідчого є підставою для визнання доказів недопустимими. У постанові Об'єднаної палати Верховного Суду від 19 грудня 2025 р. у справі № 915/222/24 наголошено на обов'язок суду мотивувати прийняття або відхилення кожного доказу з урахуванням його належності, допустимості та достовірності, що відповідає стандартам прозорості оцінки доказів у практиці МКС.

У таких рішеннях суд акцентує увагу на необхідності оцінки «якості» доказу, а не лише факту його процесуального оформлення, що кореспондує з підходом МКС щодо виключення доказів, здобутих у спосіб, несумісний зі стандартами справедливого суду. Цей підхід кореспондує з вимогами Римського статуту щодо законності отримання доказів. Практика МКС, у свою чергу, демонструє матеріальний підхід до допустимості доказів, за якого порушення ланцюга збереження не завжди тягне автоматичне виключення доказу, але істотно впливає на його доказову вагу. Такий підхід є важливим орієнтиром для українських судів у справах, пов'язаних зі збройним конфліктом.

У справах, пов'язаних із воєнними злочинами (ст. 438 КК України), національні суди дедалі частіше враховують специфіку умов отримання доказів, зокрема на деокупованих територіях. При цьому визнається допустимість доказів, зібраних із певними процедурними відступами, за умови, що такі відступи були об'єктивно зумовлені воєнною обстановкою та не призвели до порушення базових прав учасників процесу. Цей підхід фактично відповідає міжнародному принципу «reasonable practicability», який застосовується у практиці міжнародних кримінальних трибуналів.

Національна практика також демонструє поступове врахування міжнародних стандартів у сфері цифрового доказування. У рішеннях судів звертається увага на необхідність підтвердження автентичності цифрових матеріалів (фото-, відеозаписів, електронних документів), зокрема шляхом встановлення джерела їх походження, часу створення та відсутності ознак монтажу. Так постанова Касаційного кримінального суду від 10 січня 2023 р. у справі № 761/12730/14-к звертає увагу на необхідність підтвердження автентичності електронних даних і дотримання процесуального ланцюга їх передачі, що фактично відображає вимоги стандартів ISO/IEC 27037. Попри наявність базових процесуальних гарантій, у КПК України відсутній спеціальний режим поводження з доказами, зібраними в умовах бойових дій.

Не врегульовано належним чином і статус доказів, зібраних не слідчими органами – журналістами, правозахисними організаціями чи іншими третіми особами, а також порядок використання матеріалів з відкритих джерел (OSINT). Відсутність у КПК України чітко врегульованого статусу OSINT-доказів призводить до неоднорідності судової практики. В одних випадках суди визнають допустимими матеріали з відкритих джерел за умови їх процесуального закріплення (огляд, протокол, експертне дослідження), в інших – відмовляють у наданні їм доказового значення через неможливість перевірки ланцюга збереження. Саме ця обставина підтверджує необхідність нормативного закріплення стандартів цифрового доказування, орієнтованих на ISO/IEC 27037. Для України цей підхід є принципово важливим, з огляду на активну участь громадянського суспільства у фіксації воєнних злочинів. У зв'язку з цим обґрунтованою є необхідність нормативного закріплення поняття та вимог до ланцюга збереження доказів; інтеграції міжнародних стандартів цифрового доказування; запровадження спеціальних процедур збереження



доказів для їх можливого використання у міжнародному кримінальному переслідуванні.

Аналіз національної судової практики та орієнтація на підходи МКС свідчать про поступовий перехід від формального до матеріального розуміння допустимості доказів. Водночас відсутність чітких законодавчих орієнтирів змушує суди самостійно компенсувати прогалини правового регулювання, що негативно впливає на єдність правозастосування. Фрагментарність правового регулювання та відсутність спеціальних процесуальних режимів зумовлюють потребу у подальшому вдосконаленні кримінального процесуального законодавства.

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## **СТРАТЕГІЧНІ КОМУНІКАЦІЇ ДЕРЖАВНИХ ОРГАНІВ У ПЕРІОД ЗБРОЙНОГО КОНФЛІКТУ**

У сучасному глобалізованому світі та з огляду на стрімкий розвиток цифрових технологій, сутність збройних конфліктів значно змінилася. Війна тепер відбувається не лише на реальних кордонах, а й у когнітивному просторі, де основна мета – це вплив на свідомість громадян, послаблення їхнього опору та зниження рівня довіри до державних установ. У цьому контексті стратегічні комунікації (StratCom) набувають ролі не просто засобу інформування, а стають важливим елементом у забезпеченні національної безпеки, сприяючи узгодженості дій, висловлювань та стратегічних меседжів держави. Під час війни стратегічні комунікації в державному управлінні вміщують значно ширший спектр завдань, ніж лише класичний зв'язок із громадськістю. Це структурована діяльність, орієнтована на синхронізацію дій усіх державних органів задля забезпечення передачі чітких, послідовних і зрозумілих повідомлень до різноманітних цільових аудиторій — від громадян і військових до міжнародної спільноти й навіть супротивника. Одним із найбільших викликів у реалізації такої стратегії є дотримання принципу єдиного голосу, що стає надзвичайно важким завданням у складних умовах збройного протистояння. Критично важливим аспектом стратегічних комунікацій у період

конфлікту залишається боротьба з дезінформацією та протидія інформаційно-психологічним операціям (ІПсО) супротивника. Держава повинна будувати свою комунікаційну політику так, щоб не лише швидко викривати фейки, але й діяти на випередження, формуючи власний спосіб вирішення. Це означає, що представники влади мають бути першими у опублікованні достовірної інформації про важливі події, не залишаючи можливості ворогу заповнювати інформаційні прогалини маніпулятивними заявами. Важливо усвідомлювати, що стратегічні комунікації спрямовані на досягнення тривалого впливу: укорінення в суспільстві переконання у справедливості дій своєї держави та віри в невідворотність перемоги. У системі стратегічних комунікацій (StratCom) особливу увагу приділено підтримці суспільної стійкості. В умовах постійного стресу та загроз для життя населення важливо надавати не лише факти, але й змістовні меседжі, які допоможуть людям пристосуватися до нової реальності. Державна комунікація, зокрема правоохоронних органів, має поєднувати інформування про безпекові заходи з елементами психологічної підтримки. Наприклад, регулярне інформування про поточну ситуацію, зрозумілі інструкції щодо поведінки в екстрених випадках або висвітлення успіхів у ліквідації наслідків надзвичайних ситуацій чи боротьби зі злочинами сприяють зниженню суспільної тривожності та зміцненню довіри між громадянами й владою. Цифрова трансформація також суттєво змінила підходи до стратегічних комунікацій. Соціальні мережі – такі як Telegram, X (колишній Twitter), Instagram – стали основними платформами для оперативного інформування населення. Однак у гонитві за швидкістю публікацій важливо не нехтувати їхньою достовірністю. Державні інституції змушені конкурувати за увагу аудиторії з анонімними каналами та блогерами. Цей виклик вимагає використання сучасних і динамічних форматів контенту – таких як інфографіка, короткі відеоповідомлення чи прямі ефіри, які дозволяють зменшити дистанцію між державою і громадянами, зробивши комунікацію більш живою та переконливою. Не менш важливою складовою стратегічних комунікацій є міжнародний вимір. В умовах збройного конфлікту держава повинна безперервно працювати над утриманням і зміцненням міжнародної підтримки. Це вимагає тонкого налаштування комунікації відповідно до специфіки кожної країни-партнера, враховуючи її культурний контекст та політичні пріоритети. Використання можливостей цифрової дипломатії та взаємодії із закордонними медіа допомагає доносити правдиву інформацію про природу конфлікту, фіксувати воєнні злочини та обґрунтовано просувати запити на отримання військово-технічної допомоги. Водночас перед державними інституціями постають питання етичного характеру та правового регулювання. Насамперед це стосується цензури та обмеження доступу до інформації задля забезпечення національної безпеки. Баланс між потребою зберігати військові секрети і правом суспільства на отримання важливої інформації має бути чітко дотриманий. Надмірна закритість може спричинити недовіру громадян та поширення чуток, що створює сприятливе середовище для введення суспільства в оману через ворожу пропаганду.

Стратегічна комунікація повинна бути якомога прозорішою в тих випадках, коли це не створює загрози для безпеки операцій. У підсумку важливо підкреслити, що розвиток системи стратегічних комунікацій є безперервним процесом, який потребує участі фахівців з різних галузей: юриспруденції, психології, соціології, а також ІТ-технологій. Практика останніх років доводить, що досягнення перемоги у збройному конфлікті неможливе без успіху в інформаційній сфері. Подальший розвиток стратегічної комунікації має опиратися на ретельний аналіз великих даних для моніторингу потенційних загроз, підвищення рівня медіаграмотності серед населення та регулярне вдосконалення комунікаційних інструментів відповідно до викликів сучасності. Лише системний і стратегічний підхід забезпечить державі стійкість та ефективність у захисті своїх інтересів.

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## **ЄВРОІНТЕГРАЦІЙНІ ОРІЄНТИРИ ПРОТИДІЇ КОРУПЦІЇ В ПРАВООХОРОННИХ ОРГАНАХ УКРАЇНИ**

В сучасному світі діяльність правоохоронних органів перебуває під пильним оком суспільства, оскільки спрямована на забезпечення дотримання законодавства, захист прав громадян і державних інтересів. Правоохоронні органи відіграють ключову роль у боротьбі з корупцією через попередження, розслідування та притягнення винних до відповідальності. Одним із найважливіших напрямів роботи правоохоронців є виявлення корупційних схем, які часто мають складну структуру і залучають до себе високопосадовців.

Саме через це правоохоронні органи мають бути зразком боротьби з корупцією, а не бути співучасниками злочинного використання своїх повноважень.

Корупція залишається серйозною проблемою, яка потребує постійної уваги, оскільки тягне значні витрати для державного бюджету, бізнесу та населення, перешкоджає внутрішнім та зовнішнім інвестиціям [1, с.111]. Проблема протидії корупції в українських правоохоронних органах є складною та системною, тому потребує комплексного підходу до її вирішення з урахуванням міжнародного досвіду. Ключовими міжнародними орієнтирами для України є: стандарти Рада Європи; рекомендації GRECO (Групи держав проти корупції); положення ООН щодо протидії корупції; вимоги Європейської Комісії у межах переговорного процесу про вступ, які імплементують принципи (верховенства права; незалежності правоохоронних і судових органів; прозорості та підзвітності; доброчесності публічної служби; невідворотності покарання за корупційні правопорушення) у вітчизняне законодавство.

Корупція, з точки зору термінологічного тлумачення, передбачає зловживання державними ресурсами, владою та її повноваженнями заради певної вигоди. Вона обмежує здатність проводити ефективні демократичні реформи і операції, руйнує та знищує державні ресурси, підриває довіру і здатність захищати своїх громадян, здійснювати правосуддя. Ризик корупції та зловживання владою є особливо високими, коли велика частина влади зосереджена в руках кількох осіб, а рішення приймаються на майданчиках, які фактично захищені від прозорості.

Прозорість, чесність і підзвітність у сфері оборони та безпеки забезпечуються через демократичне представництво населення. Корупція впливає на все суспільство та на важливі потреби і інтереси усього населення, а не лише його окремої частини. У багатьох країнах проводяться антикорупційні кампанії, створені спеціалізовані антикорупційні інституції, як наприклад: Independent Commission Against Corruption (ICAC) - Гонконг, **один із найуспішніших антикорупційних органів у світі, який поєднує розслідування, профілактику та профосвіту**; Corrupt Practices Investigation Bureau (CPIB) – Сінгапур, передбачає високу ефективність і жорстке покарання. Однак вони спрямовані проти окремих осіб, а тому є недостатніми для запобігання корупції. Цей тип фокусування важливий для виявлення злочинної поведінки та реагування на неї, тому може призвести до деполітизації питання і втрати з поля зору структурних та інституційних причин.

Корупція в Україні має глибоке історичне коріння, яке жилося багаторічною відсутністю справедливих інституцій та прозорих механізмів державного управління. Серед основних проблем можна виділити: політичну корупцію (використання влади для особистої вигоди, зрощення бізнесу та державних органів); судову корупцію (нерівність перед законом, “куплені” рішення судів); корупцію в правоохоронних органах (захист корупціонерів замість їх переслідування); побутову корупцію (хабарі за базові послуги -

медицину, освіту, адміністративні послуги); неефективна бюрократія (складні регуляторні процеси створюють можливості для корупційних схем) [2, ст.121]. Основними формами корупції є хабарництво, зловживання владою, незаконне збагачення, конфлікт інтересів та інші дії, спрямовані на отримання особистої вигоди всупереч інтересам держави чи суспільства. Усі ці прояви створюють значні загрози для демократії та верховенства права [3, с. 3].

Боротьба з корупцією має здійснюватися інституціоналізовано, а процес реформування розповсюджено на органи безпеки, особливо на Міністерство внутрішніх справ. Зараз ми спостерігаємо невтішну статистику щодо корупції у владі. Ця статистика не оминула і правоохоронні органи, зокрема, Національну поліцію України. Корупція в поліції руйнує один із основних принципів на яких ґрунтується її діяльність - верховенство права, а це в свою чергу знижує довіру до держави. Що стосуються відомого принципу верховенства права [4], то у контексті протидії та боротьби з корупцією його зміст повинен бути розтлумачений предметніше: верховенство закону, а не особи чи організації; рівність перед законом - закони є чіткими, опублікованими, стабільними, справедливим і дотримуються усіма однаково; підзвітність перед законом усіх, а не підлеглих; розподіл влади; юридична впевненість; передбачуваність у застосуванні закону; прозорість у дотриманні.

Іншою великою проблемою є низький рівень координації між суб'єктами протидії корупції. У межах євроінтеграційного курсу в Україні створено спеціалізовану антикорупційну інфраструктуру: Національне антикорупційне бюро України (НАБУ); Спеціалізовану антикорупційну прокуратуру (САП); Національне агентство з питань запобігання корупції (НАЗК); Вищий антикорупційний суд (ВАКС). Ці органи функціонують відповідно до європейської моделі розподілу повноважень між органами розслідування, процесуального керівництва та судового контролю. Однією з проблем є недостатня незалежність антикорупційних органів. Це знижує їх ефективність та підриває довіру населення до результатів розслідувань. Щоб вирішити цю проблему потрібно забезпечити реальну автономію таких органів, також встановити прозорі процедури призначення керівництва, достатнє фінансування та законодавчі гарантії незалежності. Відсутність швидкого обміну інформацією та узгодженості дій призводить до непорозумінь по типу - невизначеність розмежування повноважень між уповноваженими органами або навпаки дублювання функцій.

Важливо мати спільне розуміння того, де стоїть корупція по відношенню до основних причин кризи або конфлікту. З корупцією необхідно боротися якомога раніше, починаючи під час процесу накопичення знань і продовжуючи під час комплексної підготовки робочого середовища. Використання сучасних методів розслідування, таких як аналіз фінансових потоків, моніторинг електронних декларацій та оперативно-розшукові заходи, значно підвищує ефективність боротьби з корупцією [3, с. 4]. Тому європейські стандарти вимагають: прозорих конкурсних процедур добору керівників, гарантій захисту від політичного впливу, фінансової автономії – що сприятиме забезпеченню

інституційної незалежності правоохоронних органів. Впровадження перевірок доброчесності (integrity checks), електронне декларування майна, дисциплінарна відповідальність за порушення етичних стандартів, відкритість реєстрів, автоматизація процесів – здатні значно підвищити доброчесність в кадровій політиці.

Євроінтеграційні орієнтири виступають не лише політичним вектором, а й комплексною правовою та інституційною моделлю реформування системи протидії корупції в правоохоронних органах України. Не дивлячись на те, що влада вже здійснювала низку реформ та спроб у напрямі вирішенні корупційних правопорушень, корупція в правоохоронних органах залишається однією з найбільших проблем в Україні. Попри прогрес, залишаються такі проблеми: політичний тиск на антикорупційні органи; затягування судових процесів; кадровий дефіцит; опір реформам всередині системи тощо. Тому подальший розвиток антикорупційної політики має ґрунтуватись на досвіті країн в яких такі реформи та засоби стримання корупції виявились дієвими, на збільшенні автономії антикорупційних органів.

Євроінтеграція потребує таких кроків як: гармонізації кримінального законодавства з правом ЄС; посилення гарантій незалежності антикорупційних органів; розвитку системи внутрішнього контролю в правоохоронних структурах; підвищення рівня довіри суспільства до правоохоронної системи. Саме від ефективності впровадження цих стандартів залежить не лише перспектива членства України в Європейському Союзі, а й становлення справді демократичної та правової держави.

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## **ПРАВОВА ВИЗНАЧЕНІСТЬ СПАДКУВАННЯ В УМОВАХ ВОЄННОГО СТАНУ ЯК ЕЛЕМЕНТ ПОДОЛАННЯ СОЦІАЛЬНИХ ВИКЛИКІВ**

Повномасштабна збройна агресія проти України та запровадження правового режиму воєнного стану зумовили суттєві трансформації у функціонуванні правової системи та актуалізували проблему забезпечення належної реалізації майнових прав громадян. Однією з найбільш чутливих сфер приватноправового регулювання в умовах воєнного часу є спадкові правовідносини, оскільки значні людські втрати, переміщення населення, руйнування інфраструктури та обмежений доступ до нотаріальних і реєстраційних процедур ускладнюють процес реалізації спадкових прав.

У таких умовах особливого значення набуває забезпечення правової визначеності у сфері спадкування як фундаментального принципу правової держави. Правова визначеність передбачає стабільність, передбачуваність і зрозумілість правового регулювання, що дозволяє учасникам правовідносин ефективно реалізовувати свої права та виконувати обов'язки навіть в умовах надзвичайних суспільних викликів. Саме тому вдосконалення нормативного регулювання спадкових відносин та адаптація правозастосовної практики до умов воєнного стану є важливим інструментом забезпечення правової стабільності та соціальної справедливості.

У цьому контексті дослідження правової визначеності спадкування в умовах воєнного стану набуває особливої актуальності, оскільки її забезпечення сприяє не лише ефективній реалізації спадкових прав громадян, але й виступає важливим елементом подолання сучасних соціальних викликів.

У сучасному науковому дискурсі відсутній єдиний підхід до визначення змісту та сутності соціальної безпеки як категорії, що характеризує стан захищеності людини та суспільства. Різні наукові підходи по-різному інтерпретують її складові, однак у контексті запровадження правового режиму воєнного стану соціальна безпека дедалі частіше розглядається крізь призму забезпечення захисту особи і суспільства від наявних та потенційних загроз. Військово-політична нестабільність, спричинена збройною агресією, істотно ускладнила процес досягнення Україною європейських стандартів у сфері соціальної безпеки[1]. Йдеться, зокрема, про стандарти належної якості соціального середовища, гарантування та ефективного захисту соціальних прав, забезпечення гідних умов праці та відпочинку, фізичної й економічної доступності в тому числі і щодо спадкових правовідносин. Це включає можливість своєчасного звернення до нотаріуса, функціонування державних реєстрів, гарантування правової визначеності строків прийняття спадщини, а також адаптацію



законодавчого регулювання до надзвичайних умов воєнного часу. Забезпечення доступності спадкових процедур у таких умовах сприяє не лише ефективному захисту майнових прав громадян, але й підтриманню стабільності цивільного обороту та зміцненню правової визначеності у сфері спадкових відносин.

Водночас важливим напрямом подолання соціальних викликів є посилення інституційної спроможності органів публічної влади та нотаріату щодо забезпечення правової визначеності у сфері спадкування. Це передбачає формування сталої правозастосовної практики, належне інформаційне забезпечення громадян щодо реалізації їхніх спадкових прав, а також підвищення рівня правової культури населення.

Таким чином, ефективне реагування на соціальні виклики у сфері спадкових правовідносин в умовах воєнного стану можливе за умови поєднання нормативних, інституційних та організаційних механізмів, спрямованих на забезпечення доступності, передбачуваності та правової визначеності процедур спадкування. Це, у свою чергу, сприятиме належному захисту майнових прав громадян і зміцненню довіри до правової системи держави.

Варто також звернути увагу на судову практику, зокрема, у практиці ВСУ сформовано підхід щодо визначення додаткового строку для прийняття спадщини у випадках, коли пропуск строку був зумовлений обставинами, пов'язаних з воєнними діями. Так, у постанові від 20 березня 2024 року у справі № 545/1231/23 суд зазначив, що проживання спадкоємця на території, де відбувалися активні бойові дії, може визнаватися поважною причиною для надання додаткового строку на прийняття спадщини[2].

Важливим є також правовий висновок Верховного Суду щодо строків прийняття спадщини під час воєнного стану. У постанові від 25 січня 2023 року у справі № 676/47/21 суд дійшов висновку, що положення підзаконних актів не можуть змінювати правила, встановлені Цивільним кодексом України щодо строків прийняття спадщини, оскільки ієрархія актів цивільного законодавства не допускає зміни норм кодексу актами Кабінету Міністрів України[3].

Окрему категорію становлять справи щодо встановлення фактів, що мають юридичне значення, зокрема факту смерті особи на тимчасово окупованих територіях або в зоні бойових дій. Такі судові рішення мають важливе значення для подальшого відкриття спадщини та реалізації спадкових прав, оскільки відсутність офіційних документів про смерть унеможлиблює оформлення спадкових прав у нотаріальному порядку[4].

Судові рішення спрямовані на забезпечення балансу між вимогами законодавства та реальними обставинами воєнного часу, що дозволяє забезпечити належний захист майнових прав громадян і підвищує рівень правової визначеності у сфері спадкових правовідносин.

Отже, в умовах воєнного стану забезпечення правової визначеності у сфері спадкових правовідносин набуває особливого значення як один із важливих механізмів захисту майнових прав громадян та подолання соціальних викликів, спричинених збройною агресією. Ефективне функціонування правових

механізмів спадкування, удосконалення нормативного регулювання, забезпечення доступності нотаріальних процедур, а також формування сталої судової практики сприяють підвищенню рівня правової стабільності та передбачуваності у сфері спадкових правовідносин. У свою чергу, це забезпечує належну реалізацію спадкових прав громадян, підтримує стабільність цивільного обороту та зміцнює довіру суспільства до правової системи держави навіть в умовах надзвичайних суспільно-політичних викликів. Соціальну безпеку у широкому значенні можна розглядати як наслідок результативного здійснення державної соціальної політики. Водночас у періоди суспільно-політичних криз і військово-політичної нестабільності на систему соціальної політики покладається підвищене навантаження, що зумовлює необхідність пошуку дієвих механізмів реагування на актуальні безпекові виклики та ефективного розв'язання пов'язаних і з ними проблем.

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## **ЗАХИСТ ПРАВ ІНТЕЛЕКТУАЛЬНОЇ ВЛАСНОСТІ В МЕРЕЖІ ІНТЕРНЕТ: СУЧАСНІ ВИКЛИКИ ТА МЕХАНІЗМИ ПРОТИДІЇ ПОРУШЕННЯМ**

Стрімкий розвиток інформаційних технологій і глобалізація цифрового простору зумовили суттєву трансформацію суспільних відносин у сфері

створення, використання та поширення об'єктів інтелектуальної власності. Інтернет перетворився на універсальне середовище комунікації, електронної комерції, поширення результатів творчої діяльності та обміну інформацією. Водночас він став простором масового відтворення і розповсюдження контенту без згоди правовласників, що актуалізує проблему ефективного правового захисту авторських і суміжних прав у цифровому середовищі. Особливої складності набуває питання визначення правової природи веб-сайту та його складових, а також встановлення кола осіб, відповідальних за порушення прав інтелектуальної власності в мережі Інтернет.

Нормативне визначення веб-сайту в українському законодавстві має фрагментарний характер. Відповідно до наказу Державного комітету зв'язку та інформатизації України та Державного комітету інформаційної політики, телебачення та радіомовлення України від 25.11.2002 р. № 327/225 «Про затвердження Порядку інформаційного наповнення та технічного забезпечення Єдиного веб-порталу органів виконавчої влади та Порядку функціонування веб-сайтів органів виконавчої влади» веб-сайт розглядається як сукупність програмних і технічних засобів з унікальною адресою в мережі Інтернет, що забезпечують доступ до інформаційних ресурсів [1]. Однак зазначене визначення має адміністративно-технічний характер і не розкриває цивільно-правову сутність веб-сайту як об'єкта інтелектуальної власності. У доктрині веб-сайт обґрунтовано розглядається як складний об'єкт, що поєднує програмне забезпечення, бази даних, дизайн, структуру, текстові, графічні, аудіовізуальні матеріали та доменне ім'я. Кожен із цих елементів може бути самостійним об'єктом правової охорони, а права на них можуть належати різним суб'єктам.

Дослідження об'єктів авторського права у сфері функціонування мережі Інтернет свідчать, що цифрове середовище охоплює практично всі види творів – літературні, художні, музичні, аудіовізуальні, фотографічні твори, комп'ютерні програми та бази даних [2]. Відповідно, незаконне копіювання, розміщення або поширення таких матеріалів без згоди правовласника є порушенням виключних майнових прав. Закон України «Про авторське право і суміжні права» визначає дії, що визнаються порушенням авторського права, зокрема незаконне відтворення, розповсюдження, публічне сповіщення твору та інші способи використання без дозволу автора [3]. Проте зазначений Закон не містить спеціалізованих положень щодо відповідальності суб'єктів інтернет-відносин та особливостей доказування у цифровому середовищі, що створює прогалини у правозастосуванні.

Особливості порушення прав інтелектуальної власності в мережі Інтернет полягають у транснаціональному характері правопорушень, анонімності користувачів, складності ідентифікації безпосереднього порушника та високій швидкості поширення інформації. І.М. Романюк зазначає, що злочини, які посягають на інтелектуальну власність, потребують удосконалення кримінально-правових механізмів з урахуванням сучасних технологічних умов [4]. У цифровому середовищі традиційні підходи до встановлення складу

правопорушення, збирання та оцінки доказів часто виявляються недостатньо ефективними. Р.О. Денисова підкреслює, що реалізація авторських прав в Інтернеті безпосередньо пов'язана з проблемою належного відповідача та доведення факту порушення, оскільки електронна форма взаємодії ускладнює фіксацію доказів [5].

Судова практика в Україні сформувала підхід, відповідно до якого відповідальність за поширення незаконного контенту може покладатися на власника веб-сайту у випадках, коли безпосередній автор інформації невідомий. Постанова Пленуму Верховного Суду України від 27.02.2009 р. № 1 зазначає, що якщо автор поширеної інформації невідомий, відповідачем може виступати власник веб-сайту, який створив технічні умови для її розміщення [6]. Хоча зазначена позиція була сформована у справах щодо захисту честі, гідності та ділової репутації, вона застосовується й у спорах, пов'язаних із порушенням авторських прав. Такий підхід фактично формує презумпцію відповідальності власника веб-ресурсу, що викликає дискусії щодо відповідності принципу вини у цивільному праві.

У науковій літературі наголошується на необхідності нормативного закріплення меж відповідальності власників веб-сайтів та провайдерів телекомунікаційних послуг. В.С. Гура обґрунтовує доцільність удосконалення цивільно-правового регулювання статусу інтернет-сайту та розроблення типових договорів щодо його створення і розміщення [7]. Водночас міжнародний досвід демонструє різні моделі регулювання відповідальності інтернет-посередників. У праві США передбачені спеціальні положення щодо звільнення провайдерів від відповідальності за умови оперативного реагування на повідомлення про порушення авторських прав (так званий механізм «безпечної гавані») [8]. У наукових дослідженнях також аналізуються питання міжнародної юрисдикції та застосування колізійних норм у справах про порушення прав інтелектуальної власності в мережі Інтернет [9].

Спроби запровадження спеціального механізму блокування веб-сайтів в Україні викликали значну суспільну дискусію. У листі Держпідприємництва України від 30.12.2013 р. № 191 було зазначено наявність суттєвих недоліків у законопроекті щодо захисту авторських прав у мережі Інтернет, зокрема нечіткість термінології та ризики зловживань [10]. Інститут Медіа-Права звернув увагу на те, що блокування веб-сайту без рішення суду може порушувати конституційні гарантії свободи підприємницької діяльності та права на інформацію [11]. Яворська О. підкреслює, що охорона авторських і суміжних прав у цифровому середовищі має здійснюватися з дотриманням принципу пропорційності та забезпечення балансу інтересів усіх учасників правовідносин [12].

Таким чином, сучасний стан правового регулювання свідчить про необхідність формування багаторівневого правового механізму захисту прав інтелектуальної власності в мережі Інтернет, який поєднував би судові, адміністративні та позасудові способи захисту, чітко визначав статус веб-сайту як складного об'єкта права та встановлював межі відповідальності власників

ресурсів і провайдерів. Ефективне забезпечення виключних прав у цифровому середовищі можливе лише за умови адаптації національного законодавства до специфіки «віртуальних» правовідносин, удосконалення процедур доказування електронних доказів та запровадження прозорих процедур реагування на порушення з гарантіями проти зловживань. Лише комплексний підхід дозволить забезпечити належний рівень охорони інтелектуальної власності та водночас зберегти баланс між інтересами правовласників, суб'єктів господарювання та суспільства в цілому.

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## **СУЧАСНІ ТЕНДЕНЦІЇ РОЗВИТКУ ПРАВОВОЇ СИСТЕМИ: ТРАНСФОРМАЦІЯ ЗЕМЕЛЬНОГО ПРАВА УКРАЇНИ В УМОВАХ ВОЄННОГО СТАНУ, ВІДКРИТТЯ РИНКУ ЗЕМЕЛЬ ТА ЦИФРОВІЗАЦІЇ**

Земельні відносини є однією з найбільш складних, багатогранних та соціально значущих сфер правового регулювання. Відповідно до Конституції України та Земельного кодексу України, земля є основним національним багатством, що перебуває під особливою охороною держави [3; 4]. Нині правова система у сфері земельних відносин зазнає безпрецедентної трансформації, яка детермінована одночасною дією кількох факторів: збройною агресією РФ, переходом до другого етапу земельної реформи та імперативною необхідністю гармонізації національного законодавства зі стандартами ЄС [1; 2].

Введення правового режиму воєнного стану змусило державу запровадити екстраординарні норми: було зупинено безоплатну приватизацію, тимчасово запроваджено спрощений порядок оренди та безпрецедентно розширено землі оборони (зокрема, прикордонну смугу збільшено до 2 кілометрів) [3].

Разом з тим, євроінтеграційний курс вимагає впровадження ефективної екологічної політики, що ускладнюється новими викликами, викликаними війною [1]. Для вирішення проблеми замінованих територій було створено реєстр територій, забруднених вибухонебезпечними предметами, що дозволило надавати податкові пільги власникам таких земель [6].

Історичним рубіжем став другий етап земельної реформи, який відкрив ринок земель для юридичних осіб. Діють суворі обмеження: ліміт площі становить 10 тисяч гектарів, розрахунки є виключно безготівковими, а компанії з іноземними бенефіціарами не мають права купувати землю [3]. Завдяки цим змінам ринок продемонстрував високу активність, ставши потужним джерелом надходжень до місцевих бюджетів [5].

Важливим етапом розвитку правового регулювання стало поглиблення курсу на цифровізацію. Активне розширення проєкту «Державний земельний банк» і поновлення електронних аукціонів із суборенди ліквідували масштабні корупційні схеми [7]. Зміни торкнулися і соціальних аспектів оподаткування: з 1 лютого 2026 року пенсіонери зобов'язані сплачувати земельний податок за паї, за винятком випадків, коли ділянки здані в оренду платнику єдиного податку четвертої групи [8].

Отже, сучасні тенденції демонструють складний процес адаптації законодавства до екстремальних умов. Держава довела здатність впроваджувати реформи та цифровізацію. Проте численні нормативні акти, що ухвалюються поза межами Земельного кодексу, породжують правові колізії [2]. Стратегічним вектором розвитку має стати глибока кодифікація та імплементація європейських стандартів для забезпечення сталого балансу між національною безпекою та економічним розвитком

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## **ОРГАНІЗАЦІЯ ДОСУДОВОГО РОЗСЛІДУВАННЯ В УМОВАХ ВОЄННОГО СТАНУ: ПРАКТИЧНІ ПРОБЛЕМИ ТА МЕХАНІЗМИ ВИРІШЕННЯ**

Введення в Україні правового режиму воєнного стану кардинально ускладнило діяльність органів досудового розслідування. Слідчі підрозділи змушені виконувати свої завдання в екстремальних умовах: під час активних бойових дій, постійної загрози обстрілів та на замінованих деокупованих територіях. Традиційні кримінальні процесуальні механізми, розраховані на мирний час, виявилися недостатньо гнучкими для швидкої та своєчасної фіксації наслідків збройної агресії, безперешкодного збирання доказів та одночасного забезпечення безпеки всіх учасників провадження.

У сучасних умовах збройного конфлікту, що триває на території України з 2014 року й загострився внаслідок повномасштабного вторгнення російської федерації у 2022 році, надзвичайної актуальності набуває застосування процесуальних механізмів, що дозволяють забезпечити реалізацію функції держави щодо притягнення винних осіб до кримінальної відповідальності незалежно від їхнього фізичного місцезнаходження. Одним із таких механізмів виступає інститут спеціального досудового розслідування, який передбачає можливість проведення кримінального провадження за відсутності підозрюваного, тобто *in absentia*.

Спеціальне досудове розслідування (*in absentia*) – це форма кримінального провадження, яка застосовується у виняткових випадках, коли особа ухиляється від слідства та суду, перебуває на тимчасово окупованій території або у державі-агресорі, і вичерпано всі доступні засоби для забезпечення її участі в процесі. Правове регулювання цього інституту закріплено у главі 24-1 Кримінального процесуального кодексу України [1, с. 117].

Поряд із запровадженням цього інституту, загальна адаптація судочинства до умов збройного конфлікту потребувала комплексного підходу. Введення воєнного стану внесло свої корективи в роботу органів судової влади, правоохоронних органів, адвокатури, нотаріату тощо. Тому передусім постало питання щодо внесення змін до процесуального законодавства, яке б регламентувало окремі питання щодо здійснення судочинства, досудового розслідування і враховувало реалії умов воєнного стану. Зокрема, як уже було зазначено, збройна агресія російської федерації триває ще з 2014 року, тому зміни до Кримінального процесуального кодексу України (далі – КПК України)



були внесені ще 2014 року, а саме було додано розділ IX-1 «Особливий режим досудового розслідування в умовах воєнного, надзвичайного стану або у районі проведення антитерористичної операції», що складався лише з однієї статті 615 КПК України, яка передбачала, що в місцевостях, де діє воєнний чи надзвичайний стан або антитерористична операція, у разі неможливості виконання в установлені законом строки повноваження слідчого судді, визначені КПК України, а також щодо обрання запобіжного заходу у вигляді тримання під вартою на строк до 30 днів передаються прокурору [2, с. 235].

Забезпечення належного рівня організації розслідування виступає одним із ключових чинників його ефективності, оскільки саме від узгодженості дій суб'єктів, своєчасності ухвалення процесуальних рішень, використання криміналістичних засобів і дотримання процесуальних гарантій залежить як результативність розслідування, так і дотримання засади верховенства права у кримінальному провадженні.

На організацію розслідування в умовах воєнного стану впливає низка факторів, притаманних цьому надзвичайному правовому режиму. Серед таких чинників варто назвати: 1) фактори небезпеки; 2) відсутність доступу до окремих територій, на яких здійснюється кримінальне провадження; 3) повне або частково обмежене функціонування органів державної влади, серед іншого правоохоронних, судових органів України на територіях вчинення кримінальних правопорушень; 4) особливості правового регулювання не тільки нормами КПК України, але й надзвичайним законодавством, міжнародними нормативно-правовими актами, які активуються за умов надзвичайних правових режимів; 5) специфічні організаційно-управлінські основи проведення окремих процесуальних дій та прийняття процесуальних рішень, які залежать не тільки від рішень суб'єктів кримінального процесу, але й від рішень та порядку взаємодії з іншими владними суб'єктами; 6) часткове або повне блокування функціонування окремих процесуальних інститутів та поява нових процесуальних засобів, способів, гарантій кримінального провадження в екстраординарних умовах та ін. [3, с. 330].

Досвід застосування законодавства про особливості досудового розслідування в умовах воєнного стану в Україні свідчить про низку практичних проблем, з якими стикаються правоохоронні органи, адвокати та суди.

Так, однією з основних практичних проблем є забезпечення доступу до правосуддя на територіях, де ведуться бойові дії, або на тимчасово окупованих територіях. У таких умовах може бути ускладнено або навіть неможливо проведення слідчих (розшукових) дій, забезпечення права на захист, а також здійснення судового контролю за дотриманням прав і свобод людини під час досудового розслідування. Для вирішення цієї проблеми запроваджуються механізми дистанційного досудового розслідування, дистанційного судового розгляду, а також зміни територіальної підсудності. Однак практика свідчить, що ці механізми не завжди є ефективними через технічні проблеми, відсутність

необхідного обладнання, а також через проблеми з ідентифікацією осіб, які беруть участь у дистанційному судовому розгляді.

Ще однією практичною проблемою є забезпечення безпеки учасників кримінального провадження в умовах воєнного стану. Зокрема, складнощі виникають із забезпеченням безпеки свідків, потерпілих, а також підозрюваних та обвинувачених, які утримуються під вартою. В умовах воєнного стану може бути ускладнено або навіть неможливо забезпечити належну безпеку таких осіб, особливо на територіях, де ведуться активні бойові дії. Для вирішення цієї проблеми запроваджуються спеціальні заходи безпеки, такі як евакуація осіб, які потребують захисту, забезпечення їх тимчасовим житлом, а також забезпечення конфіденційності інформації про таких осіб. Проте практика свідчить, що ці заходи не завжди є ефективними через обмеженість ресурсів, а також через складнощі з координацією дій різних органів, відповідальних за забезпечення безпеки учасників кримінального провадження.

Третьою практичною проблемою є забезпечення належного документування злочинів, вчинених в умовах воєнного стану, особливо воєнних злочинів та злочинів проти людяності. У таких умовах може бути ускладнено збирання доказів, проведення експертиз, а також забезпечення збереження речових доказів. Для вирішення цієї проблеми запроваджуються спеціальні методики документування воєнних злочинів та злочинів проти людяності, а також залучаються міжнародні експерти й організації для допомоги у збиранні й аналізі доказів. Однак практика свідчить, що ці заходи не завжди є ефективними через обмеженість доступу до місць вчинення злочинів, а також через складнощі з забезпеченням безпеки осіб, які здійснюють документування злочинів [4, с. 1330–1331].

Підсумовуючи вищевикладене, слід констатувати, що введення воєнного стану в Україні не лише поставило правоохоронну систему перед необхідністю функціонувати в умовах постійної небезпеки, обмеженого доступу до окремих територій та нестачі ресурсів, а й актуалізувало потребу у впровадженні особливих процесуальних механізмів, які дозволяють забезпечити невідворотність кримінальної відповідальності навіть за відсутності підозрюваного. Зокрема, інститут спеціального досудового розслідування (*in absentia*) став ключовим інструментом для притягнення до відповідальності осіб, які перебувають на тимчасово окупованих територіях чи в державі-агресорі та свідомо уникають участі у процесі. Водночас, як показує практика, державні зусилля з адаптації кримінального процесу до нових реалій часто стикаються з низкою труднощів: від технічних обмежень і браку належної матеріально-технічної бази до проблем із забезпеченням безпеки учасників кримінального провадження й організацією належного документування злочинів, серед іншого воєнних. З огляду на що подальше вдосконалення нормативного регулювання й організаційних підходів до здійснення досудового розслідування в умовах воєнного стану має ґрунтуватися на системному аналізі практичних викликів і бути зорієнтованим на забезпечення балансу між

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## **ПРАВОВИЙ СТАТУС ВІЙСЬКОВОСЛУЖБОВЦІВ В СУЧАСНОМУ ПРАВОВОМУ ПРОСТОРІ: ВИКЛИКИ ВОЄННОГО ЧАСУ ТА МЕХАНІЗМИ ЗАБЕЗПЕЧЕННЯ ПРАВ**

Повномасштабне збройне вторгнення російської федерації на територію України, що розпочалося 24 лютого 2022 року, докорінно змінило не лише геополітичну реальність, а й правовий простір, у якому функціонують Збройні Сили України та інші складові Сил оборони. Мільйони громадян стали учасниками найбільшого збройного конфлікту в Європі після Другої світової війни. Разом із мужністю та самовідданістю українських воїнів на перший план вийшло питання надійності державного захисту тих, хто захищає саму державу [1].

Актуальність теми зумовлена беззаперечним масштабом проблеми: сотні тисяч мобілізованих, поранених та членів їхніх родин є носіями конкретних правових вимог до держави. В умовах воєнного стану традиційні механізми захисту прав виявляють свою обмеженість: судові процедури затягуються,

адміністративні органи перевантажені, а самі військовослужбовці часто не мають фізичної можливості відстоювати свої права у встановленому законодавством порядку [3].

Правове забезпечення прав військовослужбовців базується на нормах Конституції України, яка проголошує людину, її життя і здоров'я найвищою соціальною цінністю [1]. Проте специфіка військової служби в умовах воєнного стану передбачає можливість законного обмеження певних прав, що водночас вимагає посилення гарантій щодо соціального та медичного забезпечення. Ключовим актом у цій сфері залишається Закон України “Про соціальний і правовий захист військовослужбовців та членів їх сімей”, який визначає загальні засади державної політики у сфері підтримки захисників [3].

Важливим кроком у розвитку сучасного правового простору стало створення у 2025–2026 роках якісно нового інституту – Офісу Військового омбудсмана. Прийняття Закону України “Про Військового омбудсмана” дозволило сформувати спеціалізований механізм парламентського контролю у секторі безпеки і оборони [2]. Цей інститут покликаний стати “голосом” військовослужбовця, здатним оперативно реагувати на порушення, які часто ігноруються загальною системою правосуддя через їхню специфічність.

Аналіз правозастосовної практики свідчить, що однією з найгостріших проблем є процедура проходження військово-лікарських комісій (ВЛК). Бюрократизація та застарілі підходи до оцінки стану здоров'я часто призводять до порушення прав поранених на належне лікування та реабілітацію [5]. Цифровізація цих процесів, зокрема впровадження електронних черг та автоматизація обміну даними між цивільними та військовими закладами охорони здоров'я, є пріоритетним завданням для правового забезпечення прав військових.

Окремої уваги заслуговує питання грошового забезпечення та додаткових винагород. Постанова Кабінету Міністрів України № 168 стала правовою основою для фінансової підтримки військових під час війни, проте механізм її реалізації неодноразово ставав предметом судових спорів та звернень до правозахисних організацій [5]. Чіткість та прозорість нарахування виплат є не лише економічним питанням, а й запорукою дотримання принципу соціальної справедливості в правовій державі.

Варто зазначити, що захист прав не обмежується лише матеріальними аспектами. Важливе місце посідає право на психологічну підтримку. Прийняття законодавчих норм, що регулюють механізми психологічної допомоги, підкреслює перехід до людиноцентричного підходу в управлінні військами [7]. Це дозволяє не лише зберігати боєздатність підрозділів, а й забезпечувати право особи на збереження ментального здоров'я в екстремальних умовах [8].

Міжнародний досвід, зокрема країн НАТО, демонструє, що ефективний контроль за дотриманням прав людини у збройних силах є ознакою демократичного суспільства. Впровадження інституту військового уповноваженого в Україні корелюється із кращими західними практиками, де військовослужбовець розглядається як “громадянин у формі”, що має повний

спектр прав за винятком тих, що прямо обмежені специфікою виконання бойових завдань [4].

**Висновок.** Сучасний правовий простір України в умовах воєнного стану трансформується у бік створення спеціалізованих та гнучких інструментів захисту. Правове забезпечення прав військовослужбовців має базуватися на трьох стовпах: цифровізації послуг, інституційній незалежності контролюючих органів (Військового омбудсмена) та чіткій нормативній базі, що виключає двозначне трактування прав на соціальні та медичні гарантії. Подальше вдосконалення цієї системи є критично важливим для збереження суспільної злагоди та забезпечення перемоги держави у війні.

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## **СЛУЖБОВІ РОЗСЛІДУВАННЯ У ВІЙСЬКОВИХ ФОРМУВАННЯХ ДЕЯКИХ КРАЇН НАТО: ПОРІВНЯЛЬНО-ПРАВОВИЙ АНАЛІЗ**

Службові розслідування у військових формуваннях мають подвійне значення: вони не лише спрямовані на підтримання військової дисципліни та внутрішнього порядку, а й виступають важливим інструментом підзвітності посадових осіб та гарантією дотримання прав військовослужбовців. У демократичних державах-членах НАТО дисциплінарні процедури вже не сприймаються виключно як прояв командної влади, а розглядаються як правовий механізм, що функціонує відповідно до принципів верховенства права та належної правової процедури (due process).

Актуальність цієї тематики зумовлена зміною характеру сучасних військових операцій, посиленням ролі міжнародного гуманітарного права, необхідністю забезпечення балансу між оперативною ефективністю та правами людини, а також зростанням значення цивільного контролю над сектором безпеки. У таких умовах службове розслідування перестає бути суто внутрішнім управлінським інструментом і набуває ширшого правового та суспільного значення.

Для України, яка адаптує сектор безпеки до стандартів НАТО, вивчення зарубіжного досвіду є не лише теоретично цікавим, але й практично необхідним. Йдеться про створення такої моделі службових розслідувань, яка поєднувала б ефективність військового управління з дотриманням принципів правової держави, процесуальної справедливості та належного захисту прав військовослужбовців. Відтак ключовим завданням є визначення оптимального співвідношення між дисциплінарною владою командування та процесуальними гарантіями особи.

Правове регулювання службових та кримінальних розслідувань у Збройних силах **США** ґрунтується на поєднанні федерального законодавства та відомчих нормативних актів Міністерства оборони. Базовим законодавчим актом є Uniform Code of Military Justice (UCMJ), кодифікований у розділі 10 Кодексу законів США (10 U.S.C. §§ 801–946a), який визначає перелік військових правопорушень, порядок притягнення до відповідальності, компетенцію військових судів (court-martial), а також процесуальні гарантії підозрюваних військовослужбовців [1].

Адміністративні службові розслідування в армії США регламентуються відомчим актом Army Regulation 15-6 (Procedures for Administrative Investigations and Boards of Officers) [2], який встановлює підстави для призначення розслідування, порядок визначення офіцера-розслідувача,

процедуру збору доказів, оформлення висновків та рекомендацій командуванню.

Додаткове регулювання здійснюється актами Міністерства оборони США, зокрема DoD Directive 5505.06 (Investigations of Allegations Against Senior Department of Defense Officials) [3], яка визначає порядок проведення розслідувань щодо високопосадових осіб оборонного відомства.

Аналіз наведених актів дозволяє констатувати, що нормативна модель США характеризується чітким розмежуванням адміністративних та кримінальних процедур, високим рівнем формалізації процесуальних дій, визначеністю повноважень органів розслідування та гарантіями права на захист, що забезпечує поєднання принципів військової дисципліни та стандартів належної правової процедури.

Правове регулювання службових розслідувань у військових формуваннях **Великої Британії** здійснюється у межах інтегрованої системи військової юстиції (Service Justice System), що поєднує дисциплінарні повноваження командування, діяльність військової поліції та судовий розгляд справ. Базовим нормативним актом є Armed Forces Act 2006 [4], який встановлює єдину систему військової дисципліни, визначає склад військових правопорушень, порядок їх розслідування, компетенцію командирів, повноваження Службової поліції (Service Police), а також процедуру розгляду справ у військовому суді (Court Martial).

Важливою складовою регулювання є підзаконні акти Міністерства оборони Великої Британії, зокрема Joint Service Publication 831 (JSP 831). Redress of Individual Grievances [5], який визначає порядок подання та розгляду індивідуальних скарг військовослужбовців, процедуру внутрішнього службового розгляду та механізми апеляційного перегляду.

Кримінальне переслідування у військовій сфері здійснюється незалежним органом – Службою військової прокуратури (Service Prosecuting Authority, SPA), який приймає рішення про пред'явлення обвинувачення та підтримує його у військових судах. Інформація про діяльність SPA оприлюднюється на офіційному урядовому ресурсі [6].

Як бачимо, нормативна модель Великої Британії у сфері службових розслідувань характеризується інтегрованістю та системністю правового регулювання, що поєднує дисциплінарні повноваження командування, діяльність Службової поліції та судовий розгляд у межах Service Justice System. Законодавче підґрунтя, сформоване Armed Forces Act 2006, доповнюється підзаконними актами Міністерства оборони, зокрема JSP 831, які забезпечують процедури подання та розгляду індивідуальних скарг і механізми апеляційного перегляду. Водночас здійснення кримінального переслідування незалежною Службою військової прокуратури (SPA) гарантує розмежування повноважень та інституційну автономність обвинувачення у військових судах, що свідчить про комплексний характер регулювання службових розслідувань у Збройних силах Великої Британії.

Правове регулювання службових розслідувань у Збройних силах **Федеративної Республіки Німеччина** здійснюється в межах дисциплінарного та адміністративного законодавства, яке поєднує принципи військової субординації з гарантіями правового захисту військовослужбовців. Базовим актом у сфері дисциплінарного провадження є Військовий дисциплінарний кодекс (Wehrdisziplinarordnung, WDO) [7], який виокремлює види дисциплінарних проступків, повноваження командирів, порядок проведення дисциплінарного розслідування, процедуру прийняття рішень та можливість їх судового оскарження.

Правовий статус військовослужбовців, їхні права та обов'язки визначає Закон про правовий статус військовослужбовців (Soldatengesetz, SG) [8], який встановлює засади проходження військової служби, принципи підпорядкування, відповідальності та гарантії правового захисту.

Вищевказане демонструє, що дисциплінарне провадження у Німеччині має адміністративно-правовий характер: первинні повноваження щодо реагування на проступки належать командирам, однак серйозні дисциплінарні справи передаються до військових дисциплінарних судів (Truppendienstgerichte), рішення яких можуть бути переглянуті у Федеральному адміністративному суді. Така модель забезпечує поєднання внутрішнього військового контролю з незалежним судовим наглядом, що відповідає принципам правової держави та пропорційності дисциплінарного впливу.

Узагальнюючи викладене, можна дійти висновку, що в державах-членах НАТО службові розслідування є нормативно врегульованим механізмом, який поєднує військову доцільність із процесуальними гарантіями. Попри відмінності у моделях, спільною рисою є забезпечення права на захист, інституційна визначеність повноважень та можливість судового перегляду. Такий підхід створює баланс між дисципліною та правами людини і може слугувати орієнтиром для подальшого вдосконалення української системи службових розслідувань у контексті євроатлантичної інтеграції.

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## **МОВА ЯК ФАКТОР НАЦІОНАЛЬНОЇ БЕЗПЕКИ В УМОВАХ ВОЄННОГО СТАНУ ТА ДИНАМІКА МОВНОЇ СИТУАЦІЇ В УКРАЇНІ**

В умовах збройної агресії Росії проти України, мова є одним з визначальних факторів, які допомагають українському суспільству продовжувати боротися. На сьогоднішній час питання національної безпеки набуває комплексного характеру, воно охоплює не лише військову, політичну та економічну сферу, а й гуманітарну. Саме в ній мова виступає ключовим засобом комунікації, який безпосередньо впливає на національну ідентичність та суспільну згуртованість. З початком повномасштабного вторгнення цілком зрозумілим став момент того, що саме мова може використовуватися як своєрідна зброя, адже саме за допомогою неї відбувається поширення пропаганди та маніпуляції. В той самий момент українська мова стала символом національного спротиву та боротьби українського народу за власну незалежність, а також державний суверенітет. В такий складний час мовна політика держави постає одним з найважливіших елементів системи національної безпеки, який спрямований на захист інформаційного простору, зміцнення мовної ідентичності та забезпечення відповідних засад функціонування української мови, як державної [1]

Окрім цього з лютого 2022 року українське суспільство зазнало суттєвих змін, те що раніше здавалося звичним та цілком логічним на даному етапі частково або повністю втратило свою значущість. До прикладу, відбулися докорінні зміни в ідеологічних поглядах українців, а саме в тих моментах, які будь-яким чином пов'язані із державою-агресором. До них можна віднести символи, мову, прихильність до конкретних осіб і т.д. На даному етапі

простежується чітке переосмислення історичної спадщини, що проявляється у процесах «декомунізації» та «дерусифікації» суспільної свідомості, а також, усе, що раніше асоціювалося з так званим радянським минулим, нині у більшості випадків порівнюється з російським впливом і сприймається як ворожий елемент. Крім цього відповідно до соціологічного опитування Київського міжнародного інституту соціології, яке відбулося наприкінці лютого 2022 року можна сміливо сказати, що спостерігається скорочення частки російськомовних українців: з близько 40% станом на 2012 рік до 15% станом на момент проведення даного опитування. Водночас значна частина переходить до категорії двомовних (з 15% до 33%), а кількість тих, хто постійно вдома спілкується українською, зросла з 44% до 51%. Також соціологічні дослідження 2022 року підтверджують факт того, що суттєво підвищився рівень гордості щодо української мови [2, с. 399-401].

Розглядаючи дану ситуацію з різних боків можна сміливо сказати, що спрямування агресії проти мирного населення, а також руйнування цивільної та критичної інфраструктури країни безпосередньо вплинули на мовну свідомість громадян. Велика кількість українців змінила своє ставлення до російської мови та почали сприймати її лише як мову агресора. Українську ж почали сприймати як символ спротиву, свободи, а також єдності українського народу, який вистоїть понад усе [3, с. 36-40].

Отже, в умовах сьогодення мова є не лише засобом повсякденної комунікації, а й потужним чинником національної безпеки України. Саме вона є одним з найголовніших символів держави, суспільного спротиву та згуртованості, а також одним з найважливіших елементів інформаційного протистояння, як відкритого (доступного для всіх), так і закритого (доступного виключному переліку осіб). Соціологічні дослідження показують тенденцію до зростання використання української мови, як в побуті так і в публічному просторі. Це свідчить про формування нової, глибшої мовної свідомості громадян, яка почала змінюватися у зв'язку із ситуацією що склалася в нашій країні. На мою думку, подальша мовна політика має бути спрямованою безпосередньо на підтримку громадян, забезпечення прав людини та громадянина, а також на зміцнення інформаційної безпеки. Саме в такому випадку мова буде залишатися важливим чинником збереження національної єдності, що в подальшому буде забезпечувати боротьбу за незалежність та державний суверенітет країни.

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## **ПРАВОВІ АСПЕКТИ ТА ОСОБЛИВОСТІ ЗАСТОСУВАННЯ БЕЗПІЛОТНИХ АВІАЦІЙНИХ СИСТЕМ ДЕРЖАВНОЮ ПРИКОРДОННОЮ СЛУЖБОЮ УКРАЇНИ В УМОВАХ ВОЄННОГО СТАНУ**

Правові аспекти та особливості застосування безпілотних авіаційних систем (надалі – БАС) Державною прикордонною службою України (надалі – ДПСУ) в умовах воєнного стану складають важливу частину сучасної юридичної науки. Сучасна охорона державного кордону стала неможливою без впровадження інтелектуальних систем спостереження, які дозволяють контролювати територію в режимі реального часу. БАС стали ключовим інструментом прикордонників не лише для виявлення порушників законодавства України з прикордонних питань та контрабанди, а й для ефективної відсічі збройній агресії. Проте динаміка розвитку технологій значно випереджає темпи адаптації нормативно-правового регулювання, що створює певні труднощі у практичній діяльності.

Правову основу використання таких систем становлять закони України «Про Державну прикордонну службу України» та «Про державний кордон України». Ці акти визначають фундаментальні засади охорони державного кордону та загальні повноваження персоналу ДПСУ щодо застосування технічних засобів. Повітряний кодекс України закріплює юридичний статус державних безпілотних повітряних суден, що дозволяє легально використовувати авіаційні системи для контролю за повітряним простором.

Порядок безпосереднього здійснення моніторингу детально регламентують відомчі накази Міністерства внутрішніх справ України (зокрема Наказ № 374 від 15 травня 2019 року та Наказу № 108 від 13 лютого 2017 року). Згідно з цими нормами, під поняттям «моніторинг» розуміється комплекс заздалегідь визначених процедур, що включають:

1. Повітряний моніторинг лінії державного кордону, тобто безперервне візуальне спостереження за прикордонною смугою для виявлення ознак підготовки до незаконного перетину або порушення режиму державного кордону.

2. Оперативно-тактичний моніторинг тилкових районів, а саме відстеження переміщення підозрілих осіб, транспортних засобів та виявлення місць накопичення контрабандних товарів поза межами прямої видимості наземних прикордонних нарядів.

3. Інженерний моніторинг, який полягає у контролі за цілісністю загороджень, систем сигналізації та виявлення прихованих підкопів чи шляхів обходу пунктів пропуску через Державний кордон України.

4. Спеціальний моніторинг у зонах конфлікту, а саме виявлення вогневих позицій, позицій техніки та диверсійно-розвідувальних груп противника в умовах воєнного стану.

5. Екологічний та протипожежний моніторинг, полягає у фіксації осередків лісових пожеж, незаконної вирубки лісів або видобутку корисних копалин у межах контрольованого прикордонного району.

Функціональне призначення безпілотників дозволяє реалізовувати ці заходи на важкодоступних болотистих чи гірських ділянках. Системи моніторингу забезпечують супровід наземних нарядів у режимі реального часу, що підвищує безпеку особового складу та дозволяє ефективно координувати дії під час затримання правопорушників. Отримані дані відеофіксації зберігаються згідно з регламентами МВС, що створює офіційну доказову базу для судових процесів.

Практичне застосування технологій виявило низку правових колізій. Статус оператора БАС залишається недостатньо визначеним у контексті відповідальності при випадковому пошкодженні майна третіх осіб. Існує потреба у спрощенні процедур легалізації комерційних дронів, які передаються волонтерами. Питання захисту персональних даних та правомірності відеофіксації приватних територій під час патрулювання також викликає дискусії серед юристів.

Підсумовуючи, можна стверджувати, що застосування БАС є основою сучасної стратегії захисту національної безпеки. Проте для їх максимальної ефективності необхідне комплексне оновлення нормативно-правового регулювання, яке наразі відстає від темпів технічного прогресу.

Першочерговим завданням є законодавче закріплення чіткого статусу оператора БАС та спрощення процедур сертифікації вітчизняних розробок, що дозволить швидше впроваджувати інновації у службову діяльність. В умовах воєнного стану критичного значення набуває деталізація повноважень прикордонників щодо примусового приземлення або знищення літальних апаратів-порушників.

Ключовим кроком до безпеки польотів має стати створення єдиного цифрового реєстру польотних завдань. Це забезпечить ефективну координацію з підрозділами протиповітряної оборони, автоматизує ідентифікацію об'єктів та дозволить уникати «дружнього вогню». Така системна цифровізація не лише підвищить рівень охорони державного кордону, а й забезпечить належний юридичний захист військовослужбовців ДПСУ.

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## **ДОКАЗИ І ДОКАЗУВАННЯ У КРИМІНАЛЬНОМУ ПРОЦЕСІ**

Доказування у кримінальному процесі виступає ключовим механізмом встановлення фактичних обставин кримінального правопорушення, що забезпечує можливість повноцінного досудового розслідування та

справедливого здійснення кримінального судочинства. Воно функціонує як форма пізнання, в якій поєднується раціональне та чуттєве сприйняття, а взаємозалежність етапів дослідження фактів у справі проявляється через аналіз отриманих матеріалів та їх перевірку. Доказування є складником пізнавальної діяльності, яку здійснюють уповноважені процесуальні суб'єкти шляхом збору інформації та її оцінювання. Це дозволяє встановити реальні обставини справи та гарантувати справедливий судовий розгляд.

У межах кримінального провадження правова природа доказування передбачає два головні аспекти: з одного боку – обов'язок зібрати, проаналізувати та оцінити докази, а з іншого – підтвердити зроблені висновки саме на підставі цих доказів. Саме доказування пов'язується з обов'язком встановити істину щодо фактичних обставин, які мають значення у справі. Крім того, кримінально-процесуальні норми визначають порядок діяльності органів досудового розслідування та суду у формуванні доказової бази, яка включає як прямі, так і непрямі докази [1, с. 37].

У науковій літературі поняття «доказ» тлумачиться неоднозначно, а низка дослідників наголошує на недостатності його концептуального опрацювання, особливо з позиції практичної реалізації. Значення має не лише наявність доказів, але й спосіб їх отримання та оцінювання під час досудового та судового розгляду. Збирання доказів є процесом, чітко регламентованим законодавством, з метою виявлення та фіксації слідів кримінального правопорушення. Проведення слідчих дій – центральний елемент цього процесу, оскільки вони спрямовані на виявлення, перевірку та закріплення доказів. У свою чергу органи досудового розслідування, прокурор, дізнавач і суд здійснюють оцінку доказів на підставі критеріїв допустимості, достовірності, достатності та взаємозв'язку, що впливає на прийняте рішення [2, с. 45].

При цьому слід відмежовувати етап збирання доказів від перевірки доказів. Якщо перший пов'язаний із встановленням самих даних, то другий – з їх дослідженням, аналітичним осмисленням і систематизацією, які дозволяють визначити їх значення для розслідування. Перевірка доказів є необхідним та обов'язковим елементом доказування, адже лише вона дає можливість встановити рівень їх переконливості.

Доказування є багаторівневим та складним процесом, який вимагає від уповноважених суб'єктів високої професійної компетентності, об'єктивності та дотримання законності. Оцінювання доказів має ґрунтуватися на їх взаємозв'язку, повноті та достовірності, що у комплексі забезпечує законність та справедливість у кримінальному провадженні [3, с. 19].

Доказ може набувати юридичного значення лише якщо він відповідає вимогам чинного законодавства щодо своїх ключових ознак – допустимості, достовірності, достатності та предметного зв'язку з обставинами справи. Методи збору й оцінки доказів повинні забезпечувати дотримання прав людини та законності під час судового розгляду. Однак поняття доказу не зводиться

лише до юридичних параметрів, адже воно також відображає функціональну роль доказів у системі кримінального судочинства.

Зміст доказу полягає у здатності підтвердити або спростувати певне положення чи гіпотезу в межах кримінального процесу. Докази одночасно є результатом практичної діяльності та основою для ухвалення процесуальних рішень. Вони відображають як чуттєве сприйняття, так і раціональний аналіз, що дозволяє робити узагальнені висновки щодо наявності чи відсутності визначених фактів. У такий спосіб забезпечується реалізація принципів правосуддя та законності

Під час судового розгляду докази можуть набувати різної форми – усної, письмової, матеріалів експертиз, аудіо- чи відеозаписів тощо. Суд, прокурор та інші суб'єкти мають оцінювати їх з точки зору доказової сили, законності та фактичної значущості. Згідно з ч. 1 ст. 94 КПК України, суд оцінює докази на основі вільного внутрішнього переконання, визначаючи достатність і прийнятність доказового матеріалу для підтвердження обставин.

Тому в межах кримінального провадження процесуальні докази виступають результатом діяльності уповноважених органів: слідчих, прокурора, суду, тоді як логічні докази виконують функцію аргументації та підтвердження висновків у процесі. Доказ є не лише фактом, але передусім інструментом встановлення істини у справі. Відтак важливим є забезпечення оцінювання доказів з урахуванням принципів розумності, об'єктивності й законності, що гарантує справедливе рішення суду.

Отже, доказування у кримінальному процесі виступає механізмом, який забезпечує реалізацію прав і свобод учасників провадження та створює підґрунтя для законних і обґрунтованих судових рішень.

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## **РЕФОРМУВАННЯ ПОЛІЦІЇ В УМОВАХ ВІЙНИ: АДАПТАЦІЯ ДО НОВИХ БЕЗПЕКОВИХ ВИКЛИКІВ**

Вже четвертий рік Україна живе в нових умовах та бореться з викликами та загрозами, які продовжують набувати нових форм. По містах та селах тривають постійні ракетні обстріли. Повномасштабне вторгнення трансформувало роль Національної поліції України (далі – НПУ). Якщо до 2022 року ключовим вектором був розвиток «Community Policing» то сьогодні поліція фактично стала складовою Сил оборони. Також було внесена значна кількість правок у законодавство, які значно вплинули на роботу і функціонування правоохоронних органів. Отже, раніше напрям роботи поліції був направлений на розвиток «Community Policing» то зараз правоохоронні органи беруть активну участь у боротьбі проти ворога.

Реагування на безпекові виклики в умовах війни та воєнного стану стало фундаментальною потребою громад, що значно актуалізувало розвиток практик партнерської співпраці поліції та громади («Community Policing»). Термін «Community policing» не має усталеного перекладу та за змістом складається з двох понять: 1) «community» – громада; 2) «policing» – правоохоронна (або поліцейська) діяльність. Найкоротше визначення – це правоохоронна діяльність, орієнтована на громаду. Підхід «Community policing» побудований на принципах постійної комунікації, де: поліція та місцева громада разом відповідають за безпеку; поліція реагує на місцеві потреби й вимоги, які визначає громада; спілкування між населенням і поліцією є ефективним, а отже приносить відповідні результати; підхід до вирішення кожної з місцевих проблем є індивідуальним; співпраця спрямована на впровадження «Community Policing» в умовах війни та воєнного стану на запобігання правопорушенням і створення плану запобіжної діяльності. Таким чином, якщо узагальнити поняття «Community policing», можна відзначити, що це ціннісний підхід у щоденній роботі поліції, ядром якого виступають партнерські відносини між органами поліції та громадою [1].

Основною функцією поліції стала охорона громадського порядку та безпеки особливо під час масових атак з боку агресора. Правоохоронці навіть під час небезпеки несуть службу, допомагають громадянам у надзвичайних ситуаціях. Найбільш поширеним видом несення служби є “Пункти незламності” [2].

Згідно наказу МВС України від 04.10.2019 № 835 “Про затвердження Положення про функціональну підсистему забезпечення публічної (громадської) безпеки і порядку, безпеки дорожнього руху єдиної державної



системи цивільного захисту” термін «функціональна підсистема забезпечення охорони публічного (громадського) порядку і організації безпеки дорожнього руху єдиної державної системи цивільного захисту» (далі – ФП ЗПБ) означає складову частини єдиної державної системи цивільного захисту, до якої входять завчасно визначені сили і засоби, Національна поліція України, Національна гвардія України, органи управління та підпорядковані їм сили цивільного захисту, суб’єкти господарювання, що належать до сфери їх управління та виконують завдання цивільного захисту. Завданнями ФП ЗПБ у відбудовний період є участь у межах компетенції у: проведенні цільової мобілізації для ліквідації наслідків ведення воєнних дій та надзвичайних ситуацій; ліквідації наслідків воєнних дій у населених пунктах та на територіях, що зазнали впливу засобів ураження; вжитті заходів для відновлення об’єктів критичної інфраструктури сфери життєзабезпечення населення; запровадженні та функціонуванні національної системи стійкості; залученні до ліквідації наслідків ведення воєнних дій та надзвичайних ситуацій міжнародної допомоги [3].

Також виникли нові функціональні обов’язки такі, як формування штурмових бригад (наприклад “Лють”). Департамент поліції особливого призначення «Об’єднана штурмова бригада Національної поліції України “Лють” (далі – ОШБ НПУ «Лють»)) – міжрегіональний територіальний орган Національної поліції України, призначений для виконання бойових завдань із відсічі збройної агресії проти України у зоні ведення бойових дій. Бригада виконує завдання з де окупації тимчасово окупованих територій на сході України. Створення цієї бригади є показником сміливості, гідності та відважності працівників правоохоронних органів. Вони є прикладом для всіх громадян нашої держави, виконуючі надзвичайно важкі операції на лінії фронту і не втрачають бойовий дух [4].

Стосовно змін у законодавстві після повномасштабного вторгнення, то вони є значними та відіграли важливу роль у функціонуванні підрозділів Національної поліції [5].

Трансформація Національної поліції України в умовах повномасштабного вторгнення зумовила формування унікальної моделі правоохоронної діяльності, що поєднує класичну філософію «Community Policing» із функціями активної оборони держави. Сучасний етап розвитку НПУ характеризується не лише посиленням сервісної ролі через забезпечення життєдіяльності громад та роботу «Пунктів незламності», а й безпосередньою участю у відсічі збройній агресії РФ, зокрема через створення бойових підрозділів типу ОШБ «Лють». Законодавча адаптація повноважень поліції щодо застосування заходів примусу в умовах воєнного стану забезпечила необхідну правову гнучкість для ефективного реагування на воєнні загрози. Таким чином, сучасна поліцейська діяльність в Україні є синтезом партнерської взаємодії з населенням та бойової готовності, що виступає фундаментальним елементом національної стійкості та правопорядку в умовах війни.

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## **ПЕРСПЕКТИВИ РОЗВИТКУ ІНФОРМАЦІЙНОГО ЗАБЕЗПЕЧЕННЯ ПРАВООХОРОННИХ ОРГАНІВ УКРАЇНИ**

Аналіз сучасного розвитку суспільства свідчить про значне зростання ролі інформаційних технологій у життєдіяльності людини, а також у функціонуванні суспільства і держави. Швидкий розвиток інформаційних процесів та впровадження нових технологій всіх сферах не лише сприяв

поступальному розвитку держави, а й призвів до зростання кількості злочинів та вдосконалення способів їх вчинення.

Тому останнім часом в Україні спостерігається інтенсивне впровадження сучасних інформаційних технологій в діяльність правоохоронних органів. Постійно створюються та вдосконалюються відомчі та міжвідомчі комп'ютерні інформаційні системи правоохоронних органів [1, с.2].

В 70-х роках були закладені основи існуючого інформаційного забезпечення НПУ і орієнтовані в напрямку інформаційної підтримки оперативно-службової діяльності підрозділів у боротьбі зі злочинністю. Принципи побудови відображали притаманний для того періоду рівень розвитку технічних засобів і досягнень технології. З часом виникала ситуація, коли програмно-технічна база НПУ перестала відповідати вимогам сучасності, оскільки вже на початку 90-х років, вважалися такими, що застаріли і в повному обсязі не виконують покладені на них функції.

Тому впроваджені інформаційні системи на сьогодні не здатні в повному обсязі реалізувати своє призначення у процесі діяльності правоохоронних органів. Саме тому питання вдосконалення інформаційного забезпечення правоохоронних органів набуває актуальності [2, с.9].

Науковці відзначають, що наразі багаторічний досвід використання баз даних і створених на їх основі поліцейських обліків дозволяє визначити їх основні недоліки, а саме: відсутність узгодженості під час розроблення та впровадження різних інформаційних баз даних; дублювання процесів збору й обробки інформації між різними галузевими службами та на різних рівнях; надмірна кількість і недосконалість первинної облікової документації; недостатній інформаційний зв'язок між обліково-реєстраційними, оперативно-розшуковими та довідковими фондами різних служб; неповнота й недостатня достовірність наявних даних; несвоєчасне надання оперативно-службової інформації користувачам через недоліки технологій наповнення банків даних і неефективне використання сучасних засобів комп'ютерної техніки та зв'язку; застарілість технічного та програмного забезпечення органів і підрозділів НПУ, більшість якого вичерпала свій ресурс; недосконалість організаційного й кадрового забезпечення інформаційних підрозділів НПУ та галузових служб; нераціональне використання фінансових ресурсів, призначених для підтримки й розвитку інформаційної системи; прогалини та неузгодженість нормативно-правового регулювання функціонування інформаційних баз даних [1, с.273].

Ефективність інформаційної підтримки діяльності поліції значною мірою залежить від нормативно-правової бази як уже було зазначено. Неузгодженість чинних нормативних актів та їх невідповідність законодавству України знижують рівень інформаційного забезпечення і ефективність протидії злочинності. Тому, нормативно-правова база діяльності поліції є недосконалою стосовно використання інформаційних систем.

Важливу роль у формуванні нормативно-правових рамок в Україні відіграють Міжнародні організації, зокрема Інтерпол, Європол, ООН та Рада Європи. Наприклад, Інтерпол здійснює оперативний обмін розшуковою та

кримінальною інформацією між правоохоронними органами в складі якого понад 190 держав через глобальні бази даних [3]. Європол координує взаємодію країн ЄС і партнерів, а також розробляє аналітичні та методичні стандарти у сфері протидії організованим злочинності [4]. ООН та її спеціалізовані підрозділи формують механізми обміну інформацією в межах миротворчих операцій і забезпечення міжнародної безпеки, тоді як Рада Європи визначає правові стандарти захисту персональних даних і електронної інформації у правоохоронній діяльності [5; 6].

Україна на сучасному етапі впроваджує міжнародні стандарти у національну систему інформаційного забезпечення НПУ шляхом приєднання до міжнародних конвенцій, двосторонніх угод щодо обміну інформацією, створення національних інформаційних систем і їх інтеграція з базами даних Інтерполу та Європолу, а також розробки законодавчих актів про оперативно-розшукову діяльність, кібербезпеку та захист персональних даних [7 с.14].

Отже, для ефективного інформаційного забезпечення підрозділів поліції необхідний комплексний підхід, що включає єдину політику інформаційного забезпечення, створення багатоцільових підсистем, удосконалення законодавства, забезпечення актуальності, вірогідності та безпеки обліків, а також налагодження взаємодії з населенням. Хоча наявні інформаційні бази мають недоліки, розвиток інформаційних технологій у Національній поліції, залучення молодих фахівців і розширення нормативно-правової бази свідчать про поступове подолання цих проблем і підвищення ефективності діяльності правоохоронних органів.

Також система інформаційного забезпечення правоохоронної діяльності в Україні має свої перспективи розвитку, які пов'язані з удосконаленням національного законодавства відповідно до європейських стандартів, впровадженням сучасних цифрових платформ обміну інформацією, підготовкою фахівців у сфері міжнародного співробітництва та підвищенням ефективності міжвідомчої координації. Міжнародні стандарти підвищують безпеку, законність і оперативність обміну інформацією та інтегрують Україну у глобальні системи боротьби зі злочинністю. Постійне вдосконалення національних правових і технологічних механізмів забезпечує відповідність міжнародним вимогам і кіберстійкість систем.

Підсумовуючи, можемо зазначити, що ефективність діяльності правоохоронних органів України значною мірою залежить від рівня розвитку їх інформаційного забезпечення. Незважаючи на впровадження сучасних інформаційних технологій, наявні системи потребують подальшого вдосконалення. Але, зазначені проблеми використання систем та відповідних обліків НПУ не є тимчасовими, адже із розвитком суспільства паралельно повинні розвиватись як нові методи ведення їх та використання для боротьби із злочинністю.

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## **ПРОБЛЕМИ ЗАСТОСУВАННЯ ЗАПОБІЖНОГО ЗАХОДУ У ВИГЛЯДІ ДОМАШНЬОГО АРЕШТУ В УМОВАХ ВОЄННОГО СТАНУ**

Повномасштабна збройна агресія рф проти України та запровадження правового режиму воєнного стану істотно вплинули на функціонування системи кримінальної юстиції. У сучасних умовах кримінальне процесуальне законодавство стикається з новими викликами, які раніше не були характерними для правової системи держави. Одним із таких викликів є практичне виконання запобіжного заходу у вигляді домашнього арешту в умовах постійної ракетної небезпеки, повітряної тривоги та загрози життю цивільного населення. У зв'язку з цим актуальності набуває питання забезпечення належного балансу між завданнями кримінального провадження та гарантіями прав людини.

Запобіжні заходи у кримінальному процесі України відіграють важливу роль у забезпеченні ефективності кримінального провадження. Їх застосування спрямоване на запобігання ризикам, визначеним кримінальним процесуальним

законодавством, зокрема можливості переховування підозрюваного або обвинуваченого від органів досудового розслідування чи суду, незаконного впливу на потерпілих, свідків або інших учасників кримінального провадження, а також перешкоджання встановленню істини у справі. Відповідно до положень Кримінального процесуального кодексу України одним із запобіжних заходів є домашній арешт, який полягає у забороні підозрюваному або обвинуваченому залишати житло цілодобово або у визначений період доби [1].

Застосування домашнього арешту має на меті обмеження свободи пересування особи без її ізоляції від суспільства. Такий запобіжний захід є менш суворим порівняно з триманням під вартою, проте водночас дозволяє забезпечити належний контроль за поведінкою підозрюваного або обвинуваченого. Відповідно до кримінального процесуального законодавства контроль за виконанням домашнього арешту покладається на органи Національної поліції, які мають право здійснювати перевірки місця проживання особи, вимагати від неї пояснення щодо виконання покладених процесуальних обов'язків, а також застосовувати електронні засоби контролю [1; 2].

Разом із тим, умови воєнного стану створюють нові обставини, які безпосередньо впливають на можливість виконання такого запобіжного заходу. Постійні ракетні обстріли, застосування безпілотних літальних апаратів, артилерійські удари та інші прояви збройної агресії зумовлюють необхідність регулярного переміщення населення до захисних споруд цивільного захисту під час оголошення повітряної тривоги. Органи державної влади та місцевого самоврядування систематично закликають громадян негайно прямувати до укриття у разі виникнення повітряної загрози. У таких умовах виникає об'єктивна суперечність між обов'язком особи, щодо якої застосовано домашній арешт, перебувати у житлі та необхідністю залишити його для забезпечення власної безпеки.

Проблема ускладнюється тим, що чинне кримінальне процесуальне законодавство України не містить спеціальних положень, які б регулювали поведінку особи, що перебуває під домашнім арештом, у випадку виникнення загрози її життю або здоров'ю. З формально-правової точки зору залишення житла без дозволу слідчого судді або суду може бути розцінене як порушення умов запобіжного заходу. У свою чергу, відповідно до положень кримінального процесуального законодавства порушення обов'язків, покладених на підозрюваного або обвинуваченого, може стати підставою для застосування більш суворого запобіжного заходу [1].

Разом з тим така ситуація повинна оцінюватися з урахуванням конституційних гарантій прав людини. Конституція України визначає, що людина, її життя і здоров'я, честь і гідність, недоторканність і безпека визнаються в Україні найвищою соціальною цінністю [3]. Це означає, що під час застосування будь-яких обмежень прав особи держава повинна забезпечувати належний баланс між інтересами правосуддя та необхідністю захисту життя і здоров'я людини.

У цьому контексті важливе значення має практика Європейського суду з прав людини, яка неодноразово наголошувала на необхідності дотримання державами принципу пропорційності під час обмеження прав і свобод людини. Зокрема, у справі «Осман проти Сполученого Королівства» Європейський суд з прав людини зазначив, що держава зобов'язана вживати належних заходів для захисту життя осіб, які перебувають під її юрисдикцією [4]. Хоча зазначене рішення не стосується безпосередньо інституту домашнього арешту, воно підкреслює загальний принцип, відповідно до якого органи державної влади повинні враховувати реальні загрози для життя людини під час прийняття рішень, що обмежують її свободу пересування.

Окрему проблему становить практичний механізм контролю за дотриманням умов домашнього арешту в умовах воєнного стану. Електронні засоби контролю, які застосовуються для відстеження місця перебування особи, можуть фіксувати її переміщення поза межами житла. У випадку переміщення до укриття така система здатна автоматично фіксувати порушення встановлених обмежень. Надалі це потребує додаткового з'ясування обставин, що створює ризик неоднакового підходу до оцінки подібних ситуацій з боку правоохоронних органів.

Варто також враховувати, що захисні споруди цивільного захисту не завжди розташовані безпосередньо у житлових будинках. У багатьох випадках найближче укриття може знаходитися на певній відстані від місця проживання особи. За таких умов фактичне виконання вимоги про постійне перебування у житлі стає неможливим під час повітряної тривоги. Особа опиняється перед необхідністю обирати між дотриманням процесуальних обмежень та забезпеченням власної безпеки.

У науковій літературі також звертається увага на те, що ефективність запобіжних заходів значною мірою залежить від реалістичності встановлених обмежень та можливості їх виконання в конкретних соціальних умовах [5]. Якщо встановлені обмеження не враховують фактичних обставин, це може призводити до формального підходу до їх виконання та зниження ефективності кримінального процесуального регулювання.

З огляду на зазначене, одним із можливих напрямів вирішення цієї проблеми є вдосконалення кримінального процесуального законодавства України шляхом врахування специфіки воєнного стану. Доцільним видається запровадження законодавчих положень, які б прямо передбачали можливість тимчасового залишення житла особою, щодо якої застосовано домашній арешт, у разі виникнення безпосередньої загрози життю або здоров'ю, зокрема під час оголошення повітряної тривоги.

Крім того, важливим є встановлення чітких процедур фіксації таких випадків. Зокрема, може бути передбачено можливість використання електронних засобів контролю для підтвердження факту перебування особи у найближчому укритті. Також доцільно передбачити механізми повідомлення правоохоронних органів про тимчасове переміщення особи у зв'язку з повітряною тривоною.

Таким чином, виконання запобіжного заходу у вигляді домашнього арешту в умовах воєнного стану супроводжується низкою специфічних проблем, пов'язаних із необхідністю забезпечення безпеки життя особи під час повітряної тривоги та ракетної небезпеки. Відсутність чіткого правового регулювання таких ситуацій створює ризики неоднакового застосування законодавства та може призводити до конфлікту між процесуальними обов'язками особи та її основоположними правами. Подальший розвиток кримінального процесуального законодавства повинен враховувати реалії воєнного часу та забезпечувати належний баланс між інтересами кримінального правосуддя і гарантіями прав людини.

1. Кримінальний процесуальний кодекс України: Закон України від 13.04.2012 № 4651-VI. URL: <https://zakon.rada.gov.ua/laws/show/4651-17?find=1&text=%D1%81%D1%82%D0%B0%D1%82%D1%82%D1%8F+31#Text>

2. Про затвердження Інструкції про порядок виконання органами Національної поліції ухвал слідчого судді, суду про обрання запобіжного заходу у вигляді домашнього арешту та про зміну раніше обраного запобіжного заходу на запобіжний захід у вигляді домашнього арешту. Наказ МВС від 13.07.2016 № 654. URL: <https://zakon.rada.gov.ua/laws/show/z1087-16#Text>.

3. Конституція України: Закон України від 28.06.1996 № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

4. Case of Osman v. the United Kingdom (Application no. 23452/94): Judgment of the European Court of Human Rights of 28 October 1998.

5. Капліна О. В. Кримінальний процес: підручник. Харків: Право, 2020. 290 с.

6. Тертишник В. М. Кримінальний процес України: підручник. Київ: Алерта, 2021. 458 с.

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## **ЗАХИСТ ВОЛОНТЕРСЬКОЇ ДІЯЛЬНОСТІ У КРИМІНАЛЬНОМУ ПРАВІ В УМОВАХ ВОЄННОГО СТАНУ**

В умовах повномасштабної війни волонтерська діяльність в Україні перетворилася на системоутворюючий елемент функціонування держави та громадянського суспільства. Волонтери забезпечують армію, підтримують цивільне населення, організовують евакуацію, медичну допомогу та



гуманітарні місії. У зв'язку з цим питання кримінально-правового захисту волонтерської діяльності набуває особливої актуальності. Воєнний стан створює підвищені ризики як для самих волонтерів, так і для суспільних інтересів, пов'язаних із використанням гуманітарних ресурсів. Кримінальне право в цих умовах виступає інструментом охорони довіри, безпеки та справедливості.

Правове визначення волонтерства закладає основу для його кримінально-правового захисту. Відповідно до Закону України "Про волонтерську діяльність", а саме статті 1, волонтерська діяльність є добровільною, соціально спрямованою неприбутковою діяльністю, що здійснюється шляхом надання допомоги особам, які її потребують [1]. В умовах воєнного стану така діяльність фактично інтегрується у систему національної безпеки, а отже посягання на неї набувають підвищеної суспільної небезпечності. Перешкоджання волонтерській діяльності або використання її як прикриття для злочинних схем підриває обороноздатність держави та суспільну солідарність.

Однією з найбільш резонансних проблем стала незаконна реалізація гуманітарної допомоги. Воєнні дії створили потужні потоки міжнародної підтримки, що потребують належного кримінально-правового контролю. Відповідно до Кримінального кодексу України, а саме статті 201-2, встановлено відповідальність за незаконне використання з метою отримання прибутку гуманітарної допомоги, благодійних пожертв або безоплатної допомоги [2]. Ця норма спрямована не лише на покарання винних осіб, а й на захист репутації волонтерського руху. Вона виконує превентивну функцію, демонструючи, що держава розглядає зловживання гуманітарними ресурсами як посягання на публічний інтерес.

Водночас важливо враховувати, що волонтерська діяльність здійснюється в екстремальних умовах, де суворе дотримання формальних процедур не завжди можливе. Надмірно репресивне застосування кримінального закону може створити ризик криміналізації добросовісної допомоги. Тому, кримінально-правова політика повинна будуватися на принципі пропорційності, відмежовуючи умисні корисливі зловживання від організаційних помилок. Інакше право може перетворитися на фактор стримування волонтерської активності, що суперечить інтересам суспільства в умовах війни.

Окремим аспектом є фізична безпека волонтерів. Вони часто працюють у прифронтових регіонах, піддаються ризику обстрілів, нападів та мародерства. У цьому контексті кримінальне право забезпечує захист через загальні норми про злочини проти життя, здоров'я та власності, однак суспільна роль волонтерів вимагає посиленого правозастосовного підходу. Напади на осіб, які виконують гуманітарну місію, повинні оцінюватися як обставини, що обтяжують відповідальність, оскільки вони спрямовані проти суспільно корисної діяльності.

Конституційний вимір проблеми підкреслює пріоритет прав людини у воєнний час. Відповідно до Конституції України, а саме статті 3, людина, її

життя і здоров'я визнаються найвищою соціальною цінністю [3]. Це означає, що держава зобов'язана формувати кримінально-правові механізми, які максимально захищають осіб, що діють в інтересах суспільства. Волонтери фактично виконують функції, близькі до публічних, тому їх захист має розглядатися як складова гарантування національної безпеки.

Важливою є і проблема довіри. Волонтерський рух базується на суспільній підтримці та міжнародній солідарності. Будь-які зловживання або безкарність правопорушень підривають цю довіру. Ефективне кримінальне переслідування осіб, які використовують гуманітарну допомогу з корисливою метою, виконує стабілізуючу функцію. Водночас держава повинна забезпечити прозорі процедури розслідування, щоб уникнути політизації або вибіркового правосуддя.

Захист волонтерської діяльності також передбачає партнерство між громадянським суспільством і правоохоронними органами. Волонтерські організації можуть виступати джерелом інформації про зловживання, брати участь у формуванні стандартів прозорості та етики. Така взаємодія сприяє профілактиці злочинів і підвищує ефективність кримінально-правових механізмів.

Отже, кримінально-правовий захист волонтерської діяльності в умовах воєнного стану має комплексний характер. Він включає протидію зловживанням гуманітарними ресурсами, забезпечення безпеки волонтерів і недопущення надмірної криміналізації добросовісної допомоги. Баланс між захистом суспільних інтересів і підтримкою громадянської активності є ключовою умовою стабільності правової системи під час війни. Розвиток законодавства в цій сфері повинен орієнтуватися на гуманістичні принципи, міжнародні стандарти та визнання особливої ролі волонтерського руху у збереженні державності.

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2. Кримінальний кодекс України від 05.04.2001 р. № 2341-III. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>(дата звернення: 09.02.2026).

3. Конституція України від 28.06.1996 р. № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>(дата звернення: 09.02.2026).

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## **ПРОБЛЕМИ РЕАЛІЗАЦІЇ ПРИНЦИПУ ПРЕЗУМПЦІЇ НЕВИНУВАТОСТІ У ПРАКТИЦІ ПРАВООХОРОННИХ ОРГАНІВ**

Принцип презумпції невинуватості є фундаментальною засадою кримінального процесу, яка визначає демократичний характер правової системи та рівень гарантування прав людини. Його реалізація у практиці правоохоронних органів України залишається однією з найскладніших проблем сучасного кримінального процесу. Формальне закріплення цього принципу на нормативному рівні не завжди забезпечує його повноцінне втілення в реальній правоохоронній діяльності, що зумовлено як інституційними чинниками, так і особливостями правозастосовної культури.

Презумпція невинуватості передбачає, що особа вважається невинуватою у вчиненні кримінального правопорушення, доки її вину не буде доведено в законному порядку та встановлено обвинувальним вироком суду. Відповідно до Конституції України, а саме статті 62, ніхто не зобов'язаний доводити свою невинуватість у вчиненні злочину, а обвинувачення не може ґрунтуватися на доказах, отриманих незаконним шляхом [1]. Це положення створює нормативну основу для всієї системи кримінального провадження. Разом із тим на практиці діяльність правоохоронних органів нерідко демонструє відхилення від змісту цього принципу, що проявляється у формуванні обвинувального ухилу ще на стадії досудового розслідування.

Однією з ключових проблем є сприйняття підозрюваної особи як винної ще до завершення судового розгляду. Такий підхід часто відображається у публічних заявах посадових осіб, інформаційних повідомленнях правоохоронних органів та висвітленні кримінальних проваджень у медіа. Відповідно до Кримінального процесуального кодексу України, а саме статті 17, особа вважається невинуватою у вчиненні кримінального правопорушення і не може бути піддана кримінальному покаранню, доки її вину не буде доведено в порядку, передбаченому цим Кодексом, і встановлено обвинувальним вироком суду, що набрав законної сили [2]. Незважаючи на це, у практиці досудового розслідування часто домінує логіка доведення вже сформованої версії обвинувачення замість неупередженого дослідження всіх обставин справи.

Суттєвим викликом є також проблема доказування. Формально тягар доказування покладено на сторону обвинувачення, проте в реальності підозрювані та їхні захисники нерідко змушені активно доводити непричетність до злочину. Це пов'язано з недостатньою якістю досудового розслідування,

перевантаженням слідчих органів та орієнтацією на статистичні показники розкриття злочинів. Така практика суперечить міжнародним стандартам захисту прав людини. Відповідно до статті 6 Конвенції про захист прав людини і основоположних свобод, кожен, кого обвинувачено у вчиненні кримінального правопорушення, вважається невинуватим, доки його вину не буде доведено в законному порядку [3]. Європейський суд з прав людини у своїй практиці неодноразово наголошував, що навіть непрямі заяви державних органів, які створюють враження про винуватість особи, становлять порушення цього принципу.

Ще однією проблемою є застосування запобіжних заходів, насамперед тримання під вартою. Хоча закон передбачає, що запобіжні заходи не можуть мати карального характеру, на практиці вони іноді сприймаються як попереднє покарання. Така ситуація формує у суспільстві уявлення про винуватість особи ще до судового рішення. Правоохоронні органи, ініціюючи обрання найсуворіших запобіжних заходів, часто керуються міркуваннями процесуальної зручності або суспільного резонансу, що ставить під загрозу баланс між інтересами правосуддя та правами людини.

Окремої уваги потребує проблема процесуальної культури правоохоронців. Реалізація презумпції невинуватості залежить не лише від законодавчих норм, а й від внутрішніх професійних стандартів. Недостатній рівень підготовки, формалізм у проведенні слідчих дій та орієнтація на обвинувальний результат підривають довіру до кримінальної юстиції. Міжнародний досвід демонструє, що ефективна реалізація цього принципу можлива лише за умови системного контролю за діяльністю правоохоронних органів, незалежності суду та реальної змагальності сторін.

Таким чином, проблеми реалізації презумпції невинуватості в Україні мають комплексний характер. Вони пов'язані з інституційними недоліками, правозастосовною практикою та суспільними очікуваннями щодо кримінальної юстиції. Подолання цих проблем потребує не лише вдосконалення законодавства, а й зміни професійної культури правоохоронних органів, посилення судового контролю та орієнтації на міжнародні стандарти захисту прав людини. Лише за таких умов принцип презумпції невинуватості зможе функціонувати як реальна гарантія прав особи, а не декларативна норма.

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## **ОСОБЛИВОСТІ МОВОТВОРЧОСТІ ОКСАНИ ЗАБУЖКО – ЛАУРЕАТКИ ШЕВЧЕНКІВСЬКОЇ ПРЕМІЇ**

Національна премія України імені Тараса Шевченка – державна нагорода України, найвища творча відзнака за вагомий внесок у розвиток культури та мистецтва.

Шевченківською премією відзначають творців за найвидатніші твори літератури і мистецтва, публіцистики і журналістики, які є вершинним духовним надбанням українського народу, утверджують високі гуманістичні ідеали, збагачують історичну пам'ять народу, його національну свідомість і самобутність, спрямовані на державотворення і демократизацію українського суспільства.[1] Премію присуджують за визначні твори, що мають вагоме значення в суспільстві та сприяють розвитку української культури та ідентичності.

У сучасних умовах, коли триває війна за відстоювання української культури та її збереження, ця премія набуває особливого значення.

Серед лауреатів – видатні письменники, поети, науковці та митці, чия творчість визначає інтелектуальний і культурний розвиток України. Вони формують сучасність і задають різні стандарти, до яких нам потрібно прагнути. Особливе місце серед них посідає Оксана Забужко – письменниця, публіцистка та інтелектуалка. Її творчість вирізняється аргументованістю, філософською глибиною та виразною громадянською позицією.

У своїх творах авторка чітко вибудовує логіку викладу, послідовно розкриває думку, використовує факти, історичні приклади та міжкультурні паралелі. Такий підхід є зразком професійного комунікативного стилю, адже поєднує переконливість із глибиною аналізу.

У публічних виступах письменниця демонструє високу риторичну майстерність. Вона активно використовує риторичні запитання, метафори, емоційно-оцінну лексику, що підсилює вплив на аудиторію. Її мовлення спрямоване не лише на інформування, а й на формування світоглядної позиції читача і слухача.

Попри те, що роль Оксани Забужко в розвитку сучасної української літературної мови ще не досліджена, учені зауважують, що «роль письменниці у сучасному розвитку української мови – багатоаспектна. Це й семантичні інновації в межах лексеми та її сполучуваності, і творення нових слів з абстрактно-концептуальним значенням, й актуалізація мовного досвіду української інтелігенції кінця XIX – початку XX ст., і зв'язок з культурно-

писемною традицією української мови історично давніших шарів. Разом усе це реалізує одну з провідних ідей, за якими Оксана Забужко творить тексти різного стилю – й наукового, й публіцистичного, й художнього – як єдине мовно-змістове ціле. Її ідея ця полягає в тому, щоб «назвати, поійменувати, о-смыслити, себто освітити смыслом слова», відновити втрачену, притлумлену стереотипами, в тому числі й ідеологічними, «конкретно-зміслову речовинність» мови. ... Мовні пошуки письменниці, як можна гадати, були спрямовані на те, аби утвердити бодай у власній мовній свідомості не-факультативність, не-вторинність української мови, віднайти, увібрати й розвинути її природні, еволюційно вмотивовані змістові одиниці й канони мовомислення» [2].

Аналізуючи мову творів Оксани Забужко, Лариса Мовчун виділяє особливу її ознаку – мовний еклектизм – «літературна мова з кованими вкрапленнями (навіть не вкрапленнями, а потужними впорскуваннями), просторічна і жаргонна еквілібристика на межі дозволеного, материковий і діаспорний варіант української мови, підводна течія англійської і вихлюпи польської та російської, а ще суржикові пасажі в прямій мові героїв» [3, с. 31].

А літератор Володимир Єшкілев визначив мову Оксани Забужко як «ненароджений стиль», що не спромігся до виформування в 90-ті, коли «падіння «залізної завіси» від крило забагато протолочених культурницьких стежок». Письменниця, на думку Єшкілева, відчула, що «наша звужена манкуртами лексика аж пищить як прагне до розширення» [4].

Тоді як мовознавці намагаються дати настанови щодо вживання, відновлення тих чи тих слів в активному словнику, Оксана Забужко «сама вдмухує нове життя у десятки слів, які опинилися на маргіналіях української лексичної системи. І це не таке собі кількісне відновлення чи збагачення лексичного складу літературної мови – це перший крок на шляху відходу від української енкратичної «новомови», до зміни й відновлення якості української мови як породження унікального пізнавально-мисленнєвого досвіду української етнічної спільноти» [5].

Окрему увагу в творчості Забужко приділено проблемам національної ідентичності, історичної пам'яті та ролі мови в умовах війни. У цьому випадку українська мова для авторки є не лише засобом комунікації, а й важливим чинником державотворення та культурної безпеки.

Отже, Оксана Забужко як лауреатка Національна премія України імені Тараса Шевченка посідає вагоме місце в сучасному українському культурному та інтелектуальному просторі. Її творчість є прикладом високої мовної культури, аргументованості та риторичної майстерності. Публіцистичні тексти письменниці є взірцем професійного публічного мовлення, у якому поєднуються логічність викладу, емоційна виразність і глибокий аналіз суспільних процесів. Водночас внесок Оксани Забужко полягає не лише у створенні художніх творів, а й у формуванні сучасного українського характеру та утвердженні ролі української мови як важливого чинника національної ідентичності.

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## **ПРАВОВІ АСПЕКТИ ВИКОРИСТАННЯ ГЕНЕРАТИВНОГО ШІ У АДВОКАТСЬКІЙ ДІЯЛЬНОСТІ: ЕТИЧНІ ТА ПРОЦЕСУАЛЬНІ РИЗИКИ**

Стрімкий розвиток генеративного штучного інтелекту (далі – ШІ), зокрема мовних моделей, що здатні створювати тексти, аналізувати документи, моделювати правові позиції та генерувати процесуальні документи, формує новий етап цифровізації юридичної професії. Адвокатська діяльність, як інтелектуально-аналітична сфера, є однією з найбільш вразливих до впливу таких технологій. Використання генеративного ШІ відкриває значні можливості для підвищення ефективності правової допомоги, однак водночас породжує комплекс правових, етичних і процесуальних ризиків, що потребують глибокого осмислення та нормативного врегулювання.

Аналізуючи праці Гансецької В. та інших вітчизняних науковців в сфері права, передусім слід зазначити, що адвокатська діяльність має особливий правовий режим, оскільки пов'язана з реалізацією конституційного права на правову допомогу та гарантіями справедливого суду. У цьому контексті будь-яке застосування ШІ повинно відповідати принципам законності, незалежності адвоката, конфіденційності, добросовісності та професійної відповідальності. Генеративний ШІ не є суб'єктом права, не несе юридичної відповідальності за створений контент і не може замінити професійне судження адвоката. Отже,

вся відповідальність за використання результатів роботи ШІ покладається виключно на адвоката як носія професійного статусу [1, с. 67].

Одним із етичних ризиків є загроза порушення адвокатської таємниці. Для формування відповідей генеративні моделі часто потребують введення значного обсягу даних, що можуть містити відомості про клієнта, обставини справи, стратегію захисту. Передача таких даних стороннім цифровим сервісам, особливо за відсутності чітких гарантій їх захисту та локалізації обробки, може розглядатися як неналежне збереження адвокатської таємниці. Це створює потенційну колізію між технологічною зручністю та обов'язком адвоката забезпечувати повну конфіденційність інформації, довіреної клієнтом.

Другий суттєвий етичний аспект пов'язаний із професійною компетентністю та належною ретельністю (*due diligence*). Генеративний ШІ здатний створювати переконливі, але юридично неточні або повністю вигадані посилання на норми права, судову практику чи доктрину (так звані "галюцинації" ШІ). Без критичної перевірки з боку адвоката використання таких матеріалів у процесуальних документах може призвести до введення суду в оману, що суперечить стандартам професійної етики та може мати дисциплінарні наслідки. Таким чином, застосування ШІ не зменшує, а навпаки підвищує вимоги до професійної обачності адвоката.

Окрему групу становлять процесуальні ризики. Процесуальне право базується на принципах особистої участі сторін, достовірності доказів і належності процесуальних документів. Якщо процесуальні документи фактично сформовані алгоритмом без належного аналізу адвокатом, виникає питання про реальний зміст представництва та дотримання стандарту кваліфікованої правової допомоги. Крім того, використання ШІ для формування правової позиції може ускладнити встановлення джерел аргументації, що важливо в контексті оцінки добросовісності сторони та допустимості доказів [2, с. 138].

Ще один процесуальний аспект пов'язаний із доказовим правом. У перспективі можлива поява ситуацій, коли результати роботи ШІ (аналітичні висновки, прогнозування рішень суду, автоматизований аналіз доказів) намагатимуться використовувати як допоміжний інструмент у судовому процесі. Однак відсутність прозорості алгоритмів, неможливість перевірити логіку їх функціонування та потенційна упередженість даних ставлять під сумнів відповідність таких результатів вимогам належності та допустимості доказів. Важливим є і питання незалежності адвоката. Надмірна залежність від алгоритмічних підказок може призвести до стандартизації правових позицій, втрати індивідуального підходу до справи та фактичного делегування частини професійного мислення технічній системі. Це суперечить природі адвокатської професії, яка передбачає творче застосування права, стратегічне мислення та врахування унікальних обставин кожної справи [3, с. 243].

З огляду на викладене, використання генеративного ШІ в адвокатській діяльності має розглядатися як допоміжний інструмент, а не заміна професійної діяльності. Необхідним є формування чітких стандартів: обмеження введення



конфіденційних даних, обов'язкова перевірка результатів ШІ, внутрішні політики адвокатських об'єднань щодо цифрової безпеки, а також оновлення правил адвокатської етики з урахуванням цифрових ризиків. На нормативному рівні доцільно розробити рекомендації щодо допустимих меж використання ШІ у правничій практиці та закріпити принцип, за яким ШІ є лише технічним засобом, а всі правові наслідки його застосування несе адвокат [4].

Отже, генеративний ШІ в адвокатській діяльності – це не лише технологічний ресурс, а й джерело нових правових викликів. Його використання можливе лише за умови пріоритету прав клієнта, збереження адвокатської таємниці, професійної незалежності та суворого дотримання процесуальних гарантій. Саме баланс між інноваціями та правовими принципами визначатиме безпечну інтеграцію ШІ у сферу правничої допомоги.

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## **ОБШУК У КРИМІНАЛЬНОМУ ПРОВАДЖЕННІ: ПРОЦЕСУАЛЬНІ ГАРАНТІЇ**

Обшук є однією з найважливіших слідчих (розшукових) дій у кримінальному провадженні, оскільки дозволяє виявити та зафіксувати докази, які мають значення для встановлення обставин кримінального правопорушення. Водночас проведення обшуку безпосередньо пов'язане з обмеженням конституційних прав і свобод людини, зокрема права на недоторканність житла та приватного життя. Саме тому законодавство України передбачає низку процесуальних гарантій, покликаних забезпечити законність та обґрунтованість проведення цієї слідчої дії. Відповідно до ст. 30 Конституція

України ніхто не має права проникати до житла чи іншого володіння особи інакше як за вмотивованим рішенням суду, за винятком невідкладних випадків, пов'язаних із врятуванням життя людей або майна чи з безпосереднім переслідуванням осіб, підозрюваних у вчиненні злочину [1]. Дана конституційна норма є фундаментальною гарантією захисту прав людини у кримінальному процесі.

Процесуальний порядок проведення обшуку детально врегульований положеннями КПК України, зокрема статтями 233–236, які визначають підстави, порядок та умови проведення цієї слідчої дії[2]. Відповідно до ч. 1 ст. 234 КПК України обшук проводиться з метою виявлення та фіксації відомостей про обставини вчинення кримінального правопорушення, відшукування знаряддя кримінального правопорушення, майна, здобутого внаслідок його вчинення, а також встановлення місцезнаходження розшукуваних осіб [2]. Таким чином, обшук має чітко визначену процесуальну мету і не може проводитися без належного обґрунтування.

Однією з ключових процесуальних гарантій законності проведення обшуку є необхідність отримання попереднього дозволу слідчого судді. Згідно з положеннями КПК України, обшук житла чи іншого володіння особи проводиться на підставі ухвали слідчого судді, винесеної за результатами розгляду клопотання слідчого або прокурора [2]. У клопотанні повинні бути зазначені обставини кримінального провадження, підстави для проведення обшуку, конкретне місце проведення цієї слідчої дії та перелік предметів або документів, які планується відшукати. Такий підхід забезпечує судовий контроль за діяльністю органів досудового розслідування та запобігає можливим зловживанням з їхнього боку.

Разом із тим законодавство передбачає можливість проведення обшуку без ухвали слідчого судді у виняткових випадках. Відповідно до ст. 233 КПК України, проникнення до житла чи іншого володіння особи без судового рішення допускається лише у невідкладних ситуаціях, коли існує необхідність врятування життя людей, майна або безпосереднього переслідування осіб, які підозрюються у вчиненні кримінального правопорушення [2]. Проте навіть у такому випадку слідчий або прокурор зобов'язані невідкладно звернутися до слідчого судді з клопотанням про проведення обшуку для подальшої перевірки законності такої дії. Дана процедура спрямована на забезпечення балансу між ефективністю кримінального провадження та дотриманням прав людини.

Важливою процесуальною гарантією також є обов'язковість фіксації проведення обшуку. Відповідно до вимог КПК України результати обшуку підлягають обов'язковому документуванню у протоколі, в якому зазначаються всі обставини проведення цієї слідчої дії, перелік вилучених предметів та документів, а також зауваження учасників процесу [2]. Крім того, чинне законодавство передбачає можливість здійснення відеофіксації обшуку, що значно підвищує рівень прозорості та об'єктивності проведення цієї процесуальної дії.

Окремої уваги заслуговують процесуальні гарантії прав осіб, у житлі чи іншому володінні яких проводиться обшук. Зокрема, особа має право бути присутньою під час проведення обшуку, користуватися правовою допомогою адвоката, робити зауваження щодо змісту протоколу та отримувати його копію після завершення слідчої дії [2]. Реалізація цих прав є важливим елементом забезпечення принципу змагальності сторін та гарантією захисту прав і законних інтересів учасників кримінального провадження.

Як зазначає український науковець В. Тертишник, процесуальна форма кримінального провадження виступає ключовою гарантією дотримання прав людини, оскільки вона встановлює чіткі межі діяльності органів досудового розслідування та забезпечує законність отримання доказів. Порушення встановленого порядку проведення слідчих дій, зокрема обшуку, може призвести до визнання отриманих доказів недопустимими [5]. М. Михеєнко, також вказав, що ефективність кримінального судочинства повинна поєднуватися з належним рівнем гарантій прав і свобод людини, оскільки саме дотримання процесуальної форми забезпечує справедливість кримінального провадження та довіру суспільства до правосуддя [6].

Значну роль у формуванні практики застосування процесуальних гарантій під час проведення обшуку відіграє судова практика. Аналіз рішень, розміщених у Єдиному державному реєстрі судових рішень, свідчить, що суди досить часто визнають результати обшуку недопустимими доказами у разі порушення встановленого законом порядку його проведення [4]. Наприклад, недотримання вимог щодо отримання ухвали слідчого судді, неправильне оформлення протоколу обшуку або проведення цієї слідчої дії з перевищенням повноважень може стати підставою для визнання отриманих доказів недопустимими [2]. Така практика відповідає принципу верховенства права та спрямована на забезпечення дотримання процесуальних гарантій під час здійснення кримінального провадження.

Окрім національного законодавства, важливе значення для формування стандартів проведення обшуку мають міжнародні правові акти та практика міжнародних судових інституцій. Зокрема, відповідно до ст. 8 Конвенції про захист прав людини і основоположних свобод, кожна особа має право на повагу до свого приватного і сімейного життя, житла та кореспонденції. Будь-яке втручання органів державної влади у здійснення цього права допускається лише за умов, коли таке втручання передбачене законом і є необхідним у демократичному суспільстві [3]. Європейський суд з прав людини (далі - ЄСПЛ) неодноразово наголошує на необхідності дотримання принципу пропорційності при проведенні обшуків та інших процесуальних дій, що можуть обмежувати права людини. Важливе значення для формування стандартів проведення обшуку має практика ЄСПЛ, який вказував, що втручання держави у право на недоторканність житла повинно бути законним, необхідним та пропорційним поставленій меті. Зокрема, у справі «Smirnov v. Russia» Суд підкреслив, що проведення обшуку без належного процесуального контролю створює ризик свавільного втручання державних органів у приватне

життя особи [7]. У рішенні «Buck v. Germany» ЄСПЛ зазначив, що проведення обшуку повинно супроводжуватися достатніми процесуальними гарантіями проти зловживань з боку державних органів, а також ефективним судовим контролем [8].

Отже, проведення обшуку у кримінальному провадженні є складною процесуальною дією, яка потребує суворого дотримання вимог законодавства та забезпечення належних процесуальних гарантій. Законодавство України передбачає систему правових механізмів, спрямованих на захист прав людини під час проведення обшуку, зокрема судовий контроль, обов'язковість документування результатів слідчої дії, а також можливість оскарження незаконних дій органів досудового розслідування. Ефективна реалізація цих гарантій сприяє зміцненню принципу верховенства права, підвищенню довіри до правоохоронної системи та забезпеченню справедливості кримінального провадження.

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## **СПОРИ ЩОДО ВСТАНОВЛЕННЯ ТА ВІДНОВЛЕННЯ МЕЖ ЗЕМЕЛЬНИХ ДІЛЯНОК: ПРАВОВА ПРИРОДА ДОКАЗІВ ТА ЕКСПЕРТИЗ**

Розвиток правового та законодавчого регулювання інституту вирішення земельних спорів в Україні пройшов довгий шлях та зазнав суттєвих змін та доповнень. М. Долинська виокремлює трьох основних етапів розвитку законодавчого регулювання інституту земельних спорів за часів незалежної України, а саме: I етап: 1990-2001 роки; II етап –2001-2020 роки, III етап розпочався у 2022 році та триває до теперішнього часу [1, с. 29].

Діяльність уповноважених законом державних органів та органів місцевого самоврядування, які здійснюють владно-управлінські функції по встановленню та зміні меж населених пунктів є об'єктом земельних спорів у справах між суб'єктами владних повноважень щодо розмежування територій сіл, селищ, міст, а також у справах щодо порушення прав на землю фізичних та юридичних осіб [2, с. 59].

Встановлення та відновлення меж земельних ділянок є центральним елементом земельних правовідносин, оскільки саме межі визначають просторові рамки реалізації права власності, компетенції органів публічної влади та способ ведення Державного земельного кадастру. Межові спори мають складну правову природу, адже поєднують адміністративно-правові, цивільно-правові та технічні аспекти.

Згідно із статтею 79-<sup>1</sup> Земельним кодексом України, межі земельних ділянок повинні встановлюватися відповідно до документів землеустрою та фіксуватися у Державному земельному кадастрі [3].

Дійсно, значна кількість спорів виникає через відсутність або неповноту офіційних відомостей у кадастрі. Такі спори належать до компетенції судів.

На думку М. Долинської: земельний спір – це комплексне правовідношення, що базується на конфлікті (розбіжностях) суб'єктів земельних правовідносин, які виникають у процесі виникнення, зміни, використання (реалізації) та припинення земельних прав та інтересів вказаних суб'єктів, у зв'язку з їх невизнанням, оспоруванням та порушенням, а також пов'язаних із земельними – майнових та реєстраційних спорів, які порушують права та законні інтереси власників та землекористувачів земельних ділянок [4, с.159].

Закон України № 3613-VI від 7.07.2011 року «Про державний земельний кадастр» [5] у статті 1 встановив, що державною реєстрацією земельної ділянки

є внесення до Державного земельного кадастру передбачених вказаним Законом відомостей про формування земельної ділянки та присвоєння їй кадастрового номера. Також актом передбачено створення Державного реєстру «Державний земельний кадастр», який було запроваджено в Україні з 1 січня 2013 року [6, с. 50].

Питання встановлення меж є тісно пов'язаним з містобудівною та землеупорядною документацією, яка повинна бути узгоджена та затверджена відповідно до Закону України «Про Державний земельний кадастр» [5]. Проекти землеустрою щодо встановлення або зміни меж адміністративно-територіальних одиниць обов'язково погоджуються радами та державними адміністраціями, на територію яких поширюється така зміна. Це положення кореспондує науковим висновкам Д. М. Старостенко, яка досліджувала порядок оформлення меж адміністративно-територіальних утворень і наголошувала на необхідності дотримання чіткої землеупорядної процедури [7].

Специфіка розгляду земельних спорів щодо розмежування територій сіл, селищ, міст обумовлюється особливим об'єктом спору, яким є діяльність органів місцевого самоврядування, органів державної влади по проектуванню, узгодженню, встановленню (зміні) та оформленню меж території населеного пункту. Додатковим елементом у структурі об'єкта цього різновиду земельного спору є територія, яка розуміється, як частина земної поверхні (сукупність земель і земельних ділянок) з повітряним простором та розташованими під нею надрами у визначених межах, що має певне географічне положення, природні та створені в результаті діяльності людей умови і ресурси [2, с. 62].

Значну роль у вирішенні спорів відіграє містобудівна та кадастрова документація. Ми погоджуємося з думкою А. Мартіна, який підкреслював важливість системності містобудівних рішень у процесі визначення меж територіальних утворень [8].

Рішення про встановлення або зміну меж населених пунктів є нормативно-правовими актами, які можуть бути оскаржені протягом усього строку їх дії [9]. При цьому судова практика підтверджує, що навіть зупинення дії такого рішення може бути ефективним заходом забезпечення позову. Подібні аспекти досліджували А. Ріпенко та Ю. Яремко, які розглядали специфіку правового забезпечення зміни меж міст та експертизи землевпорядної документації [10; 11].

Можна підкреслити відмінність між «територією» та «земельною ділянкою». Територія, як частина земної поверхні з повітряним простором і надрами, не може перебувати у приватній чи комунальній власності, а є власністю українського народу, що виключає можливість її передання у цивільному порядку [9]. Подібні положення є ключовими при аналізі спорів щодо меж, адже визначення належності території впливає на компетенцію органів влади, що досліджувалося також у працях Л. Лейби [13].

У межових спорах особливого значення набуває судова експертиза. Науковці підкреслюють, що експертиза не замінює правових актів, але слугує технічним підтвердженням або спростуванням відповідності даних [11; 13].

Варто наголосити, що спори щодо встановлення та відновлення меж земельних ділянок, так само як і спори щодо визначення меж адміністративно-територіальних одиниць, як правило, вирішуються виключно у судовому порядку, про що зазначають науковці, в тому числі Сьоміна В. [9].

Одним з найпоширеніших способів захисту земельних прав та інтересів виступає судовий захист. Вимоги щодо умов та порядку вирішення земельних спорів у судових інституціях передбачені чинним українським законодавством [4, с. 160].

Таким чином, правова природа доказів у спорах щодо встановлення та відновлення меж земельних ділянок полягає у поєднанні: нормативно-правових актів про межі; документації із землеустрою; картографічних та кадастрових даних; висновків судових експертиз; матеріалів містобудівного планування. Системність доказування у межових спорах є ключовою для правильного їх вирішення. Комплексне використання правових та технічних доказів, а також дотримання процедурних вимог щодо внесення відомостей до Державного земельного кадастру забезпечує законність встановлення та відновлення меж земельних ділянок та територій.

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## **КОМУНІКАЦІЯ ТА ЇЇ РОЛЬ У РОЗВИТКУ СУСПІЛЬСТВА**

Комунікація – важливий процес, з яким ми стикаємось кожного дня. Він є невід'ємною частиною нашого існування в сучасному світі. Його можна охарактеризувати одним словом: «контакт». Людина є істотою, життя якої неможливо уявити без контакту з оточуючими.

Впродовж усієї історії людства спостерігається його утворення та розвиток. Сьогодні ж це складна система, яка має свої механізми, зв'язки, принцип роботи та постійно розвивається. На ці зміни впливає багато факторів, серед них розвиток науки, зміни у територіях держав, ускладнення мислення самої людини.

Соціальний прогрес є прямо залежним від розвитку швидкості та ефективності передачі знань. У давній долінгвістичний період людській спільноті бракувало саме вербального інструментарію. Через цей фактор передача знань та їх засвоєння відбувався лише шляхом візуального наслідування. Це могло проявлятися в повторенні рухів, зображенні «інструкцій» у малюнках, тощо. Такі методи не дозволяли досконало відображати складні логічні конструкції або ж алгоритми, що є основою для формування наукових знань. Етап появи мовлення є стартом перетворення людства з групи біологічних істот на складну соціальну систему. З'явилась можливість давати назви предметам, описувати свої роздуми, прогнози та різні ідеї. Поява різних мов є ключовим прикладом ускладнення мислення суспільства. Згідно думок Маршала Маклюена, що були викладені в творі «Галактика Гутенберга», поява мовлення стало першим «розширенням людини».



Наступним етапом у розвитку суспільства є поява писемності. Можливість фіксації думок на папері є підґрунтям для розвитку науки в усіх сферах людського життя. Формувались алфавіти для кожної з мов, правила написання слів та розділових знаків. Перехід від рукопису до друкарського верстату є поворотним моментом у розвитку засобів масової комунікації. Одна думка могла публікуватись в тисячі друкованих примірників, що значно пришвидшило обмін інформацією у суспільстві.

У ХХІ столітті комунікація перетворилась вже не є допоміжним елементом нашого існування, вона є його основою. Завдяки технічному прогресу ми можемо встановлювати зв'язок миттєво та безперервно. Перевагою є й те, що фізична відстань між особами перестала бути бар'єром для спілкування. Ми можемо ділитися враженнями та ідеями з ким завгодно та коли завгодно. До речі, сьогодні свобода переконань та їх вільне вираження є закріпленим правом кожної людини у Загальній декларації прав людини. Електронні листи, телефонні дзвінки, пости та особисті повідомлення в соцмережах дозволяють одразу ділитись своїми думками та враженнями з оточуючими. Новини розповсюджуються по країнах з неймовірною швидкістю. Таке оперативне інформування населення допомагає населенню підготуватись до можливих небезпек, повідомити їх про майбутні масові заходи та важливі події. За результатами опитування населення, понад 90% українців використовують смартфон як основний інструмент зв'язку та отримання інформації. Проте така зручність має великий недолік: обмеження «живого» спілкування. Це «живе» спілкування розвиває в людини оперативне мислення. В такому випадку ми не маємо права на редагування сказаного, наш мозок працює в режимі «реального часу». Ми змушені миттєво аналізувати зміст сказаного, тон, настрій та жести співрозмовника й так же миттєво надавати йому відповідь. Під час кожного діалогу наш мозок тренується реагувати швидко та точно, що буде дуже корисним у критичних ситуаціях. Попри таке часте використання смартфонів у своєму житті, більшість громадян все ж визнають живе спілкування більш щирим та кращим для себе.

Які ж функції комунікації в розвитку суспільства? Людина формує свою особистість саме за допомогою контакту з оточенням. Так проявляється соціалізаційна функція, яка безпосередньо встановлює ідентичність кожної людини як особи. Без комунікації неможлива жодна колективна робота. Прикладом може бути як будівництво багатоповерхівки, так і робота над шкільним плакатом. У таких випадках допомагає управлінська або організаційна функція. Комунікація допоможе розподілити обов'язки між особами та з'ясувати їх ролі у роботі над певним проєктом. Комунікація є невід'ємною частиною процесу державотворення. Вище згаданий розподіл обов'язків та ролей між особами дозволяє створити суспільство з ієрархічною структурою. Писемність забезпечує появу письмового законодавства, а творення особистостей людей формують менталітет держави. Мова в свою чергу стає ідентифікатором нації, до якої належить народ. Інноваційна та трансформаційна функції забезпечують утворення нових ідей, створення нових

винаходів в результаті колективних роздумів та роботи. Пов'язаною з нею є освітня функція. Передача знань не дозволяє їм зникнути разом з поколіннями, які ними володіли.

Комунікація в сучасній Україні щоразу зазнає нових змін. Перехід до сучасних технологій лише покращує процес обміну інформацією між населенням, проте у сучасних реаліях перед нею постають нові виклики. Усім відомо, про гібридну війну, яку веде з нашою державою країна-агресор. В цьому випадку цілліє не лише фізичне знищення, а й дезорієнтація населення, моральний тиск та підрив структури управління державою зсередини. Відбуватись це може різними способами, від гнівного коментаря у соцмережах до взлому державних телеканалів та транслявання на ньому фейків. Сьогодні є важливим усвідомлювати з ким ти комунікуєш та яку інформацію отримуєш. Це говорить про те, що комунікація є не лише позитивним явищем. Її характер визначається залежно від того, в яких цілях вона використовується.

Отже, комунікація може не лише допомогти побудувати державу, сформувати в людини особистість, або з'явитись новим винаходом, вона може й зруйнувати все, що з'явилося з її допомогою. Якщо розуміти складність цього процесу, усвідомлювати наслідки та фільтрувати інформацію яку ти отримуєш та передаєш, суспільство продовжить свій вдалий розвиток у всіх сферах: від тем звичних розмов між особами до великих наукових відкриттів.

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## **ПОЛІГРАФ, ЯК ІНСТРУМЕНТ ПСИХОФІЗІОЛОГІЧНОЇ ОЦІНКИ ДОБРОЧЕСНОСТІ ПЕРСОНАЛУ ЕКСПЕРТНИХ УСТАНОВ В УМОВАХ ВОЄННОГО СТАНУ: ПРАВОВІ ТА ЕТИЧНІ АСПЕКТИ**

Воєнний стан суттєво змінює контекст функціонування усіх державних інституцій, включно зі сферою правосуддя та експертного забезпечення. В умовах загострення соціально-економічних та правових ризиків, зумовлених повномасштабною агресією, гуманітарна політика держави має бути сфокусована на максимально ефективному захисті прав та свобод громадян. Ключовим елементом цього захисту є забезпечення об'єктивності, неупередженості та доброчесності інститутів, які формують доказову базу для правосуддя. Експертні установи, чия діяльність безпосередньо пов'язана з оцінкою доказів, криміналістичними дослідженнями та судовою експертизою, несуть надзвичайну відповідальність за кінцевий результат правосуддя. Будь-яка недоброчесність, схильність до корупції чи упередженість в експертному середовищі несе пряму загрозу як індивідуальним правам людини, так і людиноцентричній парадигмі в цілому, підриваючи суспільну довіру до державних органів.

Традиційні методи професійно-психологічного відбору, які включають психологічне тестування, інтерв'ю та аналіз біографічних даних, часто виявляються недостатніми для всебічної оцінки моральної стійкості, психологічної зрілості та відсутності прихованих девіацій у кандидатів на посади підвищеної відповідальності. У цьому контексті поліграф здобуває все більше визнання як інструмент психофізіологічної діагностики, що дозволяє реєструвати мимовільні реакції організму (серцебиття, дихання, електродермальна активність) у відповідь на значущі запитання. Його застосування у сфері кадрової безпеки, зокрема в експертних установах, має на меті не стільки фіксацію обману в загальному сенсі, скільки виявлення прихованої інформації про можливі компрометуючі зв'язки, наявність залежностей, факти притягнення до відповідальності, приховані джерела доходу, а також потенційний конфлікт інтересів. Це дозволяє доповнити суб'єктивну оцінку об'єктивними фізіологічними даними [1].

В умовах воєнного стану, коли розслідування воєнних злочинів та забезпечення верховенства права стають пріоритетними завданнями, роль судового експерта набуває критичної важливості. Неупереджений та професійний висновок експерта є основою у формуванні доказової бази та ухваленні справедливих рішень [2]. Будь-який прояв корупції або зловживання

в експертних установах може мати руйнівні наслідки для гуманітарної безпеки, підриваючи довіру міжнародної спільноти та громадян до української системи правосуддя. Використання поліграфа, інтегроване в систему кадрової безпеки експертних установ, можна розглядати як стратегічний ресурс гуманітарної політики. Він слугує інструментом профілактики професійних правопорушень та зниження людського фактору ризику. Підвищення рівня доброчесності персоналу через впровадження ефективних інструментів відбору є прямим внеском у формування людиноцентричної парадигми правосуддя [3]. Справедливий суд, заснований на неупереджених доказах, є однією з найважливіших гарантій захисту прав людини в умовах війни та післявоєнного відновлення. Таким чином, інструменти психофізіологічної діагностики стають не лише елементом внутрішньої безпеки установ, але й механізмом забезпечення якості правосуддя [4].

Отже використання поліграфа у професійно-психологічному відборі фахівців до експертних установ є потужним, хоча й методологічно дискусійним, інструментом удосконалення кадрової політики та профілактики внутрішніх ризиків. В умовах війни, коли суспільна вимога до доброчесності та об'єктивності державних інституцій є максимально високою, такі інструменти набувають стратегічного значення. Забезпечуючи високий рівень морально-психологічної стійкості та доброчесності експертного корпусу, держава робить важливий крок у напрямку формування людиноцентричної парадигми правосуддя. Поліграф, за умови суворого дотримання прав людини, етичних норм і методологічних стандартів, може розглядатися як складова системи забезпечення кадрової безпеки, що потенційно сприяє зміцненню правової безпеки та відновленню суспільної довіри до правоохоронних і експертних інституцій у постконфліктний період. Перспективним напрямом подальших досліджень є нормативне врегулювання та стандартизація процедур його застосування в діяльності експертних установ.

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## **ГРОМАДЯНСЬКЕ СУСПІЛЬСТВО У ПРАВОВІЙ ДЕРЖАВІ: ІСТОРИЧНИЙ ЕКСКУРС**

Дослідження громадянського суспільства залишається незмінно актуальним, адже його розвиток безпосередньо впливає на формування, реальне й практичне існування, реалізацію прав та свобод людини і громадянина. У контексті сталого розвитку правової держави увага науковців різних епох зосереджена на дослідженні громадянського суспільства, багатогранності його дефініцій, ретроспективі становлення, перспективах розвитку та існування.

У «Великій українській юридичній енциклопедії» зазначено, що громадянське суспільство – це сукупність рівноправних індивідів, недержавних об'єднань, які відповідальні за реалізацію згуртованих інтересів людей. Це простір реалізації прав осіб та суспільства, побудованого на ціннісному ставленні до прав людини у сфері поєднання та здійснення приватних інтересів осіб – власників прав, що згуртовані в об'єднання, які можуть забезпечувати контроль і протистояння державі та реалізовувати належні їм права [1, с. 169–170].

Саме питання існування та реалізації прав і свобод людини і громадянина будь-якої правової держави є надважливим, тому «громадянське суспільство» є одним із показників реальності останньої. Проблематика громадянського суспільства традиційно перебуває в центрі уваги наукової спільноти, маючи тривалу історію теоретичного осмислення.

Питання розбудови громадянського суспільства досліджували численні представники світової наукової думки, зокрема, Ж.-Ж. Руссо, Ш. Л. Монтеск'є, Дж. Локк, А. Фергюсон, Т. Джефферсон, Л. М. Саламон, а також такі вітчизняні науковці, як В. О. Ковалевський, С. К. Костючков, П. Б. Гураль, О. Чувардинський. Так, корені поняття «громадянське суспільство» сягають далеких XVII–XVIII ст. [2, с. 52].

Так, у праці Ж.-Ж. Руссо у своїх працях «Про суспільний договір», «Про нерівність», «Політична економія», «Про загальне суспільство людського роду» писав, що «людина народжується вільною», але всюди перебуває «в кайданах», тому необхідно скинути ці кайдани та здобути свободу. Вчений наголошував, що найкращою формою правління є демократія та наполягав, що влада в країні повинна розділятися на законодавчу та виконавчу. Виконавча влада є своєрідним посередником між суспільством (нацією) і окремим громадянином, вона є органом, який діє між підданими і сувереном для відносин між ними. А

законодавча влада здійснюється безпосередньо народом, але деякі питання народ передає своїм довіреним особам на місці [3, с. 35, с. 39-40].

Уже в той період мислитель аналізував права і свободи людини крізь призму соціальної рівності, досліджуючи залежність правового статусу особи від її становища в суспільній ієрархії та займаної посади. Вчений ставив такі запитання: чи є рівність серед тих, хто віддає накази (тобто влада), і тих хто їх виконує (народ); чи однаковими є їх природні та політичні права, чи все ж таки вони відрізняються, бо завжди люди мають різний соціальний статус у суспільстві? У доробку науковця ці питання проходять наскрізною ниткою, підкреслюючи роль громадянського суспільства як невід'ємний атрибут правової держави. Адже саме наявність рівності всіх прав людини та підтримання їх державою надає останній статусу правової та, у свою чергу, створює можливість виникнення й існування громадянського суспільства.

Ш. Л. Монтеск'є обстоював принципи політичної свободи як необхідна передумова забезпечення безпеки громадян та гарантування внутрішньої стабільності держави [4, с. 221]. А тому саме забезпечення державою для народу безпеки і передусь виникненню зародків громадянського суспільства. Зокрема, вчений у політичних свободах вбачав можливість безпеки громадян, реалізації їхніх прав і свобод, і саме це, на думку Ш. Л. Монтеск'є, є передумовою правової держави.

Також Ш. Л. Монтеск'є розмежував поняття «суспільство» і «держави», він акцентував, що поява держави є одним з етапів історичного розвитку суспільства [5, с. 110-112]. Мислитель зауважував, що головна мета держави – примирити суперечності, що виникли між людьми в суспільстві, і направити їх у русло правової форми розв'язання спорів між приватними особами, використовуючи загальну силу, якщо окремі індивіди не бажатимуть коритися встановленому правопорядку [4, с. 223].

Отже, Ш. Л. Монтеск'є чимало праць присвятив вивченню держави, її ролі та впливу на права людини. Він аналізував механізми державного впливу на індивіда, характер суперечностей, що між ними виникають, а також пропонував власне бачення правового врегулювання таких конфліктів. Насамперед наведені вище відносини і формують перші зародки громадянського суспільства, і саме згадування концепцій існування таких понять, як «держави» і «суспільство» в контексті їх співіснування та співвідношення це підтверджує.

Дж. Локк наполягав на принципі «згоди» як умови громадського договору. Фундаментальне значення свободи як основи людського буття мислитель обґрунтовував так: «Того, хто в природному стані побажав би відібрати свободу... необхідно вважати бажаним відібрати все, оскільки свобода є основою всього... Того, хто побажав би відібрати свободу, що належить членам суспільства або держави, слід підозрювати в намірі відібрати у них і все інше, отже, вважати такими, що перебувають у стані війни» [2, с. 271; 6, с. 30–31]. Вчений розглядав державу як механізм, здатний позбавити

народ не лише прав і свобод, а й можливості реалізувати будь-які інші суспільно значущі ініціативи.

Отже, погляди згаданих вище науковців мають як спільні ознаки, так і суттєві розбіжності у трактуванні ключових аспектів цієї теми. Водночас позиції Дж. Локка і Ш. Л. Монтеск'є щодо теорії народного суверенітету є суголосними. Дослідники обґрунтовували ідею, згідно з якою управління державою має здійснюватися найбільш компетентними представниками суспільства, здатними забезпечити баланс інтересів та захист прав усіх громадян. Водночас у межах їхньої концепції народного суверенітету наголошувалося на існуванні невідчужуваних прав, що виступають природним обмежувачем державної влади. Мислителі акцентували на необхідності стримування державного всевладдя задля збереження індивідуальної свободи особистості.

А. Фергюсон у своєму «Есе про історію громадянського суспільства» визначив громадянське суспільство як результат історичного розвитку, що ґрунтується на приватній власності, праві та моральній відповідальності. Він розглядав його як гарант прав людини, що самоорганізується без потреби в жорсткому державному примусі [7. с. 108].

Т. Джефферсон у своїх наукових нотатках наголошував, що ліберальне суспільство багатше за інші, адже свобода робить блага доступними кожному. Форма держави є визначальною для цього розвитку, вимагаючи обов'язкового впливу народу на владу через вибори, що забезпечує реалізацію прав і свобод [6, с. 33].

Отже, аналізуючи концептуальні надбання вчених з приводу громадянського суспільства, бачимо що наукова думка зосереджувалася на аналізі сутності та закономірностей функціонування громадянського суспільства й дослідженні його взаємовпливу між державою та окремими індивідами. У багатьох наукових підходах «громадянське суспільство» визначено як «ключовий складник державності», у межах якого створюються умови для повноцінного здійснення людиною своїх прав і свобод. Зазначені вище вчені присвятили вагомому кількості праць дослідженню громадянського суспільства, де значна увага приділялася свободі, цінностям, правам та обов'язкам як конкретних індивідів так і суспільства в цілому.

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## **ПРАВОВІ ЗАСАДИ ДІЯЛЬНОСТІ ВІЙСЬКОВИХ І ПРАВООХОРОНЦІВ У ВОЄННИЙ ЧАС**

Від початку повномасштабної збройної агресії проти України питання правового статусу військовослужбовців та працівників правоохоронних органів стало особливо гострим і актуальним. Указ Президента України №64/2022 від 24 лютого 2022 року [1] запровадив воєнний стан на всій території держави, що докорінно змінило умови служби для всіх, хто стоїть на захисті державного суверенітету та територіальної цілісності. У цих надзвичайних обставинах, коли щоденна діяльність військових і правоохоронців проходить під постійною загрозою життю, підвищеною відповідальністю та необхідністю швидкого ухвалення рішень, особливе значення має чітке законодавче визначення їхніх прав, обов'язків і соціальних гарантій.

Під правовим статусом особи, в тому числі і військовослужбовця, в самому широкому значенні слова, розуміється юридично закріплене положення особи в суспільстві. Правовий статус являє собою сукупність прав і свобод, обов'язків і відповідальності особи, які визначені на законодавчому рівні та гарантуються державою, і відбиває весь комплекс зв'язків людини із суспільством, державою, колективом та іншими людьми [2, с 672].

Правовою основою для дослідження статусу військовослужбовців і правоохоронців в умовах воєнного стану є, насамперед, Конституція України основний закон, що визначає фундаментальні права та обов'язки громадян, а також повноваження державних інституцій. Режим воєнного стану, порядок його введення та особливості функціонування влади в цих умовах регулюються Законом України «Про правовий режим воєнного стану» [3]. Важливу роль також відіграють спеціальні закони, такі як «Про військовий обов'язок і військову службу» [4], який встановлює порядок комплектування Збройних сил



і проходження служби, та «Про соціальний і правовий захист військовослужбовців та членів їхніх сімей» [5], що гарантує державну підтримку тим, хто захищає країну, та їхнім родинам. Безпосередньою підставою для запровадження особливого правового режиму став Указ Президента України про введення воєнного стану, затверджений Верховною Радою, який окреслив конкретні межі та територію дії цього режиму. Також важливим орієнтиром є норми міжнародного гуманітарного права, зокрема Женевські конвенції [6], які визначають правила поведінки з учасниками збройних конфліктів та захисту цивільного населення.

Правовий статус військовослужбовців і працівників правоохоронних органів є багатоеlementною категорією, що визначає їхнє місце в системі суспільних відносин та обсяг взаємодії з державою. Він охоплює права як законодавчо визначені можливості для реалізації благ і законних інтересів у зв'язку зі службою; обов'язки як необхідні дії в інтересах служби, суспільства й держави; відповідальність за невиконання чи неналежне виконання обов'язків або порушення заборон; а також гарантії правові, організаційні та соціально-економічні механізми, покликані забезпечити реалізацію прав і належний захист особи у зв'язку зі службовою діяльністю.

Специфіка правового статусу працівників правоохоронних органів у період дії воєнного стану проявляється в їхній діяльності. Вони безпосередньо залучаються до виконання завдань територіальної оборони, забезпечення комендантської години, проведення евакуаційних заходів, фільтраційних дій, а також до тісної співпраці з військовими формуваннями. Натомість держава зобов'язана забезпечити їм належний правовий і соціальний захист, який має відповідати рівню захисту військовослужбовців, з огляду на спільність виконуваних завдань в умовах збройної агресії [7].

Законодавчі зміни передбачають можливість застосування особливих заходів, необхідних для виконання завдань оборони держави та захисту населення в умовах збройної агресії. Зокрема, правоохоронці можуть перевіряти документи, обмежувати доступ до певних територій, контролювати рух транспорту, проводити поверхневі огляди осіб і речей, а також використовувати транспортні засоби підприємств, установ чи громадян для виконання службових завдань у визначених законом випадках. Крім того, їм надано право забезпечувати дотримання комендантської години, сприяти евакуаційним заходам, охороняти стратегічні об'єкти та контролювати виконання встановлених обмежень і заборон [8]. Ці повноваження реалізуються в межах правового режиму воєнного стану та мають тимчасовий характер.

Правовий статус військовослужбовців в умовах воєнного стану стає особливо динамічним, адже саме на них покладено основний тягар захисту держави від збройної агресії. Це проявляється, насамперед, у розширенні їх повноважень: військові отримують право застосовувати зброю для ураження противника, виконувати бойові накази в екстремальних умовах, а також брати безпосередню участь у веденні воєнних дій та обороні кордонів. Водночас, зростає й обсяг обов'язків військовослужбовці зобов'язані беззаперечно

виконувати накази та дотримуватися військової дисципліни, іноді навіть ціною власного життя. Це супроводжується тимчасовим обмеженням окремих конституційних прав, зокрема свободи пересування (заборона самовільно залишати частину), права на відпочинок (ненормований робочий день) та права на особисте і сімейне життя [9]. Важливо зазначити, що навіть у цей складний період не можуть бути обмежені такі фундаментальні права, як право на життя, повагу до гідності, заборона катувань і право на судовий захист [10]. Натомість держава гарантує посилений соціальний і правовий захист: збереження робочого місця та посади на час служби, зарахування часу служби до трудового стажу, грошове, медичне та продовольче забезпечення, а також виплати у разі поранення чи загибелі (до 15 млн грн). Члени сімей військовослужбовців мають переважне право на працевлаштування, отримують грошову допомогу при переїзді та оплату лікарняних [11].

Отже, проведене дослідження підтверджує, що в умовах воєнного стану правовий статус військовослужбовців і правоохоронців зазнає суттєвих змін. Ці зміни полягають у розширенні їхніх повноважень та посиленні обов'язків, а також у тимчасовому обмеженні окремих конституційних прав це вимушений крок для забезпечення оборони держави. Водночас фундаментальні права людини на життя, гідність, заборону катувань і судовий захист залишаються недоторканими. Важливо, що держава зобов'язана гарантувати захисникам належний соціальний і правовий захист. Це включає грошове забезпечення, медичну допомогу, пільги для родин, а також виплати у разі поранення чи загибелі. Таким чином, ефективність оборони безпосередньо залежить від збалансованості між розширеними повноваженнями, підвищеною відповідальністю та реальними соціальними гарантіями.

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## **РОЗВИТОК ВЗАЄМОДІЇ ПОЛІЦІЇ З ГРОМАДЯНАМИ ЗАДЛЯ ПІДТРИМАННЯ ПРАВОПОРЯДКУ В УМОВАХ ВОЄННОГО СТАНУ**

Забезпечення та підтримання правопорядку і законності для будь-якої держави є першочерговим завданням. Основним правоохоронним органом, який реалізує це завдання в Україні є Національна поліція України. Закон України «Про Національну поліцію», що є основним нормативно-правовим актом, який регламентує діяльність цього правоохоронного органу надає чіткий

перелік завдань, які здійснюються цим правоохоронним органом. Зокрема, відповідно до вищезазначеного закону завданнями поліції є надання поліцейських послуг у сферах: 1) забезпечення публічної безпеки і порядку; 2) охорони прав і свобод людини, а також інтересів суспільства і держави; 3) протидії злочинності; 4) надання в межах, визначених законом, послуг з допомоги особам, які з особистих, економічних, соціальних причин або внаслідок надзвичайних ситуацій потребують такої допомоги [1]. Здійснення цих завдань забезпечує існування сучасної правової держави та громадянського суспільства, яке існує в цій державі. Сучасна правова доктрина має велику кількість визначень такого поняття, як «Громадянське суспільство», серед усіх наявних термінів найбільш доречним та таким, що безпосередньо відображає сутність поняття можна вважати наступне. «Громадянське суспільство» – суспільство громадян із високим рівнем економічних, соціальних, політичних, культурних і моральних властивостей, яке спільно з державою утворює розвинені правові відносини; суспільство рівноправних громадян, яке не залежить від держави, але взаємодіє з нею заради спільного блага» [2, с. 120]. Саме розвиток правових відносин є тим чинником з якого безпосередньо витікає правопорядок. Ефективне виконання поліцейськими їх завдань тісно взаємопов'язане з правосвідомістю громадян, це можна простежити в заключній частині вищезазначеного терміну, де зазначається, що громадянське суспільство взаємодіє з державою заради спільного блага. В нашому випадку від імені держави діє Національна поліція України, яка в переліку принципів своєї діяльності містить такий принцип, як «Взаємодія з населенням на засадах партнерства». Ця теза дає зрозуміти, що співпраця та комунікація з громадянами є законодавчо закріпленим принципом, а не простою ініціативою окремих представників цього органу. Законодавче закріплення цього принципу дає чітке розуміння його важливості, а також необхідності його дотримання всіма поліцейськими. Ефективна взаємодія на партнерських засадах включає в себе ряд заходів, серед яких ключовими слід визначити такі заходи як інформаційний обмін, контроль з боку громадян та своєчасне інформування поліцейських про обставини та факти, які є правопорушеннями, а також чинники, які можуть стати мотивом для вчинення правопорушення. Особливу роль в розвитку взаємодії та запобіганню порушень суспільного порядку відіграють профілактичні бесіди з категоріями громадян, які схильні до вчинення правопорушень. Всі вище перелічені заходи працюють найбільш ефективно тоді, коли застосовуються комплексно, зокрема своєчасне інформування громадянами представників поліції про наявність якоїсь асоціальної групи населення та їх погляди на життя у соціумі можуть стати підставою для своєчасних профілактичних бесід, роз'яснення певних прав та обов'язків громадян, встановлення контакту та довірливих взаємовідносин. Інформування громадянами поліцейських є найважливішою з усіх форм взаємодії, оскільки вона безпосередньо ґрунтується на потребі громадян у залученні представників поліції з метою оперативного реагування та забезпечення правопорядку законним шляхом. В цьому контексті важливо зазначити, що держава передбачила різноманітні шляхи звернення та інформування громадянами поліцейських.

Безпосередньо здійснення інформування законодавець розглядає в контексті поняття звернення. Відповідно до статті 3 Закону України «Про звернення громадян під зверненнями громадян слід розуміти викладені в письмовій або усній формі пропозиції (зауваження), заяви (клопотання) і скарги [3]. Форми реалізації права на звернення викладені в вище зазначеному законі та здійснюються органами поліції у наступні способи. Письмова форма полягає у поданні свого звернення громадянином особисто до органу поліції, а також передачі такого звернення поштою чи за допомогою мережі Інтернет, засобів електронного зв'язку. Усне ж звернення має більш широкий спектр реалізації, оскільки воно зазвичай потребує більш оперативного реагування. Задля оперативного реагування на повідомлення такого типу держава створює умови для швидкого, зручного та доступного здійснення таких повідомлень. Усне звернення може бути викладене громадянином під час особистого прийому в установі поліції, за допомогою засобів телефонного зв'язку шляхом дзвінку до телефонних «гарячих ліній» та контактних центрів. Всі вище зазначені способи інформування становлять систему кожна складова з якої взаємодоповнює одна одну та виконує свою функцію з метою підвищення ефективності оперативного реагування на інформування громадянами. Кожен громадянин залежно від ряду факторів може обрати зручний для себе спосіб оповіщення поліцейських. Станом на зараз надзвичайно важливим є питання безпекової складової громадян, оскільки 24.02.2022 указом президента України №64/2022 у зв'язку з військовою агресією Російської Федерації проти України на всій території України було введено в дію воєнний стан. Відповідно до Закону України «Про правовий режим воєнного стану» Воєнний стан – це особливий правовий режим, що вводиться в Україні або в окремих її місцевостях у разі збройної агресії чи загрози нападу, небезпеки державній незалежності України, її територіальній цілісності та передбачає надання відповідним органам державної влади, військовому командуванню, військовим адміністраціям та органам місцевого самоврядування повноважень, необхідних для відвернення загрози, відсічі збройної агресії та забезпечення національної безпеки, усунення загрози небезпеки державній незалежності України, її територіальній цілісності, а також тимчасове, зумовлене загрозою, обмеження конституційних прав і свобод людини і громадянина та прав і законних інтересів юридичних осіб із зазначенням строку дії цих обмежень [4]. З метою покращення комунікації громадян з правоохоронними органами саме в умовах воєнного стану Міністерством внутрішніх справ України було розроблено офіційний сервіс екстреної допомоги, який може працювати навіть без мобільного зв'язку. Повідомлення за допомогою цього сервісу можна віднести до усної форми повідомлень, але основною його відмінністю від телефонних звернень є відсутність залежності від мобільного зв'язку, що особливо актуально на деокупованих територіях, територіях, які перебувають поруч із зоною проведення бойових дій, а також під час перебування громадянами в бомбосховищах. В перспективі збільшення спроможностей цього сервісу впровадження безбар'єрних функцій, так як можливість виклику жестовою

мовою. Саме можливість громадян звернутися до поліції в зручний та ефективний спосіб є ключовим елементом розбудови та зміцнення взаємозв'язку та створення довірливих стосунків між представниками громади та поліцейськими. В свою чергу своєчасне та повне реагування на такі повідомлення і є показником ефективності роботи поліції та індикатором рівня довіри суспільства. В цьому випадку кожен громадянин на звернення якого було належним чином відреаговано розуміє важливість свого звернення та усвідомлює свій вклад у забезпечення правопорядку.

Підсумовуючи варто зазначити, що взаємодія поліції та суспільства на засадах партнерства є не лише службовим обов'язком, а й фундаментальним принципом розбудови правової держави в умовах воєнного стану. Розширення каналів інформування, а також впровадження новітніх сервісів екстреної допомоги забезпечує безперервну комунікацію, яка має критичне значення для оперативного реагування на правопорушення. Саме за допомогою цього дієвого зворотнього зв'язку формується високий рівень правосвідомості громадян, що в подальшому стає запорукою стабільного правопорядку та національної безпеки.

1. Про Національну поліцію: Закон України від 02.07.2015 № 580-VIII : станом на 15 лют. 2026 р. URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text> (дата звернення 25.02.2026).

2. Політологічний енциклопедичний словник / Упорядн. В.П. Горбатенко; За ред. Ю.С. Шемшученка, В.Д. Бабкіна, В.П. Горбатенка. – 27е вид., доп. і перероб. Київ: Генеза, 2004. – 736 с.

3. Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР : станом на 24 січ. 2026 р. URL: <https://zakon.rada.gov.ua/laws/show/393/96-вр#Text>

4. Про правовий режим воєнного стану: Закон України від 12.05.2015 № 389-VIII : станом на 14 трав. 2025 р. URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text> (дата звернення 25.02.2026).

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## **ПРОБЛЕМИ ВІДШКОДУВАННЯ ШКОДИ, ЗАПОДІЯНОЇ ЗДОРОВ'Ю ТА ЖИТТЮ ГРОМАДЯН ВНАСЛІДОК ЕКОЛОГІЧНОГО ПРАВОПОРУШЕННЯ В УМОВАХ ЗБРОЙНОГО КОНФЛІКТУ**

Збройна агресія проти України спричинила безпрецедентний за масштабами негативний вплив на стан навколишнього природного середовища, що безпосередньо загрожує основоположним правам людини. Екологічні правопорушення, які відбуваються в умовах збройного конфлікту, мають системний характер та призводять до тривалого забруднення атмосферного повітря, ґрунтів і водних ресурсів продуктами горіння нафтопродуктів, витоками хімічних речовин та залишками засобів ураження. У таких обставинах право на життя та здоров'я громадян опиняється під загрозою не лише через безпосередні бойові дії, а й через пролонгований вплив зруйнованого довкілля. Питання формування дієвого механізму відшкодування такої шкоди потребує глибокого аналізу національної судової практики та міжнародних стандартів, оскільки встановлення причинно-наслідкового зв'язку в умовах активної фази конфлікту залишається складним юридичним завданням, що вимагає нових підходів до доказування та оцінки збитків [6, с. 4].

Фундаментальною основою захисту прав постраждалих є положення статті 3 Конституції України, де людина, її життя і здоров'я визнаються найвищою соціальною цінністю [1]. Обов'язок держави захищати життя людини закріплений у статті 27 Конституції України, що нерозривно пов'язано зі статтею 50, яка гарантує кожному право на безпечне довкілля та на відшкодування шкоди, завданої порушенням цього права [1]. На міжнародному рівні ці гарантії підкріплюються статтею 2 Конвенції про захист прав людини і основоположних свобод [2]. У практиці Європейського суду з прав людини (ЄСПЛ), зокрема у рішенні у справі «Онерилдіз проти Туреччини», наголошено, що держава має позитивний обов'язок захищати життя особи від реальних загроз екологічного та техногенного характеру [3]. Аналогічно, у справі «Будаєва та інші проти росії» ЄСПЛ підкреслив відповідальність влади за невжиття заходів щодо попередження екологічних катастроф та належного інформування населення [4].

Цивільно-правовий аспект відшкодування шкоди здоров'ю базується на загальних нормах деліктної відповідальності. Відповідно до статті 1166 Цивільного кодексу України (ЦКУ) шкода відшкодовується особою, яка її завдала [5]. Як зазначає Л. П. Решетник, екологічна шкода здоров'ю часто має

латентний характер, що ускладнює оцінку моральних страждань згідно зі статтею 1168 ЦКУ [6, с. 12]. В умовах збройного конфлікту особливого значення набуває стаття 1187 ЦКУ про відповідальність за шкоду, завдану джерелом підвищеної небезпеки, до якого належить військова техніка та засоби ураження. О. П. Гандлер зауважує, що складність таких справ полягає у безвинній відповідальності власника небезпечного об'єкта, якщо не буде доведено дію непереборної сили [7, с. 106].

Практика Верховного Суду (ВС) відкриває шлях до реального відшкодування збитків від агресора. У постанові від 14 квітня 2022 р. у справі № 308/9708/19 ВС закріпив можливість ігнорування судового імунітету держави-агресора у справах про шкоду життю та здоров'ю [8]. Важливим питанням є встановлення причинно-наслідкового зв'язку: у дайджесті екологічної практики ВС наголошено, що позивач має надати докази того, що погіршення здоров'я викликане саме конкретним забрудненням [9, с. 132]. При встановленні фактів смерті чи поранення на тимчасово окупованих територіях суди дотримуються гуманітарного принципу визнання юридичної сили документів (свідочств), якщо їх ігнорування позбавляє постраждалих права на відшкодування [10, с. 51].

Важливим етапом у створенні механізму компенсації став запуск Міжнародного реєстру збитків (RD4U) [11]. Реєстр вже приймає заяви за категоріями А2 (смерть, поранення) та В3 (шкода навколишньому середовищу) [12]. Постановою Кабінету Міністрів України № 365 від 29 березня 2024 р. затверджено порядок подання таких заяв через Портал Дія, що робить процес документування шкоди доступним для кожного постраждалого громадянина [13]. Це створює базу для майбутньої роботи Компенсаційної комісії, яка визначатиме розміри виплат за рахунок активів держави-агресора.

Ми підтримуємо думку Л. В. Мелех та вважаємо, що реалізація превентивної та охоронно-захисної функцій юридичної відповідальності є фундаментальною основою забезпечення екологічної безпеки населення. [14, с. 89]. Такий підхід дозволить мінімізувати ризики для життя громадян та створити правові передумови для реального відшкодування шкоди через майбутню Компенсаційну комісію.

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1. Конституція України: Закон України від 28 червня 1996 р. № 254к/96-ВР. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> (дата звернення: 26.02.2026).

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## **ШТУЧНИЙ ІНТЕЛЕКТ ТА СУМІЖНІ ПРАВА В УМОВАХ ЗБРОЙНОГО КОНФЛІКТУ**

Стрімке перетворення цифрового ландшафту та тотальна інтеграція високих технологій у правову систему України відбуваються на тлі безпрецедентних викликів, зумовлених тривалою збройною агресією. У таких специфічних умовах штучний інтелект (ШІ) еволюціонував із теоретичного концепту у прикладний інструмент стратегічного значення, що забезпечує збір розвідданих, аналіз ситуації на полі бою та детальну фіксацію наслідків бойових дій. Правова природа результатів, отриманих за допомогою інтелектуальних алгоритмів, створює фундаментальну дилему для інституту суміжних прав. Традиційні підходи, що базуються на творчому внеску людини, сьогодні потребують адаптації до автономності машинних систем. Чітка диференціація об'єктів, створених оператором, та результатів, згенерованих ШІ самостійно, є критично важливою для підтримання національної безпеки та формування стійкої системи доказів у правовому полі.

Нормативний фундамент охорони інтелектуальних здобутків базується на положеннях статті 41 Конституції України щодо непорушності права власності на результати творчої діяльності та частині першій статті 54 Конституції України, що гарантує свободу наукової та технічної творчості [1]. В умовах збройної агресії ці гарантії стають основою інформаційного суверенітету. Реалізація цих прав деталізується у Законі України «Про авторське право і суміжні права», де стаття 33 «Право особливого роду (*sui generis*) на неоригінальні об'єкти, згенеровані комп'ютерною програмою» закріплює право власності на результати діяльності інтелектуальних систем [2]. Як підкреслює М. Вовк, такий механізм дозволяє правомірно визнавати суб'єктами прав власників або користувачів ШІ, що є життєво необхідним для легалізації масивів даних, отриманих автономними дронами чи системами спостереження в зонах зіткнення [3, с. 74].

Правозастосовчий вектор у цій сфері також коригується практикою Європейського суду з прав людини. Зокрема, у рішенні у справі «Сабо та Віші проти Угорщини» (*Szabó and Vissy v. Hungary*). Суд акцентував увагу на тому, що автоматизована обробка інформації та спостереження мають бути пропорційними та суворо регламентованими законом [4]. Для сфери суміжних прав це означає, що використання ІІІ для аналізу медіаконтенту в оборонних цілях не повинно нівелювати права виробників відеограм та виконавців на захист їхніх результатів праці від несанкціонованого втручання.

Особливого значення набуває роль ІІІ у процесі документування міжнародних злочинів. Згідно зі статтею 35 «Зміст і суб'єкти суміжних прав» та статтею 41 «Майнові права на програму організації мовлення» Закону України «Про авторське право і суміжні права», відеоматеріали фіксації бойових дій охороняються як об'єкти суміжних прав [2]. Ж. Удовенко та І. Мартишко зазначають, що ІІІ значно прискорює ідентифікацію об'єктів на таких відеограмах, проте підкреслюють необхідність збереження автентичності цифрових файлів для їх подальшого використання у міжнародних судах [5, с. 407].

Водночас, маніпулятивне використання образів осіб через технології дипфейків порушує статтю 38 «Майнові права виконавців» Закону України «Про авторське право і суміжні права» [2]. Ю. Єрмаков та О. Барабаш застерігають, що в умовах інформаційного протистояння такі технології стають зброєю психологічного впливу, що вимагає впровадження обов'язкового маркування ІІІ-контенту [6, с. 52].

Державна політика України, закріплена у Концепції розвитку штучного інтелекту в Україні (схваленій Розпорядженням КМУ № 1556-р), пріоритезує впровадження інновацій у сектор безпеки [7]. Г. Татаренко та М. Карпенко слушно зазначають, що це потребує розмежування об'єктів суміжних прав за цільовим призначенням: від військових баз даних до цивільних медіапродуктів [8, с. 143]. Міжнародна спільнота, зокрема через Резолюцію ГА ООН 79/239 «Штучний інтелект у військовій сфері», також закликає до «відповідального використання» ІІІ, де повага до інтелектуальної власності є запобіжником від правового хаосу [9, с. 141]. Окрім того, досвід ЄС щодо винятків для аналізу великих даних (*TDM*) має бути імплементований в українське поле для підтримки розробників військового софту при збереженні прав правовласників [10, с. 52].

Підсумовуючи, слід наголосити, що трансформація суміжних прав у цифрову епоху під час збройного конфлікту вимагає гнучкого поєднання класичної доктрини та новітнього режиму *sui generis*. Запровадження спеціальних норм у профільному законодавстві створює правовий каркас для захисту об'єктів, згенерованих без прямої участі людини, що є критичним для національної оборони та правосуддя. Подальший розвиток юридичної думки має бути зосереджений на створенні надійних механізмів верифікації контенту та захисту від дезінформаційних викликів ІІІ, що дозволить ефективно захистити інтереси виконавців і виробників у сучасних реаліях воєнного стану.

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## **АНТИКОРУПЦІЙНІ СТАНДАРТИ В ДІЯЛЬНОСТІ ПРАВООХОРОННИХ ОРГАНІВ ЯК СКЛАДОВА МІЖНАРОДНОГО ЗАХИСТУ ПРАВ ЛЮДИНИ В УМОВАХ ВОЄННОГО СТАНУ**

Антикорупційні стандарти в діяльності правоохоронних органів безпосередньо пов'язані з міжнародним захистом прав людини, оскільки корупція у сфері публічної влади підриває законність, передбачуваність правозастосування та рівність доступу до державного захисту. Для конституційного права визначальним є положення про те, що органи державної влади та їх посадові особи діють лише на підставі, в межах повноважень та у спосіб, передбачені Конституцією України і законами України, а права і свободи людини визначають зміст і спрямованість діяльності держави [1]. Саме ця конституційна засада формує правову рамку антикорупційної політики як елементу забезпечення прав людини, а не лише інструменту кримінально-правового реагування. За таких умов будь-які рішення правоохоронних органів, пов'язані із застосуванням примусу, документуванням кримінальних правопорушень, доступом до службової інформації або обмеженням прав людин, мають бути законними, перевірюваними та підзвітними.

Під час дії правового режиму воєнного стану значення антикорупційних стандартів зростає, оскільки посилюються безпекові ризики, розширюється обсяг управлінських рішень у сфері публічної безпеки, збільшується роль превентивних заходів та контрольних повноважень держави. Воєнний стан допускає тимчасові обмеження прав і свобод у визначених законом межах, однак не скасовує засад верховенства права і не звільняє державу від обов'язку забезпечувати ефективний захист прав людини. У цій площині антикорупційні стандарти виконують стабілізуючу функцію, оскільки підтримують легітимність державних рішень і довіру суспільства до правоохоронних інституцій за умов підвищеної дискреції.

Національна модель запобігання корупції та протидії їй сформована як поєднання превентивних і правоохоронних механізмів. Ключовим нормативним актом є Закон України «Про запобігання корупції» [2], який закріплює правила врегулювання конфлікту інтересів, обмеження щодо одержання неправомірної вигоди та подарунків, вимоги фінансового контролю, гарантії захисту викривачів, а також визначає статус Національного агентства з питань запобігання корупції як спеціально уповноваженого органу у сфері запобігання корупції. Превентивна діяльність НАЗК має безпосередній зв'язок із міжнародним захистом прав людини, оскільки спрямована на усунення умов, за яких корупція трансформується у вибіркове реагування, незаконний вплив на

службові рішення, втручання у приватне життя або створення перешкод у доступі до правосуддя.

Поряд із превентивним блоком, правоохоронний сегмент антикорупційної політики реалізується через діяльність органів досудового розслідування, процесуального керівництва та судового контролю. Саме на цьому рівні антикорупційні стандарти безпосередньо перетинаються з гарантіями справедливого процесу, правом на ефективний засіб юридичного захисту та принципом рівності перед законом. Якість документування фактів одержання чи надання неправомірної вигоди, дотримання процесуальних правил, законність використання оперативних можливостей визначають не лише результативність боротьби з корупцією, а й довіру до держави як гаранта прав людини.

Особливе місце у цій системі посідають органи національної поліції як найбільш наближений до населення елемент правоохоронного механізму. Закон України «Про Національну поліцію» визначає завдання поліції у сфері забезпечення прав і свобод людини, публічної безпеки і порядку, а також закріплює засади відкритості, підзвітності та партнерської взаємодії з населенням. У площині антикорупційних стандартів це означає наявність чітких і зрозумілих алгоритмів реагування, однакових критеріїв оцінки ситуацій, недопущення неправомірної вигоди як неформального способу впливу на службові рішення, належне документування поліцейських дій і контроль за використанням повноважень. Такий підхід формує стандарт правової визначеності для особи, за якого взаємодія з поліцією не залежить від приватного інтересу посадових осіб.

Європейський підхід доповнюється принципами Європейського кодексу поліцейської етики, який орієнтує поліцейську службу на дотримання прав людини, законність, підзвітність і доброчесність як основу професійної діяльності. Такі стандарти спрямовані не на формальне декларування антикорупційних цінностей, а на їх інтеграцію у внутрішню організацію служби, дисциплінарні процедури, професійну підготовку та управлінські рішення [3].

Окрема площина міжнародного захисту прав людини у сфері антикорупційної діяльності пов'язана з практикою Європейського суду з прав людини, який наголошує на необхідності поєднання ефективної протидії корупції з дотриманням стандартів справедливого судового розгляду. У рішенні *Ramanauskas v. Lithuania* Суд сформулював підхід щодо неприпустимості провокації хабарництва з боку державних агентів та обов'язку національних судів забезпечувати реальну перевірку доводів про підбурювання до вчинення злочину. Ця позиція має принципове значення для правоохоронних органів, оскільки окреслює межі допустимих методів викриття неправомірної вигоди і підтверджує, що ефективність антикорупційних заходів не може досягатися шляхом підризу гарантій справедливого процесу навіть за складних безпекових умов [4].

Під час дії правового режиму воєнного стану антикорупційні стандарти проявляються також через необхідність запобігання зловживанням у сферах, пов'язаних із розподілом ресурсів, доступом до послуг, режимними обмеженнями та безпековими заходами. Правоохоронні органи, включно з органами національної поліції, виконують подвійну функцію: забезпечують публічну безпеку і водночас підтримують режим законності шляхом попередження та припинення корупційних правопорушень. Превентивна роль НАЗК у цих умовах полягає у контролі дотримання антикорупційних обмежень і формуванні стандартів доброчесності, що знижує ризики конфлікту інтересів у державному управлінні. Правоохоронний сегмент зосереджується на документуванні фактів одержання чи надання неправомірної вигоди та зловживання впливом із дотриманням процесуальної дисципліни і судового контролю.

Таким чином, антикорупційні стандарти в діяльності правоохоронних органів виступають складовою міжнародного захисту прав людини, оскільки підтримують законність, підзвітність і рівність перед законом та зміцнюють спроможність держави забезпечувати ефективний захист прав у сфері публічної безпеки і кримінальної юстиції. Національне законодавство формує інституційні механізми запобігання корупції через діяльність НАЗК, а органи національної поліції реалізують ці стандарти у щоденній практиці захисту прав і свобод людини та підтримання правопорядку. Міжнародні акти та практика Європейського суду з прав людини уточнюють межі допустимих антикорупційних заходів і забезпечують збереження стандартів справедливого процесу навіть за умов дії правового режиму воєнного стану, що безпосередньо впливає на реальність і ефективність захисту прав людини.

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## **КОМУНІКАТИВНІ АСПЕКТИ ВИКОРИСТАННЯ УКРАЇНСЬКОЇ ТА АНГЛІЙСЬКОЇ МОВ У СФЕРІ ЦИВІЛЬНОГО ЗАХИСТУ**

У сучасному інформаційному суспільстві ефективна комунікація є одним із ключових чинників функціонування системи цивільного захисту. Оперативне поширення достовірної інформації, чіткість повідомлень та доступність інструкцій для населення значною мірою визначають ефективність реагування на надзвичайні ситуації. У цьому контексті важливу роль відіграє мовний аспект професійної комунікації, зокрема використання української та англійської мов.

Українська мова, як державна мова України, є основним засобом внутрішньої комунікації між органами державної влади, підрозділами цивільного захисту та населенням. Саме нею здійснюється підготовка нормативно-правових актів, інструкцій, рекомендацій щодо поведінки населення під час надзвичайних ситуацій, а також офіційних попереджень і повідомлень [1]. Чіткість, однозначність та стандартизованість мовних формулювань мають принципове значення, оскільки від правильного розуміння інформації залежить своєчасність та ефективність дій громадян у кризових умовах.

Важливим аспектом професійної комунікації є стандартизація термінології цивільного захисту. У нормативних документах та навчальних матеріалах широко використовуються такі терміни, як «надзвичайна ситуація» (emergency situation), «цивільний захист» (civil protection), «оповіщення населення» (public warning), «евакуація» (evacuation), «укриття» (shelter), «ліквідація наслідків надзвичайної ситуації» (emergency response or disaster response). Важливе значення мають також поняття «ризик виникнення надзвичайної ситуації» (disaster risk), «оцінювання ризиків» (risk assessment), «план реагування на надзвичайні ситуації» (emergency response plan) та «система раннього оповіщення» (early warning system).

Поряд із цим значну роль у професійній діяльності фахівців цивільного захисту відіграє англійська мова. У сучасних умовах міжнародного співробітництва більшість наукових досліджень, методичних рекомендацій та міжнародних стандартів у сфері управління ризиками та реагування на надзвичайні ситуації публікуються саме англійською мовою [3]. Це забезпечує доступ до сучасних наукових знань і передового міжнародного досвіду.

Крім того, англійська мова активно використовується під час міжнародних навчань, тренінгів і конференцій у сфері безпеки. У міжнародній практиці поширеними є такі професійні поняття, як incident command system,



disaster mitigation, hazard management, emergency preparedness та search and rescue operations. Їх коректний переклад українською мовою є важливою умовою ефективної професійної комунікації та взаєморозуміння між фахівцями різних країн.

Отже, використання української та англійської мов у сфері цивільного захисту має комплексний характер. Українська мова забезпечує ефективну внутрішню комунікацію між державними структурами та населенням, тоді як англійська мова виконує функцію міжнародної професійної взаємодії. Поєднання цих мовних ресурсів сприяє підвищенню рівня підготовки фахівців, розвитку міжнародного співробітництва та вдосконаленню системи реагування на надзвичайні ситуації.

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## **МЕЖІ ОБМЕЖЕННЯ ПРАВ ЛЮДИНИ В УМОВАХ ВОЄННОГО СТАНУ: УКРАЇНСЬКА ПРАКТИКА ТА МІЖНАРОДНІ СТАНДАРТИ**

Чи може держава, захищаючи власне існування, поступово перетворитися на загрозу для тих, кого захищає? Саме це питання лежить в основі дослідження: де проходить межа між законним обмеженням прав людини в умовах воєнного стану та свавіллям, яке підриває легітимність самої держави. Україна після 24 лютого 2022 р. стала унікальним правовим полігоном, де теоретичні конструкції міжнародного права зіткнулися з реальністю повномасштабної агресії – і цей досвід уже формує нову прецедентну практику для всієї системи міжнародного захисту прав людини.

Міжнародне право передбачає спеціальний механізм для екстремальних ситуацій: інститут відступу (derogation). Стаття 15 ЄКПЛ і ст. 4 МПЦПП дозволяють державам тимчасово призупинити дію окремих прав за наявності

загрози «життю нації», однак з трьома принциповими обмеженнями: вжиті заходи мають бути суворо пропорційними, не суперечити іншим міжнародним зобов'язанням держави, а абсолютні права – зокрема заборона катувань і право на життя – залишаються недоторканими за будь-яких обставин [3]. На відміну від ст. 15 ЄКПЛ, ст. 4 МПЦПП додатково вимагає офіційного проголошення надзвичайного стану, що створює процедурний бар'єр проти зловживань [4].

Практика України щодо нотифікацій органам Ради Європи і ООН є найдокладнішою в сучасній європейській історії. Перша нота датується червнем 2015 р. Після повномасштабного вторгнення перелік призупинених прав охопив свободи вираження, зібрань, приватності, заборону дискримінації та право на ефективний засіб захисту [3]. Показово, що у квітні 2024 р. Україна частково відкликала відступ, відновивши дію ст.ст. 9, 13 і 14 ЄКПЛ – свідчення свідомої стратегії повернення до мирних стандартів навіть під час активних бойових дій і пряме спростування тези про «нескінченне» воєнне право.

На національному рівні конституційна конструкція обмежень прав є двошаровою. Стаття 64 Конституції України дозволяє встановлювати обмеження лише із зазначенням строку дії та лише щодо прав поза «абсолютним переліком» – ст.ст. 24–29, 40, 47, 51–63 Конституції залишаються непорушними [1]. Закон № 389-VIII і виданий на його підставі Указ Президента № 64/2022 перетворюють ці рамки на конкретні інструменти: трудова повинність, відчуження майна, комендантська година, обмеження пересування – законні, але строго темпоральні заходи [2]. У правову архітектуру воєнного стану закладено вбудований механізм самообмеження, ефективність якого залежить від незалежності судової гілки влади.

Найбільш показовий вимір практичного застосування обмежень – мобілізаційні спори. Верховний Суд у справі № 160/2592/23 встановив, що незаконність процедури призову не тягне автоматичного демобілізування вже зарахованого військовослужбовця [5]. Ця позиція відображає усвідомлений вибір між процедурною чистотою і функціональністю оборонного механізму держави – вибір, притаманний усім правовим системам, що зіткнулися з повномасштабною агресією. Водночас суди активно захищають цифрові права: справи № 320/4051/25 та № 460/11911/24 підтвердили, що порушення вимог електронного реєстру робить вручення повістки незаконним, а витяги з «Резерв+» та «Дія» є повноцінними судовими доказами права на відстрочку [5]. Примітно, що саме цифрові докази дедалі частіше стають єдиним ефективним засобом захисту проти зловживань з боку ТЦК – цифровізація публічного управління трансформується у правозахисний інструмент.

Найбільш тривожним є становище абсолютних прав. Звіт HRMMU за лютий 2025 р. фіксує системні порушення з обох боків: близько трьох чвертей із 281 опитаного звільненого цивільного затриманого на підконтрольних Росії територіях надали достовірні свідчення про катування [6, с. 4], а більше третини із 450 затриманих, пов'язаних із конфліктом, на підконтрольній Україні території також повідомили про жорстоке поводження [6, с. 5]. Аналіз понад 2 000 вироків за колабораційну діяльність виявив, що приблизно 13% засуджених

притягнуто за дії, які могли бути законно витребувані окупаційною владою, – такі переслідування суперечать міжнародному праву [6, с. 5]. Верховний Суд у 2025 р. реагував через доказове право: скасовано докази, отримані з телефонів без судової ухвали, як такі, що порушують ст. 8 ЄКПЛ [3; 5]. Це явище – «деформація абсолюту»: формально абсолютні права визнаються, але системна перевірка їх дотримання залишається недостатньою.

Інституційною протиположністю ризику свавілля є незалежний правозахисний моніторинг. Протягом 2024 року Офіс Омбудсмана Дмитра Лубінця опрацював загалом 123 221 звернення громадян. Зокрема, у сфері захисту соціальних, економічних та культурних прав було зафіксовано 18 800 повідомлень про порушення, завдяки чому вдалося поновити права понад 250 370 осіб. Окрему увагу приділено сектору безпеки (понад 8 тисяч звернень) та моніторингу місць несвободи, у межах якого здійснено 543 візити. [7]. Водночас моніторинг Центру прав людини ZMINA демонструє стабільно високий рівень тиску на громадянське суспільство: протягом 2022–2023 рр. зафіксовано 121 випадок переслідування правозахисників, журналістів та волонтерів на підконтрольних Уряду України територіях, а лише за перше півріччя 2024 р. додалося ще 46 таких інцидентів [8, с. 46] – показник, що є індикатором стану громадянського простору в умовах воєнного стану. Тіньовий звіт для Єврокомісії вказує на незначну кількість реалізованих заходів з імплементації Стамбульської конвенції: відсутня міжвідомча координація, не проводиться систематизований моніторинг гендерно зумовленого насильства, а законодавчі зміни відбуваються надто повільно [8, с. 87–88]. Окремою проблемою залишається відсутність затвердженого алгоритму реагування на випадки сексуального домагання у ЗСУ, який був розроблений ще до повномасштабного вторгнення, але станом на середину 2024 р. так і не ухвалений [8, с. 87, 93]. Таким чином, громадянське суспільство перебирає на себе частину контрольних функцій, які держава в умовах війни виконує недостатньо.

Проведений аналіз дозволяє сформулювати три висновки. По-перше, Україна демонструє усвідомлену правову поведінку: нотифікаційна практика є систематичною, а часткове відновлення прав у квітні 2024 р. підтверджує тимчасовий характер обмежень. По-друге, цифровізація публічного управління трансформувалась у правозахисний ресурс – застосунки «Дія» і «Резерв+» як судові докази є оригінальним українським внеском у практику захисту прав в умовах конфлікту. По-третє, критичною вразливістю залишається «деформація абсолюту» – розрив між формальною непорушністю абсолютних прав та їх фактичним станом у взаємодії громадян із силовими структурами. Подолання цієї вразливості є не лише правовим, а й стратегічним завданням: превентивні інституційні механізми – незалежний моніторинг, прозорі процедури затримання, ефективне розслідування катувань – мають стати невід'ємною складовою воєнно-правової архітектури. Держава, що перемагає зі збереженням верховенства права, здобуває легітимність, яку неможливо здобути зброєю.

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## **ІМПЛЕМЕНТАЦІЯ СТАНДАРТІВ ЄСПЛ У ДІЯЛЬНІСТЬ ПРАВООХОРОННИХ ОРГАНІВ УКРАЇНИ: ПРОБЛЕМИ ТА ПЕРСПЕКТИВИ**

У сучасний період європейської інтеграції Україна послідовно спрямовує свої зусилля на узгодження національного законодавства та правозастосовної практики зі стандартами Європейського Союзу і Ради Європи. Вагомою складовою цього процесу виступає впровадження європейських підходів у діяльність правоохоронних органів. З огляду на це постає потреба у ґрунтовному аналізі ефективності виконання рішень ЄСПЛ, а також у подальшому реформуванні правової системи задля досягнення більш повної узгодженості між українським і європейським законодавством.

Одним із провідних суб'єктів правозастосування виступають суди загальної юрисдикції. Згідно зі ст. 17 Закону України «Про виконання рішень та застосування практики Європейського суду з прав людини» вони зобов'язані під час розгляду справ застосовувати Конвенція про захист прав людини і основоположних свобод та практику Європейський суд з прав людини як джерело права [1]. Таким чином, на суди покладається обов'язок враховувати прецедентну практику ЄСПЛ у кожній справі. Водночас поняття «джерело права» у цьому контексті трактується у формально-юридичному значенні як форма зовнішнього вираження правових норм.

Частина науковців підтримує позицію, що рішення ЄСПЛ фактично інтегровані до національної правової системи. Прецедентна практика Суду формує норми, обов'язкові для держав-членів Ради Європи. Відповідно, національні суди повинні тлумачити внутрішнє законодавство з урахуванням правових позицій ЄСПЛ, що розглядається як прояв судової правотворчості.

Водночас існує й альтернативна точка зору, відповідно до якої українська судова практика у цій сфері не має системного характеру, а механізми застосування прецедентів ЄСПЛ залишаються недостатньо врегульованими. Суди використовують різні підходи: одні спираються на загальні принципи, сформульовані Судом, інші наводять прямі цитати з рішень, застосовують їх тлумачення або ж самостійно інтерпретують зміст правових позицій.

Причиною такої неоднорідності є також наявність норм інших нормативно-правових актів, які допускають альтернативне розуміння ролі практики ЄСПЛ. Зокрема, ст. 6 Закону України «Про Національну поліцію» визначає, що діяльність поліції здійснюється на засадах верховенства права з урахуванням практики ЄСПЛ [2]. Пункт 5 ст. 9 Кримінального процесуального

кодексу України також передбачає врахування практики Суду під час застосування законодавства [3].

Однак, зазначимо, що у зазначених нормативних актах термін «врахування» нерідко сприймається працівниками поліції як такий, що не встановлює прямого обов'язку. Традиційно для правоохоронних органів визначальним є принцип законності, який передбачає діяльність виключно на підставі та в межах національного законодавства. У результаті практика ЄСПЛ не завжди розглядається як безумовно обов'язкова під час ухвалення рішень. Навіть за наявності обізнаності з відповідними рішеннями Суду їх правові позиції можуть ігноруватися, якщо вони, на думку правозастосовця, не узгоджуються з нормами внутрішнього права. Вважаємо, що додатковим чинником є особливості тлумачення законодавства органами нагляду, зокрема прокуратурою, що впливає на оцінку дій поліції [4, С. 23-24].

У листі Урядового Уповноваженого у справах ЄСПЛ «Подання щодо вжиття заходів загального характеру, необхідних для виконання рішень Європейського суду з прав людини, що набули статусу остаточного у I кварталі 2017 року» від 05.04.2017 № 3785/4/9-17 акцентовано увагу на порушеннях окремих положень Конвенції. Для правоохоронців принципово важливо суворо дотримуватися її норм у щоденній діяльності. Зокрема, звертається увага на порушення статті 3 Конвенції («Заборона катувань»), яка категорично забороняє катування, а також нелюдське чи таке, що принижує гідність, поводження або покарання.

Серед причин встановлення порушень статті 3 у рішеннях ЄСПЛ – несвоєчасне або формальне розслідування скарг на жорстоке поводження, відсутність ефективних перевірок заяв про насильство з боку правоохоронців, неналежні умови тримання під вартою тощо. Так, у справі Леонов проти України Суд констатував, що, попри вказівки національного суду провести розслідування скарги заявника на жорстоке поводження, компетентні органи обмежилися формальною перевіркою з процесуальними порушеннями.

З метою усунення виявлених проблем Урядовий Уповноважений рекомендує закладам вищої освіти систематично організовувати навчальні заходи для працівників щодо вивчення Конвенції та практики ЄСПЛ, зокрема стандартів ефективного розслідування скарг на жорстоке поводження.

Крім того, Міністерство внутрішніх справ України та Національна поліція України мають забезпечити неухильне дотримання працівниками поліції вимог щодо проведення ефективного розслідування заяв про жорстоке поводження відповідно до мінімальних критеріїв, сформованих у практиці ЄСПЛ, а також довести до відома особового складу правові позиції Суду в таких справах.

Порушення статті 5 Конвенції (право на свободу та особисту недоторканність) також неодноразово ставали предметом розгляду ЄСПЛ. Серед типових обставин – незаконне тримання під вартою (справи Долганін проти України, Хамроєв проти України), неналежна екстрадиційна перевірка (справа Хамроєв), тривале та необґрунтоване тримання під вартою (справи Ігнатов проти України, Костейчук проти України, Кулік проти України).

Зокрема, у справі Ігнатов національні суди не розглянули можливість застосування альтернативних запобіжних заходів, а також допустили надмірну тривалість розгляду клопотань про звільнення. У справі «Леонов проти України» також було встановлено недостатнє дослідження судами питання законності тримання особи під вартою.

У зв'язку з цим Урядовий Уповноважений пропонує МВС та Національній поліції України забезпечити належне застосування положень національного законодавства, Конвенції та практики ЄСПЛ щодо затримання і тримання осіб під вартою, у тому числі в контексті екстрадиційного арешту, а також гарантувати ефективний розгляд скарг на незаконне позбавлення свободи.

Наведені приклади свідчать про наявність серйозних порушень прав людини з боку органів, покликаних їх захищати. Отже, зменшення кількості таких порушень можливе лише за умови, що майбутні правоохоронці ґрунтовно опанують зміст Конвенції, навчатися правильно її тлумачити та професійно застосовувати у практичній діяльності прецедентну практику ЄСПЛ [5, С. 100-101].

Як висновок, зазначимо, що, імплементація стандартів Європейського суду з прав людини у діяльність правоохоронних органів України є необхідною умовою забезпечення принципу верховенства права та реального захисту прав людини. Незважаючи на нормативне закріплення обов'язку застосовувати положення Конвенції про захист прав людини і основоположних свобод і практику ЄСПЛ, на практиці зберігаються проблеми несистемного застосування прецедентів, формального підходу до їх «врахування» та недостатнього рівня професійної підготовки працівників.

Подолання цих недоліків потребує комплексних змін: удосконалення механізмів виконання рішень Суду, забезпечення єдності правозастосовної практики та посилення освітньої складової підготовки правоохоронців. Лише за умови реального впровадження стандартів ЄСПЛ можна досягти належної відповідності діяльності правоохоронних органів європейським вимогам.

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## **МІЖНАРОДНО-ПРАВОВИЙ ЗАХИСТ КУЛЬТУРНИХ ЦІННОСТЕЙ ПІД ЧАС ЗБРОЙНОГО КОНФЛІКТУ**

Питання міжнародно-правового захисту культурних цінностей під час збройних конфліктів зумовлена сучасними глобальними викликами, що супроводжуються зростанням кількості як міжнародних, так і неміжнародних збройних конфліктів, у ході яких культурна спадщина стає безпосередньою мішенню або зазнає руйнувань як побічного наслідку воєнних дій. Військове вторгнення Російської Федерації на територію України, а також конфлікти в Сирії, Малі, Єгипті підтверджують системний характер загроз культурним цінностям і демонструють, що знищення спадщини використовується як інструмент дегуманізації, ідеологічного тиску, економічного збагачення або військово-стратегічної переваги. У цих умовах міжнародне співтовариство змушене переосмислювати ефективність існуючих механізмів правового захисту та шукати нові підходи до їх удосконалення, що відповідають вимогам ХХІ століття.

Знищення культурної спадщини під час війни має багатофакторну природу: воно може бути спрямоване на підриг ідентичності народу, деморалізацію населення, демонстрацію військової переваги, або ж ставати наслідком невибіркового застосування зброї чи нехтування міжнародно-правовими принципами розрізнення та пропорційності. Крім того, значна частина руйнувань є наслідком невибіркового застосування зброї або нехтування принципами розрізнення та пропорційності. Усе це зумовлює нагальну потребу в перегляді ефективності існуючих механізмів захисту та пошуку нових підходів до їх удосконалення, які б відповідали реаліям сучасних збройних конфліктів.

Історичні витоки міжнародно-правового регулювання у сфері захисту культурних цінностей пов'язані з кодифікацією законів і звичаїв війни у ХІХ столітті. Брюссельська декларація 1874 року стала першою спробою кодифікувати закони та звичаї війни на міжнародному рівні [1]. Хоча вона формально не набула обов'язкової юридичної сили, її положення мали значний



вплив на подальший розвиток міжнародного гуманітарного права. У документі вперше було закріплено заборону знищення або захоплення ворожого майна, якщо це не викликано військовою необхідністю. Особливу увагу приділено охороні будівель, присвячених релігії, мистецтву, науці та благодійності, а також історичних пам'яток.

Конвенція про закони і звичаї суходільної війни була прийнята на Першій Гаазькій конференції миру 1899 року та стала першим міжнародним договором, який закріпив обов'язкові норми щодо ведення війни на суходолі [2]. Вона значною мірою спиралася на положення Брюссельської декларації. У доданому до Конвенції Регламенті передбачалося, що під час облог і бомбардувань сторони конфлікту повинні вживати всіх можливих заходів для збереження будівель, що мають культурне та релігійне значення, за умови, що вони не використовуються у військових цілях.

IV Гаазька конвенція про закони і звичаї війни на суходолі та Додаток до неї 1907 року фактично удосконалила та розширила положення Конвенції 1899 року. Саме її Регламент став одним із найважливіших джерел звичаєвого міжнародного гуманітарного права. Статті Регламенту передбачали: обов'язок сторін конфлікту щадити, наскільки це можливо, будівлі, присвячені релігії, мистецтву, науці, історичні пам'ятки; заборону конфіскації та знищення культурних установ; охорону культурних цінностей на окупованій території; заборону грабунку [3].

Проте лише після Другої світової війни, яка супроводжувалася масовим розграбуванням і руйнуванням культурної спадщини, було усвідомлено потребу у створенні спеціалізованого міжнародного договору.

Такою основою стала Гаазька конвенція 1954 року про захист культурних цінностей у разі збройного конфлікту, яка визначила правовий режим охорони культурної спадщини як під час міжнародних, так і неміжнародних конфліктів [4]. Конвенція містить визначення культурних цінностей, передбачає обов'язки держав щодо їх підготовчого захисту у мирний час (охорона) та утримання від посягань під час війни (повага).

Важливою особливістю Конвенції є положення про «військову необхідність», яке дозволяє відступ від зобов'язань лише у виняткових випадках. Проте відсутність чіткого визначення цього поняття створює ризики його довільного тлумачення та зловживань. Саме тому Другий протокол 1999 року уточнив критерії застосування військової необхідності та запровадив більш жорсткі умови для позбавлення культурного об'єкта захисту [5, с. 88].

Додаткові протоколи 1977 року до Женевських конвенцій 1949 року посилили міжнародно-правовий режим охорони культурних цінностей, поклавши на сторону, що здійснює напад, обов'язок утримуватися від атак на об'єкти культурної спадщини [6]. Таким чином, відповідальність за дотримання норм покладається не лише на державу, що володіє культурними об'єктами, а й на державу-агресора. Це стало важливим кроком у напрямі персоналізації відповідальності та розвитку принципу невідворотності покарання.

Окрему роль у формуванні сучасної системи захисту відіграють міжнародні організації, зокрема ЮНЕСКО, Міжнародний комітет Червоного Хреста, ICOM, ICOMOS, Всесвітня митна організація та Міжнародний альянс із захисту культурної спадщини в зоні конфліктів (ALIPH). Вони здійснюють координацію міжнародних зусиль, розробляють рекомендації, створюють бази даних викрадених цінностей, організовують навчальні програми для військових та цивільних осіб. Значну роль відіграє також діяльність Комітету із захисту культурних цінностей у разі збройного конфлікту та Фонду всесвітньої спадщини.

В умовах воєнного стану особливої актуальності набуває інститут посиленого захисту культурних цінностей. Відповідно до Другого протоколу 1999 року культурні об'єкти, що мають виняткове значення для людства, можуть бути включені до спеціального Переліку та користуватися імунітетом від нападів. Україна активно використовує цей механізм, а також створила у структурі Збройних Сил спеціалізований підрозділ із захисту культурної спадщини, що свідчить про імплементацію міжнародних стандартів на практиці.

Водночас міжнародно-правова система має певні недоліки. Більшість сучасних конфліктів є внутрішньодержавними, а недержавні збройні формування часто не визнають міжнародних зобов'язань. Крім того, питання захисту нематеріальної культурної спадщини залишається недостатньо врегульованим у контексті збройних конфліктів. Наявні міжнародні конвенції забезпечують переважно охорону матеріальних об'єктів, тоді як духовні практики, традиції, ритуали та фольклор потребують більш чіткого правового механізму захисту [7, с. 74-75].

Не менш важливою є проблема постконфліктної реконструкції культурної спадщини. Відновлення зруйнованих об'єктів розглядається як складова процесу миробудування та стабілізації суспільства. Воно має здійснюватися з урахуванням принципів сталого розвитку, міжнародної співпраці та залучення місцевих громад. Проте жодна реконструкція не здатна повністю компенсувати втрати унікальних пам'яток, що підкреслює необхідність превентивного захисту.

Отже, міжнародно-правовий захист культурних цінностей під час збройного конфлікту є сформованою системою норм, що розвивалася від Гаазьких конвенцій XIX–XX століть до спеціалізованих договорів сучасності, насамперед Гаазької конвенції 1954 року та її протоколів. Водночас теперішні війни засвідчують, що наявність міжнародних норм не гарантує їх належного дотримання. Руйнування культурної спадщини, її незаконне переміщення та використання у військових цілях потребують посилення контролю, відповідальності та ефективної імплементації міжнародних зобов'язань.

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## ПОНЯТИЙ ЯК УЧАСНИК КРИМІНАЛЬНОГО ПРОВАДЖЕННЯ

Відповідно до п.25 ч.1 ст.3 КПК України понятій є учасником кримінального провадження. Попри значущість інституту понять, його регламентовано занадто поверхнево. У КПК України цьому суб'єкту приділено порівняно мало уваги, адже у жодній статті не міститься ні законодавчої дефініції «понятій», ні його процесуального статусу.

З ч. 7 ст. 223 КПК України випливає, що понятій - це незаінтересована особа, яка залучається для проведення слідчої (розшукової) дії слідчим або прокурором для пред'явлення особи, трупа чи речі для впізнання, огляду трупа, в тому числі пов'язаного з ексгумацією, слідчого експерименту, освідування. Понятій для проведення слідчих(розшукових) дій потрібно щонайменше двоє, верхньої межі КПК України не встановлює.

Під «незаінтересованістю» понятого слід розуміти відсутність його власного процесуального інтересу у кримінальному провадженні. Наявність такого інтересу є підставою для відмови у його залученні як понятого. Крім

того, законом установлюється перелік осіб, які також не можуть бути залучені як поняті [1].

Крім заінтересованих осіб понятими не можуть бути потерпілий, родичі підозрюваного, обвинуваченого, потерпілого і працівники правоохоронних органів.

Проблемним аспектом тут є те, що КПК України визначає лише термін «близькі родичі». Згідно з п.1 ч.1 ст.3 КПК України близькі родичі та члени сім'ї - чоловік, дружина, батько, мати, вітчим, мачуха, син, дочка, пасинок, падчерка, рідний брат, рідна сестра, дід, баба, прадід, прабаба, внук, внучка, правнук, правнучка, усиновлювач чи усиновлений, опікун чи піклувальник, особа, яка перебуває під опікою або піклуванням, а також особи, які спільно проживають, пов'язані спільним побутом і мають взаємні права та обов'язки, у тому числі особи, які спільно проживають, але не перебувають у шлюбі [2].

Так як зазначений у ч.7 ст. 223 КПК України термін «родичі» може являти собою ширше коло осіб, ніж це визначено терміном «близькі родичі», існує ризик залучення як понятих осіб, які мають родинні зв'язки із учасниками кримінального провадження, що ставить під сумнів їх незаінтересованість.

Ю.М. Грошевий і В.Я. Тацій висловлюють думку, що як понятих недоцільно залучати також неповнолітніх; недієздатних або обмежено дієздатних; осіб, стан яких унеможлиблює реальне сприйняття процесуальних дій [3, с. 160]. Я погоджуюсь із цим твердженням, адже такі особи об'єктивно не здатні контролювати правильність проведення процесуальних дій.

Проблемним аспектом чинного КПК є відсутність норми, яка б регулювала процесуальний статус понятого, адже без звернення до наукової літератури визначення його прав та обов'язків є ускладненим.

О.Ю. Хахуцяк вказує на те, що аналізуючи місце понятого та його значення на момент залучення у кримінальному провадженні, можна виділити такі права, якими він наділяється: брати участь у слідчій дії; робити щодо слідчої дії заяви й зауваження, що підлягають занесенню до протоколу; знайомитися з протоколом слідчої дії, у проведенні якої він брав участь; за наявності відповідних підстав на забезпечення безпеки.

Понятий зобов'язаний: бути присутнім під час провадження процесуальної дії; не розголошувати відомості щодо проведеної процесуальної дії, якщо він був про це заздалегідь попереджений (ч. 3 ст. 66 КПК); з'являтися за викликом слідчого, прокурора, суду для допиту як свідка [4, с. 158-159].

З урахуванням вищевикладеного, потребує усунення прогалина в КПК, яка пов'язана із невизначенням процесуального статусу учасника кримінального провадження – понятого.

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### **ОСОБЛИВОСТІ РОЗСЛІДУВАННЯ ВОЄННИХ ЗЛОЧИНІВ: КРИМІНАЛІСТИЧНИЙ АСПЕКТ РОБОТИ НА ДЕОКУПОВАНИХ ТЕРИТОРІЯХ**

Воєнні злочини належать до категорії найбільш суспільно небезпечних кримінальних правопорушень, оскільки посягають на основоположні цінності людського життя, гідності та безпеки цивільного населення. Їх розслідування потребує особливого підходу, зумовленого як міжнародно-правовою природою таких діянь, так і специфічними умовами їх вчинення та виявлення.

Після відновлення контролю над окремими територіями перед органами досудового розслідування постає комплекс завдань, пов'язаних із фіксацією наслідків протиправної діяльності, встановленням обставин подій та ідентифікацією осіб, причетних до їх вчинення. Особливість зазначених процесів полягає у значній кількості латентних злочинів, знищенні або зміні слідової картини, а також у відсутності належної первинної фіксації подій.

У цих умовах криміналістика виступає базовим інструментом забезпечення ефективності розслідування, оскільки саме її положення дозволяють сформувати оптимальні алгоритми огляду місця події, виявлення матеріальних та цифрових слідів, проведення судових експертиз і тактичного забезпечення слідчих дій. Особливої актуальності набуває проблема адаптації класичних криміналістичних методик до умов деокупованих територій, які характеризуються підвищеним рівнем ризику та нестандартними слідчими ситуаціями.

Актуальність теми обумовлюється необхідністю наукового осмислення сучасної практики документування воєнних злочинів і формування комплексної криміналістичної моделі їх розслідування з урахуванням вимог національного кримінального процесу та міжнародних стандартів доказування.

Розслідування воєнних злочинів на деокупованих територіях характеризується особливою складністю, зумовленою насамперед часовим розривом між моментом учинення кримінально караних діянь та їх процесуальним документуванням. У більшості випадків органи досудового

розслідування отримують доступ до місць подій лише після завершення активної фази бойових дій, що істотно впливає на повноту та якість слідової інформації. Як слушно зазначає О. М. Дуфенюк, у таких умовах відбувається суттєве «розмивання» криміналістично значущих ознак події, що ускладнює встановлення механізму злочину та потребує застосування спеціальних відновлювальних методик [1, с. 370].

Особливістю деокупованих територій є також поєднання наслідків воєнних дій із результатами цілеспрямованого приховування злочинів. Знищення тіл загиблих, переміщення останків, мінування місць масових поховань, руйнування приміщень незаконного утримання осіб створюють принципово нові слідчі ситуації. У зв'язку з цим С. С. Кулінов та Р. М. Шехавцов обґрунтовують необхідність розгляду розслідування воєнних злочинів як багаторівневої діяльності, що поєднує процесуальні, криміналістичні та організаційні елементи [2, с. 329].

Разом із тим, погоджуючись із наведеною позицією, доцільно підкреслити, що багаторівневність розслідування повинна проявлятися не лише у структурі діяльності слідчих органів, а й у побудові криміналістичної методики. На нашу думку, методика розслідування воєнних злочинів має формуватися як відкрита система, здатна адаптуватися до змін обстановки, характеру збройного конфлікту та специфіки окремих територій.

Важливе місце у криміналістичному забезпеченні займає огляд місця події. На деокупованих територіях він набуває комплексного характеру та нерідко проводиться неодноразово. А. О. Левицький і О. М. Москалюк зазначають, що класичний підхід до огляду як одноразової слідчої дії є малоефективним у випадках масових воєнних злочинів, оскільки потребує поступового накопичення інформації та залучення різних спеціалістів [3, с. 80–82].

Поділяючи зазначену думку, вважаємо за необхідне доповнити її положенням про доцільність запровадження поетапної моделі огляду місця події. Така модель має передбачати первинну безпекову фіксацію, подальший криміналістичний аналіз та завершальний етап експертної інтерпретації слідів. Це дозволяє мінімізувати ризики втрати доказової інформації та забезпечити її належну процесуальну форму.

Особливого значення у справах про воєнні злочини набуває ідентифікація загиблих осіб. У цьому контексті криміналістичний ДНК-аналіз став одним із ключових інструментів встановлення істини. Р. Л. Степанюк підкреслює, що впровадження мобільних лабораторій та систем швидкого генетичного аналізу істотно розширило можливості слідства в умовах масових втрат серед цивільного населення [4, с. 171–173].

Разом із тим слід зазначити, що ефективність ДНК-ідентифікації значною мірою залежить від належної організації збору зразків і створення єдиних інформаційних баз. На нашу думку, відсутність уніфікованого національного механізму обліку біологічних зразків у справах про воєнні злочини негативно

впливає на строки розслідування та ускладнює взаємодію з міжнародними слідчими інституціями.

Окрему групу доказів у сучасних умовах становлять цифрові сліди. Фото- і відеозаписи з мобільних пристроїв, матеріали з безпілотних літальних апаратів, супутникові знімки, дані камер відеоспостереження дедалі частіше стають основним джерелом доказової інформації. В. М. Шевчук обґрунтовано вказує, що цифровізація криміналістики зумовила трансформацію традиційних уявлень про слід та доказ, розширивши їх за межі матеріального середовища [5, с. 800–803].

Погоджуючись із цією позицією, слід водночас наголосити, що цифрові докази є надзвичайно вразливими з процесуальної точки зору. Відповідно до ст. 84 КПК України доказами визнаються лише ті фактичні дані, які отримані у передбаченому законом порядку [6]. Згідно зі ст. 86 КПК України, недотримання процесуальної форми тягне недопустимість доказів незалежно від їх змістовної значущості [6].

Цифрова інформація найчастіше оформлюється як документ у розумінні ст. 99 КПК України, а її фіксація має відповідати вимогам ст. 104 та 107 КПК України щодо протоколювання та технічного запису слідчих дій [6]. На наш погляд, чинне процесуальне регулювання не повною мірою враховує специфіку цифрових слідів, що створює ризики втрати доказової сили інформації, зібраної в умовах воєнного стану.

Важливу роль у розслідуванні воєнних злочинів відіграє використання спеціальних знань. Ю. Пілюков зазначає, що без залучення спеціалістів з галузі судової медицини, вибухотехніки, цифрової криміналістики та військової справи неможливо повноцінно відтворити механізм злочинних дій [7, с. 113–115].

Підтримуючи цю думку, вважаємо за доцільне наголосити, що участь спеціалістів має бути не епізодичною, а інтегрованою у структуру розслідування з моменту початку кримінального провадження. Такий підхід дозволяє формувати обґрунтовані слідчі версії та уникати помилок на ранніх етапах.

Організаційний аспект криміналістичного забезпечення не менш важливий. Н. М. Татарин підкреслює, що розслідування воєнних злочинів потребує міжвідомчої взаємодії, чіткого планування та раціонального розподілу ресурсів [8, с. 41–43]. Умови деокупації висувають підвищені вимоги до координації дій між слідчими, прокурорами, експертними установами та міжнародними партнерами.

На нашу думку, відсутність єдиного алгоритму дій органів досудового розслідування після деокупації територій призводить до фрагментарності документування та нерівномірності слідчої практики. Це негативно впливає на перспективи подальшого судового розгляду та міжнародного переслідування осіб, винних у вчиненні воєнних злочинів.

Таким чином, розслідування воєнних злочинів на деокупованих територіях є одним із найскладніших напрямів діяльності органів кримінальної

юстиції, що зумовлюється поєднанням міжнародно-правової природи таких діянь, масштабності їх наслідків та специфічних умов документування після завершення активних бойових дій. Проведений аналіз засвідчує, що ефективність кримінального провадження у зазначеній сфері безпосередньо залежить від рівня криміналістичного забезпечення, здатності слідчих адаптувати класичні методики до нестандартних слідчих ситуацій і повноцінного використання спеціальних знань. Особливого значення набуває належна фіксація матеріальних і цифрових слідів, забезпечення процесуальної допустимості доказів та дотримання стандартів їх збереження й верифікації. Встановлено, що чинне процесуальне регулювання не завжди повною мірою враховує специфіку цифрової доказової інформації, що створює ризики втрати її доказового значення. У зв'язку з цим актуалізується потреба формування комплексної криміналістичної моделі розслідування воєнних злочинів, орієнтованої на умови деокупованих територій та узгодженої з міжнародними стандартами доказування. Реалізація такого підходу сприятиме підвищенню результативності досудового розслідування, забезпеченню принципу невідворотності покарання та утвердженню верховенства права в умовах післявоєнного відновлення України.

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## **ОЦІНКА ВЕРХОВНИМ СУДОМ РЕЗУЛЬТАТІВ ПРОТОКОЛІВ НС(Р)Д, ПОВ'ЯЗАНИХ З ВТРУЧАННЯМ У ПРИВАТНЕ СПІЛКУВАННЯ**

Негласні слідчі (розшукові) дії (далі – НС(Р)Д), пов'язані з втручанням у приватне спілкування, пов'язані з обмеженням конституційних прав людини, насамперед права на таємницю листування, телефонних розмов, телеграфної та іншої кореспонденції. Аудіо-, відеоконтроль особи; арешт, огляд і виїмка кореспонденції; зняття інформації з електронних комунікаційних мереж; зняття інформації з електронних інформаційних систем мають інтрузивний характер, а отже їх проведення потребує чіткого дотримання вимог закону, включаючи належне процесуальне оформлення результатів.

Під час оцінки результатів таких НС(Р)Д у суді виникають складнощі, зважаючи на різні аргументи сторони захисту щодо недопустимості цих доказів. Ці аргументи стосуються як підстав проведення, процедури, строків, відкриття результатів та інших матеріалів у порядку ст. 290 КПК України. Наведемо декілька прикладів ситуацій, які є поширеними на практиці.

*Повноваження органів та осіб, які проводили НС(Р)Д.* У постанові від 18.09.2024 у справі № 643/18636/21 зазначено, що «КПК України не містить вимоги про те, що доручення слідчого має надаватися уповноваженим суб'єктом конкретному працівникові оперативного підрозділу», а «проведення НСРД належить до повноважень відповідних оперативних підрозділів, які за дорученням слідчого забезпечують їх проведення» [2]. Сторона захисту посилялася на недопустимість доказів, оскільки слідчим СВ Харківського РУП № 2 ГУ НП в Харківській області ОСОБА\_9 у порядку ст. 40 КПК України зняття інформації було доручено працівникам Харківського РУП № 2 ГУ НП в Харківській області, а оперуповноважений Харківського РУП № 2 ОСОБА\_10 не був визначений як конкретний виконавець щодо складання протоколу про проведення зняття інформації з електронних інформаційних систем [1]. Отже, недоліки у формулюванні доручення самі по собі не свідчать про недопустимість результатів НС(Р)Д.

Крім того, виникло питання, чи потрібне доручення слідчого, прокурора у разі, якщо є ухвала слідчого судді. Захист вважав, що за відсутності доручення дії проводила неуповноважена особа. Верховний Суд визнав цю позицію необґрунтованою, оскільки зі змісту судових рішень було видно, що виконання ухвал слідчим суддею було доручено Управлінню оперативної служби та Управлінню оперативно-технічних заходів ГУНП у Львівській області. Отже, оскільки дозвіл оперативному підрозділу на проведення вказаних НСРД надав слідчий суддя, то відсутність у матеріалах справи відповідних доручень слідчого чи прокурора, виданих на проведення цих дій, не свідчить про необхідність визнання протоколів НСРД недопустимими доказами [3]. Це свідчить про сутнісний аналіз з боку Верховного Суду і відсутність потреби у дублюванні процесуальних рішень, адже рішення про виконавців вже було викладено слідчим суддею.

*Оформлення протоколів НС(Р)Д.* КПК України не містить деталізації оформлення протоколів саме НС(Р)Д, відсилаючи у ч. 1 ст. 252 КПК України до фіксації кримінального провадження. На практиці виникає багато питань щодо особливостей фіксування саме НС(Р)Д, і вони неодноразово розглядалися Верховним Судом. Наприклад, у тій самій постанові від 18.09.2024 Суд прямо вказав: «відсутність окремих реквізитів протоколу, зокрема дати його складання, сама по собі не може бути достатньою підставою для визнання такого протоколу недопустимим доказом», якщо з інших матеріалів можливо встановити час і межі проведення НСРД [2]. Це свідчить про те, що Верховний Суд змістовно оцінює вплив оформлення протоколу на можливість ідентифікації обставин за наявності певних недоліків у протоколах.

Проблемні питання виникли у ситуації, коли зняття інформації з транспортних телекомунікаційних мереж не було оформлено окремим протоколом за кожен день. Первинно суд першої інстанції та апеляційний суд погодились з тим, що такі докази є недопустимими. Утім, Верховний Суд вказав, що це не відповідає вимогам кримінального процесуального закону, оскільки положення статей 223, 246, 252 КПК не вимагають у разі проведення НСРД тривалістю кілька днів складати протоколи за її результатами окремо за кожен день. Навпаки, зняття інформації з транспортних телекомунікаційних мереж за певний період є єдиною безперервною триваючою слідчою дією, що документується єдиним протоколом [4]. КПК України, дійсно, не містить спеціальних вимог стосовно цього питання, а положення Інструкції про організацію проведення негласних слідчих (розшукових) дій та використання їх результатів у кримінальному провадженні у п. 4.2. [1] є дещо лаконічними і теж прямої відповіді на це питання не надають.

*Оцінка змісту результатів НС(Р)Д, зокрема аудіо- та відеозаписів.* Верховний Суд, оцінюючи аргументи сторони захисту щодо дефектів записів та, відповідно, вже неналежності доказів, зазначив, що хоча в конкретному випадку «не зафіксовано чіткого зображення передачі коштів та отримання психотропної речовини», це саме по собі не виключає використання таких

матеріалів у доказуванні, оскільки «факт проведення контрольної закупки психотропних речовин підтверджується сукупністю інших доказів» [3].

У цьому ж контексті Верховний Суд вказав на неможливість застосування доктрини «плодів отруйного дерева», наголосивши, що «за відсутності підстав, які би свідчили про недопустимість як доказів протоколів про результати проведення НС(Р)Д, відсутні підстави для визнання недопустимими похідних від них доказів» [3].

*Визнання істотності порушень як підстав недопустимості доказів.* Хоча ст. 86 КПК України не містить вимог щодо істотності порушень, цей підхід є поширеним на практиці. Так, у Постанові від 09.05.2024 у справі № 496/5125/15-к Верховний Суд наголосив, що дотримання встановленої законом процедури є «не самоціллю, а засобом захисту основоположних прав і свобод людини для запобігання неправомірному втручання держави у ці права», а «Встановлені законодавцем правила допустимості доказів покликані унеможливити істотне порушення прав і свобод людини під час їх отримання, а також забезпечити достовірність зібраних фактичних даних. Із огляду на викладене формальні недоліки, навіть якщо вони допущені під час виконання процесуальних дій або прийняття процесуальних рішень, тягнуть недопустимість доказів лише у випадках, коли вони: прямо й істотно порушують права і свободи людини, гарантовані Конституцією України, Конвенцією про захист прав людини і основоположних свобод (далі - Конвенція) та Протоколами до неї; викликають обґрунтовані сумніви в достовірності отриманих відомостей, які неможливо усунути» [4]. Відтак Верховний Суд у цій та інших постановах фактично орієнтує правозастосування на оцінку сутності порушень у контексті будь-яких рішень про визнання доказів недопустимими. Такий підхід сприяє виконанню завдань кримінального провадження, за умови що суд чітко мотивує відсутність впливу допущених порушень на права особи та достовірність отриманої інформації.

Таким чином, аналіз наведених постанов свідчить, що Верховний Суд враховує не лише наявність формальних порушень, а те, вони вплинули на права людини та доказування, зокрема, у частині встановлення достовірності інформації. Сучасна практика Верховного Суду така, що самі по собі технічні або формальні недоліки матеріалів НС(Р)Д, включаючи протоколи, не визнаються достатньою та обов'язковою підставою для визнання отриманих доказів недопустимими. Утім, ретельно оцінюється вплив цих порушень на права людини та достовірність фактичних даних.

1. Наказ від 16.11.2012 № 114/1042/516/1199/936/1687/5 «Про затвердження Інструкції про організацію проведення негласних слідчих (розшукових) дій та використання їх результатів у кримінальному провадженні». URL: <https://zakon.rada.gov.ua/laws/show/v0114900-12> (дата звернення: 02.02.2026).

2. Постанова Верховного Суду від 18 вересня 2024 року у справі № 643/18636/21 (провадження № 51-2098км23) URL: <https://reyestr.court.gov.ua/Review/121788279> (дата звернення: 02.02.2026).

3. Постанова Верховного Суду від 20 березня 2025 року у справі № 464/325/23 (провадження № 51-3485км24). URL: <https://reyestr.court.gov.ua/Review/126211717> (дата звернення: 02.02.2026).

4. Постанова Верховного Суду від 09 травня 2024 року у справі № 496/5125/15-к (провадження № 51-4957км23). URL: <https://reyestr.court.gov.ua/Review/119212884> (дата звернення: 02.02.2026).

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## **ДОТРИМАННЯ ПРИНЦИПІВ ВЕРХОВЕНСТВА ПРАВА ТА ЗАКОННОСТІ В КРИМІНАЛЬНОМУ ПРОВАДЖЕННІ**

Кримінальне провадження є сферою державної діяльності, де найбільш гостро проявляється взаємодія інтересів держави та прав і свобод людини. Саме тому ключовими засадами, що визначають зміст і спрямування кримінального процесу, є принципи законності та верховенства права. Законність передбачає обов'язковість точного й неухильного додержання вимог Конституції України, Кримінального процесуального кодексу України та інших нормативно-правових актів усіма учасниками процесу. Верховенство права, у свою чергу, виходить за межі формального дотримання норм закону та вимагає, щоб кримінальне судочинство ґрунтувалося на пріоритеті прав і свобод людини, справедливості, моральних цінностей та загальних принципів правопорядку.

Визнання та забезпечення прав і свобод людини, верховенства права, на сьогодні є головним обов'язком держави. Кримінальне провадження визнається однією із форм захисту прав і свобод людини, одним із його завдань передбачених у статті 2 Кримінального процесуального кодексу України (далі – КПК України) є захист особи, суспільства та держави від кримінальних правопорушень, а також охорона прав, свобод та законних інтересів учасників кримінального судочинства [1].

За словами професора П. М. Рабіновича, верховенство права - це явище позадержавне (не державно-вольове), так би мовити, загальносоціальне, соціально-природне і правовою державою вважається лише та, в якій панує, "верховенство" права [2, с.19].

В понятті верховенства права переплітаються правові й політичні, культурні та етичні мотиви, внутрішньодержавні й міжнародні, національні, цивілізаційні та загальнолюдські аспекти, наукова істина й цінності добра та справедливості, досягнення правової теорії та практичний юридичний досвід, правові ідеї та здоровий глузд. Усе це робить згадану категорію досить

динамічною, що не дозволяє «втиснути» її в межі будь-якої юридичної дефініції [3, с.44].

Принцип законності означає, що виключно Кримінальним кодексом України (далі - КК України) визначаються види діянь, що "знаходяться" у межах дотримання його норми-заборони або порушують її, та кримінально-правові наслідки, що застосовуються за таке діяння. Таким чином, визначення принципу законності полягає в тому, що кримінальна протиправність діяння, а також його караність та інші кримінально-правові наслідки визначаються тільки КК України. Відповідно до чого, застосування закону про кримінальну відповідальність за аналогією заборонено [4].

П. М. Рабінович визначав законність, як режим (стан) відповідності суспільних відносин законам і підзаконним нормативно- правовим актам держави, який утворюється внаслідок їх неухильного здійснення всіма суб'єктами права [5, с. 139]

Принцип законності є фундаментальною вимогою до діяльності органів досудового розслідування, прокуратури та суду. Він означає, що кожне процесуальне рішення має ґрунтуватися виключно на нормах права, прийматися в межах наданих повноважень та у спосіб, передбачений законом. Цей підхід прямо закріплений у статті 19 Конституції України, яка встановлює, що органи державної влади і посадові особи діють лише на підставі та в межах повноважень, визначених законом [6]. У кримінальному процесі ця норма конкретизована у статті 9 КПК України, яка проголошує здійснення кримінального провадження на засадах законності. Законність є гарантією того, що будь-які рішення від повідомлення про підозру до вироку будуть вмотивованими, юридично обґрунтованими й підконтрольними судовому перегляду [1]. Її зміст полягає не лише у формальному дотриманні норм, а й у реальній здатності забезпечити захист прав та інтересів особи, як передбачено статтею 2 КПК України. Особливе значення це має для допустимості доказів: згідно зі статтею 86 КПК України, доказ визнається допустимим лише тоді, коли його отримано у порядку, встановленому законом [1]. Таким чином, порушення процедури автоматично ставить під сумнів законність результатів розслідування. Недопустимість свавільних обмежень прав особи (принцип законності) нерозривно пов'язаний із верховенством права та гарантує, що жодне обмеження прав людини не може здійснюватися свавільно або з міркувань службової доцільності. Конституція України закріплює це у статті 8, проголошуючи верховенство права основоположним принципом правопорядку, а стаття 29 визначає, що затримання та позбавлення волі можливе лише за вмотивованим рішенням суду, крім випадків, передбачених законом [6]. У кримінальному провадженні ця вимога реалізується через обов'язок слідчого забезпечувати права учасників процесу (стаття 40 КПК України), гарантію судового контролю над затриманням і обмеженнями свободи (стаття 206 КПК України) та обов'язок повідомляти близьких про затримання (стаття 213 КПК України) [1]. Право на доступ до захисника є абсолютною гарантією, що підтверджується як національним законодавством, так і міжнародними актами.

Гарантії забезпечення принципу законності в кримінальному провадженні становлять систему правових та організаційних механізмів, які запобігають порушенню прав учасників процесу, забезпечують контроль за діями органів досудового розслідування та гарантують справедливість судового розгляду. Ці гарантії охоплюють як конституційні положення, так і спеціальні норми кримінального процесуального законодавства, а також стандарти, встановлені практикою Верховного Суду, Конституційного Суду України та Європейського суду з прав людини.

Однією з ключових гарантій законності є судовий контроль, що забезпечує нагляд за діяльністю правоохоронних органів під час досудового розслідування. Цей контроль спрямований на недопущення свавільних обмежень прав особи, зловживань владою та порушення процесуальних гарантій. Конституційними основами судового контролю є стаття 29 Конституції України, яка передбачає, що обмеження свободи можливе лише за рішенням суду, а також стаття 55, яка гарантує право на судовий захист [6]. У кримінальному провадженні зазначені положення конкретизовані розділом II КПК України, зокрема, стаття 206 КПК зобов'язує суд негайно реагувати на факти незаконного затримання, а статті 234 - 236 встановлюють судовий порядок дозволу на обшук [1].

Принцип законності забезпечується також процесуальною незалежністю учасників кримінального провадження, що унеможливорює тиск на суд та забезпечує рівність сторін у процесі. Незалежність суду ґрунтується на статті 6 Конституції України, яка встановлює поділ влади, та статті 129, що закріплює принципи незалежності суддів, змагальності та рівності сторін. [6]. Закон України «Про судоустрій і статус суддів» визначає гарантії невтручання у здійснення правосуддя та відповідальність за вплив на суд [7]. Процесуальна незалежність сторін реалізується через змагальність (стаття 22 КПК України), що передбачає самостійне збирання та подання доказів стороною обвинувачення та стороною захисту. Слідчий та прокурор не мають права перешкоджати діяльності адвоката, а суд не може перебирати на себе функції сторін.

Право на оскарження є важливою гарантією перевірки законності дій слідчого, прокурора та суду, а також засобом відновлення порушених прав особи. Це право закріплене у статті 55 Конституції України, яка гарантує кожному можливість оскаржувати рішення органів державної влади в суді [6].

Взаємодія принципів верховенства права та законності дає можливість реалізації у кримінальному провадженні його завдань щодо забезпечення справедливості судових рішень. Один і другий принцип зобов'язує суди України у своїй діяльності враховувати практику вирішення справ ЄСПЛ [8, с.8].

Принципи верховенства права та законності в кримінальному провадженні забезпечують діяльність держава не лише відповідно до закону, а й з пріоритетом прав і свобод людини. Це гарантує, що слідчі, прокурори та суди приймають рішення в межах повноважень і без свавілля. Судовий

контроль, незалежність суду, змагальність сторін і можливість оскарження рішень є ключовими механізмами реалізації цих принципів. Дотримання законності та верховенства права забезпечує справедливе правосуддя і формує довіру суспільства до судової системи.

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## **КОМУНІКАТИВНІ ПРАКТИКИ ЯК ІНСТРУМЕНТ ФОРМУВАННЯ СОЦІАЛЬНОЇ ВЗАЄМОДІЇ**

У сучасному світі, де глобальні інформаційні потоки та новітні технології визначають темп і якість життя, комунікативні практики постають не просто як засіб обміну інформацією, а як фундаментальний і визначальний інструмент формування соціальної взаємодії. Суспільство існує та розвивається завдяки безперервній циркуляції смислів. Саме через комунікацію конструюється соціальна реальність, формуються індивідуальні та колективні ідентичності,

узгоджуються ціннісні орієнтири, а також генерується та накопичується соціальний капітал. Без комунікативних практик неможлива інституціалізація суспільних відносин, оскільки будь-яка діяльність людини в соціумі є глибоко комунікативною. Кожен акт спілкування не лише передає певні дані, але й транслює культурні коди та негласні правила, що лежать в основі суспільного договору.

Комунікативні практики є базовим підґрунтям для розуміння складних процесів самоідентифікації як окремої особистості, так і цілих спільнот. Як зазначають дослідники, вони виступають ключовим чинником громадянської та національної самоідентифікації, визначаючи теоретико-методологічні засади функціонування та згуртованості суспільства [2]. Через щоденну вербальну та невербальну комунікативну взаємодію індивід усвідомлює свою приналежність до певної соціальної групи, етносу чи держави. Ідентичність не є статичною, вона постійно переглядається через діалог з іншими. Це, своєю чергою, є абсолютно необхідною умовою для формування соціального капіталу. Концептуальні основи його дослідження переконливо свідчать, що саме соціальний капітал є тим визначальним чинником громадянського залучення, який стимулює активну, свідому участь індивідів у суспільному житті [6, с. 76]. Цей капітал не існує абстрактно - він створюється, підтримується та реалізується виключно в процесі соціальної взаємодії, заснованої на довірі та спільних нормах, діючи як невидимий клей, що тримає соціум разом.

З бурхливим розвитком інформаційного суспільства комунікативні практики зазнали суттєвих, безпрецедентних трансформацій. Традиційні, безпосередні форми взаємодії все частіше поступаються місцем цифровим. Перехід в онлайн-середовище змінює саму природу соціальних зв'язків: вони стають більш масовими та швидкими, але нерідко втрачають глибину. Комунікативні практики соціальних мереж створюють абсолютно нові вектори трансформації соціального простору, розмиваючи географічні та часові кордони [5]. Соціальні мережі перетворилися на глобальні майданчики, де щомиті конструюється нова віртуальна реальність. Алгоритми цих платформ, створюючи так звані «інформаційні бульбашки», здатні як ефективно об'єднувати людей зі схожими поглядами, так і штучно ізолювати різні соціальні групи одна від одної. Це суттєво ускладнює процеси суспільного діалогу, оскільки знижує здатність суспільства конструктивно сприймати альтернативні думки.

Надзвичайно важливу роль у цьому процесі відіграє медіа-текст як специфічний продукт сучасної культури. Його багаторівневе сприйняття та інтерпретація аудиторією безпосередньо впливають на характер і тональність соціальних взаємодій [3, с. 65]. Медіа-текст не лише дзеркально відображає дійсність, але й активно моделює її, пропонуючи суспільству готові поведінкові патерни. Сучасні медіа активно застосовують емоційні тригери, змушуючи аудиторію реагувати інстинктивно та імпульсивно. Від того, яким чином масова аудиторія декодує ці меседжі та наскільки критично до них ставиться,



залежить рівень суспільної толерантності або, навпаки, ступінь радикалізації та поляризації.

Особливої, критичної актуальності питання конструювання комунікативних практик набуває в умовах масштабних криз та збройних конфліктів. Інформаційна війна та сучасні динамічні тенденції веб-комунікації яскраво демонструють, що інформація може бути як потужним інструментом консолідації нації, так і вкрай руйнівною зброєю [1]. У міжнародних конфліктах сьогодення мас-медіа відіграють вирішальну роль, безпосередньо формуючи громадську думку та впливаючи на перебіг історичних подій [4, с. 109]. Засоби масової інформації і комунікації в умовах жорсткої інформаційної війни стають невід'ємною частиною сучасної політичної та мілітарної практики. Вони цілеспрямовано формують наративи, які визначають вектор соціальної взаємодії на макрорівні - від всеохопної мобілізації власного суспільства до деморалізації ворога та залучення зовнішньої підтримки.

У цьому складному контексті соціальна взаємодія виходить далеко за межі звичного міжособистісного спілкування і набуває ознак масового, технологічно керованого процесу. Глобальні інформаційні кампанії та психологічні операції здійснюються через цілеспрямоване конструювання специфічних комунікативних практик. Відтак, життєздатність суспільства та його когнітивна безпека прямо залежать від рівня медіаграмотності громадян та їхньої здатності до критичного осмислення текстів в умовах постійного інформаційного тиску.

Підсумовуючи, варто зазначити, що комунікативні практики є багатовимірним і динамічним інструментом формування соціальної взаємодії. Вони забезпечують безперервні процеси соціалізації особистості, трансляції культурних норм та консолідації суспільства. В умовах цифрової епохи, глобальних викликів та криз глибоке розуміння механізмів дії комунікативних практик є критично важливим завданням. Ефективна соціальна взаємодія в сучасному світі абсолютно неможлива без усвідомленого управління інформаційними потоками. Відповідальне споживання інформації, навички фактчекінгу та цифрова гігієна стають своєрідним маркером соціальної зрілості індивіда, а етичні комунікативні практики, виступаючи сполучною ланкою, формують той міцний соціальний фундамент та рівень довіри, який утримує суспільство від стагнації та розпаду.

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## **ОСОБЛИВОСТІ РЕАЛІЗАЦІЇ ПОВНОВАЖЕНЬ ПРОКУРОРА ЯК ТИМЧАСОВОЇ АЛЬТЕРНАТИВИ СУДОВОМУ КОНТРОЛЮ В УМОВАХ ВОЄННОГО СТАНУ**

Запровадження воєнного стану на території України 24 лютого 2022 року зумовило необхідність негайної адаптації кримінального процесуального законодавства до умов, де класична модель правосуддя стає фізично неможливою. Одним із найбільш дискусійних аспектів цієї адаптації стало обмеження принципу змагальності через делегування окремих повноважень слідчого судді органам прокуратури.

Центральним елементом цієї «трансформації» виступає стаття 615 Кримінального процесуального кодексу України (далі КПК України), яка впроваджує «особливий режим» досудового розслідування. Згідно з положеннями цієї статті, у випадках, коли слідчий суддя позбавлений можливості здійснювати свої повноваження (наприклад, через активні бойові дії, окупацію або загрозу життю), право санкціонувати ключові процесуальні дії переходить до керівника відповідного органу прокуратури [1]. На думку В. А. Завтура, «повна реалізація усіх гарантій захисту прав та свобод за таких умов не є можливою і делегування окремих повноважень слідчого судді прокурору виступає запорукою ефективного виконання завдань кримінального судочинства у таких випадках» [2, с. 271]. Прокурор у такому форматі фактично поєднує функції підтримання публічного обвинувачення та

тимчасового гаранта дотримання процесуальних прав учасників кримінального процесу, що створює певний ризик обвинувального спрямування, проте забезпечує оперативність розслідування злочинів.

Відповідно до п. 2 ч. 1 ст. 615 КПК України, якщо відсутня об'єктивна можливість виконання слідчим суддею повноважень передбачених статтями 140 (Привід), [163](#) (Розгляд клопотання про тимчасовий доступ до речей і документів), [164](#) (Ухвала про тимчасовий доступ до речей і документів), [170](#) (Накладення арешту на майно), [173](#) (Вирішення питання про арешт майна), [206](#) (Загальні обов'язки судді щодо захисту прав людини), [219](#) (Строки досудового розслідування), [232](#) (Проведення допиту, впізнання у режимі відеоконференції під час досудового розслідування), [233](#) (Проникнення до житла чи іншого володіння особи), [234](#) (Обшук), [235](#) (Ухвала про дозвіл на обшук житла чи іншого володіння особи), [245](#) (Отримання зразків для експертизи), [246](#) (Підстави проведення негласних слідчих (розшукових) дій), [247](#) (Слідчий суддя, який здійснює розгляд клопотань щодо негласних слідчих (розшукових) дій), [248](#) (Розгляд клопотання про дозвіл на проведення негласної слідчої (розшукової) дії), [250](#) (Проведення негласної слідчої (розшукової) дії до постановлення ухвали слідчого судді) та [294](#) (Загальні положення продовження строку досудового розслідування) вище зазначеного кодексу, такі повноваження виконує керівник відповідного органу прокуратури за клопотанням прокурора або за клопотанням слідчого, погодженим з прокурором, що в мирний час є виключною прерогативою слідчого судді [1]. Важливо зауважити, що кожне таке рішення прокурора має бути оформлене відповідною постановою, яка повинна містити детальне обґрунтування неможливості звернення до суду.

Одним із найбільш радикальних кроків законодавця в межах розширення функцій прокурора стало надання йому права дозволяти проведення негласних слідчих (розшукових) дій (далі НС(Р)Д). У Законі зазначено, що у разі відсутності технічної чи фізичної можливості звернутися до слідчого судді, прокурор своєю постановою може санкціонувати втручання у приватне спілкування, візуальне спостереження та інші заходи, що обмежують конституційні права громадян [1]. Така норма є вимушеним кроком, оскільки специфіка НС(Р)Д вимагає негайного реагування, а затримка для прикладу через бойові дії може призвести до втрати доказової бази у справах про державну зраду чи колабораційну діяльність. Однак тут виникає проблема легітимності отриманих даних як доказів у майбутньому судовому розгляді. Прокурор, будучи стороною обвинувачення, об'єктивно зацікавлений у результаті досудового розслідування, що ставить під сумнів неупередженість прокурора при наданні дозволу на обмеження права на приватність.

Зміни також торкнулися і процедури здійснення деяких заходів забезпечення кримінального провадження, а саме приводу, тимчасового доступу до речей і документів та арешту майна. Так, отримання тимчасового доступу до речей і документів. Цей захід забезпечення кримінального провадження полягає у наданні стороні кримінального провадження особою, у

володінні якої знаходяться такі речі і документи, можливості ознайомитися з ними, зробити їх копії та вилучити їх [1]. Якщо за умов звичайного режиму кримінального провадження, слідчий суддя збалансовує інтереси слідства та право особи на таємницю, то за умов особливого режиму кримінального провадження цей баланс цілком покладається на прокурора. Прокурор при реалізації цього повноваження має не просто надати дозвіл на здійснення вище зазначених заходів забезпечення, а й виступити в ролі слідчого судді, перевіряючи обґрунтованість доводів та необхідність таких дій. Важливим аспектом є те, що постанова прокурора є обов'язковою до виконання всіма суб'єктами, що фактично прирівнює її за статусом до ухвали суду. Ризик полягає у відсутності механізму негайного оскарження такої постанови підозрюваним, оскільки доступ до суду в таких умовах зазвичай обмежений.

В умовах воєнного стану строки досудового розслідування також набули особливого значення. Якщо неможливо звернутися до слідчого судді, строк розслідування може бути продовжений прокурором на підставі клопотання слідчого або за власною ініціативою. Це повноваження дозволяє уникати закриття проваджень у зв'язку із закінченням строків досудового розслідування у ситуаціях, коли слідчі дії фізично неможливо завершити через обстріли чи окупацію. Проте, як зазначає Т. О. Лоскутов, «продовження граничного (жорсткого) строку досудового розслідування на увесь термін дії правового режиму воєнного стану також може негативно позначатися на ефективності досудового розслідування. Суб'єкти провадження, продовживши строк досудового розслідування до закінчення дії воєнного стану, можуть зменшувати інтенсивність і швидкість збирання та перевірки відомостей про обставини вчинення кримінального правопорушення.» [3, с. 15]. Законодавець частково вирішив цю проблему, встановивши межу в 30 діб для тримання під вартою за постановою прокурора, проте щодо загальних строків досудового розслідування межі залишаються більш гнучкими, що вимагає особливої уваги при пост-кризовому перегляді справ.

Отже, з вище вказаного видно, що в умовах воєнного стану законодавець запровадив особливий механізм забезпечення безперервності кримінального провадження, наділивши прокурора повноваженнями, які за звичайних умов належать слідчому судді. Проте такий механізм створює ризики щодо порушення принципу змагальності та неупередженості прокуратури (строни обвинувачення). Але не слід забувати, що такий підхід має тимчасовий та винятковий характер і він спрямований на оперативне реагування на кримінальні правопорушення в умовах обмеженої можливості здійснення судового контролю. Водночас реалізація прокурором відповідних повноважень фактично свідчить про виконання ним окремих функцій слідчого судді, що потребує особливої уваги до дотримання принципів законності, обґрунтованості та гарантій прав і свобод людини.

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## **ДІЯЛЬНІСТЬ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ ПІД ЧАС БЛЕКАУТИВ У КОНТЕКСТІ ПОЗИТИВНИХ ЗОБОВ'ЯЗАНЬ ДЕРЖАВИ У СФЕРІ ПРАВ ЛЮДИНИ**

Діяльність Національної поліції під час блекаутів безпосередньо пов'язана з реалізацією позитивних зобов'язань держави у сфері прав людини, насамперед щодо забезпечення права на життя, особисту безпеку та захист власності. Масові та тривалі відключення електропостачання, спричинені ракетними ударами по об'єктах енергетичної інфраструктури, створюють особливі умови функціонування міського простору, за яких зростає вразливість населення та підвищується ризик посягань на конституційно гарантовані права. У таких ситуаціях саме Національна поліція виступає ключовим суб'єктом, який забезпечує мінімально необхідний рівень публічної безпеки та правопорядку, компенсуючи порушення звичних механізмів життєзабезпечення.

Практика Європейського суду з прав людини дозволяє конкретизувати зміст позитивних зобов'язань держави в ситуаціях, коли порушення нормальних умов життєдіяльності створює підвищені ризики для життя і безпеки осіб. У рішенні **Osman v. the United Kingdom** Суд сформулював підхід, за яким держава несе відповідальність у випадках, коли органи влади знали або повинні були знати про наявність реальної та безпосередньої загрози життю конкретних осіб і не вжили заходів, які за обставин справи були об'єктивно можливими для її відвернення [1].

Блекаути істотно змінюють характер суспільних відносин у великих містах, зокрема у Києві, де щільність населення, концентрація об'єктів критичної інфраструктури та транспортних вузлів зумовлюють високий рівень

ризиків. Відсутність освітлення, перебої в роботі систем зв'язку, зупинка ліфтів, обмеження роботи камер відеоспостереження та банківських сервісів створюють умови, за яких традиційні механізми самозахисту громадян істотно слабшають. У таких обставинах держава не може обмежитися формальним закріпленням прав і свобод, а повинна забезпечити їх реальний захист через організацію ефективної роботи правоохоронних органів. Діяльність національної поліції в періоди блекаутів набуває характеру активного публічного сервісу, спрямованого на запобігання загрозам та оперативне реагування на порушення прав людини.

Практика показує, що після масованих обстрілів та під час тривалих відключень електроенергії зростає кількість кримінальних правопорушень проти власності, насамперед крадіжок, грабежів, проникнень до житла та об'єктів бізнесу [2, с. 220-222]. Темрява та відсутність технічних засобів охорони полегшують вчинення таких посягань і ускладнюють їх документування. Водночас фіксуються випадки насильницьких правопорушень, конфліктів у місцях тимчасового скупчення людей, спроб самовільного доступу до укриттів або пунктів обігріву. За цих умов національна поліція виконує превентивну функцію шляхом посиленого патрулювання, організації піших нарядів у районах із підвищеним рівнем ризику, охорони об'єктів критичної інфраструктури та координації дій із органами місцевого самоврядування.

Особливе значення діяльність поліції під час блекаутів має в аспекті забезпечення права на життя та особисту безпеку. Відсутність освітлення у дворах, під'їздах і на вулицях створює реальні загрози для громадян, зокрема для літніх осіб, дітей та осіб з інвалідністю. Реагування поліції на повідомлення про підозрілих осіб, сімейні конфлікти, порушення громадського порядку в таких умовах не зводиться до формального прийняття заяв, а передбачає негайну фізичну присутність і відновлення відчуття безпеки. Саме цей аспект діяльності демонструє практичну реалізацію позитивних зобов'язань держави, коли захист прав людини забезпечується не постфактум, а шляхом активних дій.

У контексті конституційного права важливою є і роль поліції у забезпеченні свободи пересування та доступу до базових послуг під час блекаутів. Обмеження роботи транспорту, світлофорів і навігаційних систем створюють ризики дорожньо-транспортних пригод та дезорганізації руху. Національна поліція в таких ситуаціях виконує регулятивну функцію, забезпечуючи безпеку дорожнього руху, супровід спецтранспорту, координацію евакуаційних заходів і доступ екстрених служб до місць ураження. Ці дії мають прямий зв'язок із гарантіями права на життя і здоров'я, оскільки своєчасний доступ медичної допомоги часто залежить від ефективної роботи поліцейських підрозділів.

Окремої уваги заслуговує інформаційна функція Національної поліції під час блекаутів. В умовах обмеженого зв'язку та поширення чуток зростає ризик панічних настроїв і соціальної напруги. Оперативне інформування населення



про безпекову ситуацію, правила поведінки, маршрути патрулювання та порядок звернення по допомогу сприяє стабілізації обстановки [2, с. 220–222]. Така комунікація має не лише прикладний, а й правозахисний характер, оскільки дозволяє громадянам реалізовувати свої права усвідомлено і без зайвих ризиків.

Досвід Києва під час масованих атак на енергетичну інфраструктуру свідчить про те, що ефективність роботи поліції значною мірою залежить від адаптації організаційних моделей до умов блекауту. Використання мобільних пунктів управління, резервних каналів зв'язку, автономних джерел живлення, а також залучення додаткових сил у нічний час дозволяє забезпечити безперервність виконання поліцейських функцій. У цьому проявляється інституційна спроможність держави виконувати свої позитивні зобов'язання навіть за умов системних загроз.

Таким чином, діяльність національної поліції під час блекаутів є не лише елементом забезпечення публічного порядку, а й складовою механізму реалізації позитивних зобов'язань держави у сфері прав людини. Через превентивні заходи, оперативне реагування, захист життя і власності, а також підтримання комунікації з населенням поліція забезпечує практичну дієвість конституційних гарантій у надзвичайних умовах. Саме в таких ситуаціях стає очевидним, що права людини потребують не декларативного закріплення, а активної, професійної та безперервної діяльності правоохоронних органів, здатних діяти ефективно навіть за відсутності базових елементів інфраструктури.

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## **ДЕЯКІ ОСОБЛИВОСТІ ОРГАНІЗАЦІЇ ТРУДОВИХ ВІДНОСИН В УМОВАХ ВОЄННОГО СТАНУ**

24 лютого 2022 року для нашої країни розпочався новий і надзвичайно складний період. Цього ж дня Президент України підписав Указ № 64/2022 «Про введення воєнного стану в Україні»[1].

Воєнний стан призвів до суттєвих змін у всіх сферах нашого життя, в тому числі ці зміни торкнулися трудових відносин на тимчасово окупованих територіях, в районах конфлікту або на прилеглих до них територіях.

15 березня 2022 року Верховною Радою України прийнято Закон України «Про організацію трудових відносин в умовах воєнного стану»[2].

В. Є. Штундер вважає, що умови воєнного стану створюють складні ситуації як для найманих працівників, так і для роботодавців. У перші дні та навіть місяці війни було значно порушено роботу багатьох підприємств, значна частина працездатного населення була призвана до збройних сил та інших військових формувань, деякі були змушені шукати роботу в регіонах країни, не охоплених військовими діями, або навіть були вимушені повністю змінити професію [3, с. 52-55].

Я погоджуюсь з цією думкою, умови воєнного стану дійсно створюють серйозні виклики як для працівників, так і для роботодавців. Багато підприємств були змушені призупинити або перебудувати свою роботу через воєнні дії. Велика частина працездатного населення приєдналася до армії або інших оборонних структур, а інші люди змушені були переїхати в безпечніші регіони або навіть шукати нові професії. Ця ситуація значно вплинула на ринок праці, змушуючи багатьох адаптуватися до нових умов і викликів.

Науковці такі як В. Я. Киян та А. Р. Чубар зазначили, що проведено аналіз обмежень конституційних прав і свобод людини і громадянина, що вводяться на період дії воєнного стану. Здійснено наукове дослідження щодо особливостей укладення трудового договору, змін істотних умов праці, розірвання та призупинення трудового договору, а також особливостей застосування робочого часу та часу на відпочинку в умовах воєнного стану. В результаті проведеного дослідження зроблено висновок про те, що на період дії воєнного стану трудові гарантії українців тимчасово обмежені. У більшості випадків ці обмеження відносяться до збільшення до 60 годин роботи на тиждень, затримки у виплаті зарплати, відпустки без збереження заробітної плати на необмежений термін та інші обставини [4, с. 89-93].



Варто зауважити, що війна в Україні посилює процес релокації господарських формувань. Так починаючи з лютого 2022 року процес релокації в Україні став одним із способів виживання як фізичних осіб, так і способом функціонування суб'єктів господарювання у подальшому. Дійсно, переміщеній особі чи переміщеному суб'єкту підприємницької діяльності важливо адаптуватися до місцевих умов (стандартів), при цьому не втрачаючи своєї оригінальності та ідентичності [5, с. 70].

Вказані заходи є вимушеними через надзвичайні обставини, а також мають значний вплив на працівників і змушують їх адаптуватися до нової реальності.

Переміщені підприємства в Україні зіткнулися з багатьма труднощами. До основних викликів таких підприємств автори відносять: дефіцит приміщень, нестачу робочої сили, складність у відновленні минулих обсягів виробництва, а також проблеми з транспортом та логістикою [6].

Під час воєнного стану трудові права громадян зазнають тимчасових обмежень, що значно впливає на робочі умови. Зокрема, збільшується тривалість робочого тижня до 60 годин, можливі затримки з виплатою заробітної плати, а також надаються відпустки без збереження заробітної плати на невизначений термін. Ці зміни викликані надзвичайними обставинами, і, хоча вони тимчасові, вони суттєво позначаються на житті працівників, вимагаючи від них гнучкості й витривалості.

Призупинення трудового договору – це тимчасове припинення надання роботодавцем роботи працівникові та тимчасове припинення виконання працівником роботи відповідно до трудового договору. Згідно Закону України «Про організацію трудових відносин в умовах воєнного стану» призупинення дії трудового договору не тягне за собою припинення трудових відносин, а, отже, виконання інших обов'язків, передбачених трудовим договором. Призупинення може бути ініційоване як працівником, так і роботодавцем [2].

Коли трудовий договір призупиняється, кожна сторона трудових відносин звільняється від своїх зобов'язань. Працівник звільняється від обов'язку виконувати обов'язки, передбачені трудовим договором, а роботодавець звільняється від обов'язку забезпечувати умови праці, необхідні для виконання обов'язків.

Для багатьох працівників відсторонення від роботи є синонімом звільнення. Оскільки це явище є індивідуальним і не поширюється на всіх працівників, відсторонені працівники вважають, що їхні роботодавці зможуть обійтися без них у майбутньому, коли війна закінчиться [7, с. 8-10].

Частина 3 статті 13 Закону України «Про організацію трудових відносин в умовах воєнного стану» передбачає, що виплату заробітної плати, вкладів та компенсацій відстороненим працівникам у повному обсязі здійснює держава, яка здійснює військову агресію проти України [2].

Дійсно, Україна в умовах воєнного стану зіткнулася з низкою викликів, які суттєво вплинули на всі аспекти життя країни, в тому числі й на трудові відносини. Запровадження воєнного стану та прийняття спеціальних законів,

зокрема Закону України «Про організацію трудових відносин в умовах воєнного стану», певною мірою змінило трудові права та обов'язки працівників і роботодавців. Зокрема, зміни включають збільшення тривалості робочого тижня, відтермінування виплати заробітної плати та призупинення дії трудових договорів. Водночас призупинення трудового договору не означає його розірвання, а гарантує, що працівник залишиться працевлаштованим у майбутньому.

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## **РОЛЬ ЄВРОПЕЙСЬКОГО СУДУ З ПРАВ ЛЮДИНИ У ФОРМУВАННІ СТАНДАРТІВ ЗАХИСТУ ПРАВ ЛЮДИНИ**

Європейський суд з прав людини (далі ЄСПЛ або Суд) є ключовим міжнародним інститутом, що здійснює захист прав і свобод людини в межах

європейського правового простору. Його роль не обмежується розглядом індивідуальних скарг, Суд формує прецедентну практику, яка встановлює стандарти захисту прав людини для держав-членів Ради Європи. У контексті сучасних викликів – збройних конфліктів, міграційних криз, трансформації демократичних інститутів, зростання загроз правам людини – роль ЄСПЛ набуває особливої актуальності.

ЄСПЛ – одна з інституцій Ради Європи, створена 21 січня 1959 р. для контролю за дотриманням прав і свобод людини та громадянина. Суд розташований у Страсбурзі (Франція) і здійснює свою діяльність на підставі Європейської конвенції з прав людини (ЄКПЛ) 1950 р., яка набула чинності у 1953 р. ЄКПЛ закріпила комплекс фундаментальних прав і свобод, обов'язкових для держав-учасниць, та запровадила міжнародний механізм їх судового захисту. Відтак Суд виступає інституційним гарантом конвенційних стандартів, забезпечуючи їх уніфіковане тлумачення й застосування в межах регіональної системи захисту прав людини [1, с. 153–154.].

Нормативний зміст ЄКПЛ формує основу європейських стандартів у сфері прав людини, які розвиваються та конкретизуються у практиці Суду. Зокрема, *стаття 2* закріплює право на життя та визначає як негативні, так і позитивні зобов'язання держави щодо його охорони; *стаття 3* встановлює абсолютну заборону катувань і нелюдського чи такого, що принижує гідність, поводження; *стаття 5* гарантує право на свободу та особисту недоторканність із чітко визначеними підставами обмеження; *стаття 6* гарантує кожному право на справедливий і публічний розгляд його справи незалежним та безстороннім судом, встановленим законом, упродовж розумного строку; *стаття 8* захищає приватне і сімейне життя; *стаття 10* проголошує свободу вираження поглядів із можливістю лише пропорційних обмежень; *стаття 13* передбачає право на ефективний національний засіб юридичного захисту, підкреслюючи, що насамперед саме держава зобов'язана забезпечити поновлення порушених прав. [2]. Зазначені положення визначають зміст європейських стандартів прав людини та окреслюють межі відповідальності держав у сфері їх гарантування.

Саме через реалізацію цих норм ЄСПЛ виконує кілька взаємопов'язаних функцій, що формують стандарти захисту прав людини:

1. *Судова функція.* Суд розглядає індивідуальні та міждержавні скарги, встановлюючи порушення Конвенції. Рішення суду є обов'язковими для держави та мають рекомендаційний характер щодо усунення порушень.
2. *Нормотворча функція.* Через прецедентну практику ЄСПЛ визначає стандарти захисту прав людини, адаптуючи їх до сучасних соціально-політичних умов. Наприклад, рішення у справах щодо права на життя та заборони катувань впливають на національні норми кримінального та адміністративного права.

3. *Контрольна функція.* Суд контролює виконання державами своїх зобов'язань. Це включає контроль за виконанням рішень національних судів, законодавчих змін та відшкодування шкоди потерпілим.
4. *Інтерпретаційна функція.* Рішення ЄСПЛ уточнюють зміст прав та свобод, закріплених у ЄКПЛ, та визначають обсяг державних зобов'язків щодо їх реалізації [3, с. 68–69].

Рішення ЄСПЛ мають безпосередній вплив на національне законодавство та судову практику, оскільки держави-учасниці зобов'язані імплементувати стандарти Суду у внутрішню правову систему. На прикладі України це проявляється у вдосконаленні процесуальних норм, гарантій доступу до суду та захисту особистих даних, а також розвитку інституту омбудсмана як механізму захисту прав людини (Закон України “Про Уповноваженого Верховної Ради України з прав людини”) [4]. Ратифікувавши ЄКПЛ у 1997 р. (Закон України “Про ратифікацію Конвенції про захист прав людини і основоположних свобод 1950 року, Першого протоколу та протоколів N 2, 4, 7 та 11 до Конвенції”), наша держава взяла на себе зобов'язання дотримуватися стандартів Конвенції та забезпечувати механізми правового захисту на національному рівні [5]. Крім того, Конституція України (ст. 55, 59, 64) закріплює верховенство Основного закону, гарантії прав і свобод людини та обов'язок держави забезпечувати їх дотримання, що створює правову основу для реалізації рішень ЄСПЛ у внутрішньому правовому полі [6]. Ці зобов'язання додатково конкретизуються Законом України “Про виконання рішень та застосування практики Європейського суду з прав людини” від 23 лютого 2006 р. № 3477-IV, який встановлює механізми імплементації рішень Суду на національному рівні, контроль за їх виконанням і забезпечення реального захисту прав громадян відповідно до стандартів ЄСПЛ [7].

Отже, Європейський суд з прав людини виконує стратегічну роль у формуванні стандартів захисту прав людини. Він забезпечує не лише індивідуальний захист громадян, а й системний вплив на національні правові системи. Через свої рішення Суд визначає обов'язки держав, встановлює прецедентну практику та стимулює імплементацію європейських стандартів прав людини на національному рівні. Для України практика ЄСПЛ стала важливим інструментом розвитку національного законодавства та судової практики, сприяючи вдосконаленню гарантій доступу до суду, захисту особистих даних і прав людини загалом. Ратифікація ЄКПЛ та реалізація рішень ЄСПЛ сприяли укріпленню інституту омбудсмана та підвищенню відповідальності держави за дотримання прав і свобод громадян, що є важливим кроком у гармонізації українського права з європейськими стандартами.

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7. Про виконання рішень та застосування практики Європейського суду з прав людини: Закон від 23.02.2006 № 3477-IV. URL: <https://zakon.rada.gov.ua/laws/show/3477-15#Text>

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## **ВИКОРИСТАННЯ ІНФОРМАЦІЙНОЇ ПІДСИСТЕМИ «ЄДИНИЙ РЕЄСТР ЗБРОЇ» В ДІЯЛЬНОСТІ СЛІДЧОГО**

Інформаційна підсистема «Єдиний реєстр зброї» (ЄРЗ), як функціональна складова єдиної інформаційної системи Міністерства внутрішніх справ України, запроваджена для централізованого обліку та контролю обігу зброї, боєприпасів і вибухових матеріалів. Запуск повноцінної роботи реєстру відбувся у червні 2023 року, а до 2026 року планується повне наповнення даними після завершення дії паперових дозволів. Це створює принципово нові можливості для діяльності слідчого в досудовому розслідуванні, де швидкий та достовірний доступ до інформації про зброю є критичним для встановлення обставин кримінального правопорушення [1].

ЄРЗ містить комплексні дані: персональні відомості власників, характеристики зброї (серійні номери, типи, стан, фотографії), дозволи на придбання, зберігання та носіння, історію транзакцій і статусів. Така структура дозволяє слідчому оперативно перевіряти законність володіння зброєю, виявляти зв'язки між особою та конкретним предметом, що фігурує у справі, а також ідентифікувати зброю за місцем події чи вилученими доказами. Автоматизація обліку зменшує час на отримання витягів порівняно з традиційними паперовими запитами до дозвільних підрозділів поліції [1].

Нормативною основою використання інформації з ЄРЗ у кримінальному провадженні є положення Кримінального процесуального кодексу України. Слідчий має право витребувати відомості з державних реєстрів як документи чи інформацію, що має значення для розслідування (ст. 93, 159, 237 КПК). Доступ до ЄРЗ здійснюється в гласному порядку через уповноважені канали МВС, без необхідності негласних дій, що робить реєстр ефективним інструментом для гласних слідчих (розшукових) дій. Це особливо актуально в справах про незаконне поводження зі зброєю, хуліганство з її використанням чи злочини проти життя та здоров'я [2].

Перспективи використання ЄРЗ у діяльності слідчого пов'язані з подоланням проблем традиційної системи реєстрації зброї. Серед них – фрагментованість обліку, корупційні ризики при видачі дозволів, складність відстеження переміщення зброї та недостатня швидкість перевірки. Цифровізація дозволяє перейти до реального часу обробки даних, зменшити суб'єктивізм і підвищити прозорість. У контексті розслідування це означає швидшу ідентифікацію власника вилученої зброї, встановлення ланцюга передачі, перевірку на наявність обмежень чи заборон, а також інтеграцію з іншими базами МВС для комплексного аналізу [3, с.4].

Сучасні технічні засоби, включаючи інформаційні системи на кшталт ЄРЗ, суттєво розширюють пізнавальні можливості слідчого. Вони доповнюють традиційні криміналістичні методи (експертні дослідження, огляд місця події) автоматизованим пошуком і верифікацією даних. Це сприяє скороченню строків розслідування, підвищенню якості доказової бази та мінімізації помилок, пов'язаних з людським фактором. У перспективі інтеграція ЄРЗ з Єдиним реєстром досудових розслідувань (ЄРДР) може створити єдиний інформаційний простір для автоматичного зіставлення даних про зброю з матеріалами кримінальних проваджень [4, с.342].

Однак реалізація потенціалу ЄРЗ стикається з низкою викликів. По-перше, не повне наповнення реєстру даними на перехідний період (до червня 2026 року) може обмежувати доступність інформації про старі дозволи. По-друге, питання захисту персональних даних та запобігання несанкціонованому доступу вимагає чіткого дотримання вимог законодавства про захист інформації. По-третє, потребує удосконалення підготовка слідчих до роботи з цифровими реєстрами, включаючи навички формування запитів і аналізу витягів. Ці аспекти визначають подальший напрям розвитку системи в напрямі підвищення ефективності досудового розслідування [1].

У довгостроковій перспективі ЄРЗ може стати ключовим елементом цифрової трансформації кримінального процесу. Інтеграція з європейськими стандартами (маркування зброї, обмін даними в рамках ЄС), автоматизований моніторинг порушень та електронні дозволи створять умови для проактивного використання інформації слідчими. Це не лише прискорить встановлення обставин злочинів, пов'язаних зі зброєю, а й сприятиме профілактиці злочинності шляхом своєчасного виявлення ризиків. Таким чином, підсистема «Єдиний реєстр зброї» перетворюється з облікового інструменту на потужний засіб пізнання в кримінальному провадженні.

Загалом, впровадження та розвиток ЄРЗ відкриває нові горизонти для діяльності слідчого, поєднуючи швидкість цифрових технологій з вимогами кримінально-процесуального закону. Подальше удосконалення доступу, інтеграції та навчання персоналу дозволить максимально реалізувати потенціал цієї системи в забезпеченні ефективного, об'єктивного та швидкого розслідування злочинів.

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## **РОЛЬ УКРАЇНСЬКОЇ МОВИ У ФОРМУВАННІ НАЦІОНАЛЬНОЇ ІДЕНТИЧНОСТІ**

У сучасному світі мову трактують не тільки як інструмент спілкування, а й як один із визначальних маркерів національної ідентичності. Остання є складовою ширшої колективної ідентичності, що формується впродовж усього життя особистості. Національна ідентичність виникає й трансформується під впливом комплексу чинників: соціокультурних, економічних, політичних тощо.

Її найбільш репрезентативними індикаторами виступають культура та мова [9, с. 85]. В умовах глобалізаційних процесів, гібридних загроз і воєнних викликів роль національної мови істотно зростає, оскільки вона виконує функцію культурної та символічної єдності суспільства.

Наукові оцінки ролі мови в етнічних та національних процесах істотно розходяться. Так, О. Казакевич стверджує, що зв'язок між мовою та етнічністю часто розглядається як непорушна святиня, яку підтверджують божественні чи чудодійні явища, твори, пророки та пов'язані з ними вчення. У такому розумінні цей зв'язок сприймається як морально обов'язковий, беззаперечний і закріплений священними обов'язками між поколіннями. Збереження справжньої етнічної ідентичності вважається неможливим без традиційно пов'язаної з нею мови. Натомість конструктивісти вказують на численні приклади, які свідчать, що втрата традиційного мовного зв'язку не завжди призводила до зникнення відповідної етнічної ідентичності [5, с. 78]. Окремі представники конструктивістського підходу надають мовному чиннику провідного значення в процесі націєтворення. Зокрема, на переконання Б. Андерсона, формуванню («уявленню») нових національних спільнот істотно сприяла «вибухоподібна взаємодія між системою виробництва й виробничих відносин (капіталізмом), технологією комунікації (друком) і неуникненим лінгвістичним розмаїттям людства» [1, с. 63].

Особливо важливим питанням мови як чинника формування національної ідентичності є в умовах російської збройної агресії проти української державності. Історія показує, що ще в часи входження українських земель до складу двох імперій українська мова всіляко принижувалася й применшувалася (досить назвати лише сумнозвісний Валуєвський циркуляр, за яким «ніякої малоросійської мови не було, немає і бути не може»). Пізніше, уже за комуністично-більшовицького свавілля, українська мова витіснялася майже з усіх сфер життя, насаджувалася російська включно з її використанням на повсякденному рівні. Втім, титульна мова республіки не зникла повністю, а використовувалася паралельно із загальносоюзною. Трансформації у сфері мовної компетентності та мовної практики не були співмірними зі змінами в мовній і етнічній ідентичностях. Окрім чинника інерційності, відносна стабільність цих ідентичностей пояснюється впливом публічних дискурсів і соціальних практик, які утверджували та підтримували концепт окремих націй, визначальною ознакою яких вважалася наявність власної, однойменної мови [7, с. 160-161].

Зі здобуттям незалежності Україною українська ідентичність почала змінюватися в кількох важливих напрямках, один із яких пов'язаний із державною підтримкою української мови за часів незалежності. Попри свою обмеженість і непослідовність, ця підтримка підвищила роль мови як складника української ідентичності. Правовий статус української мови як державної та її обов'язковість у всіх офіційних сферах суспільного життя закріплено у статті 10 Конституції України, яка встановлює, що державною мовою в Україні є українська. Відповідно, держава гарантує її всебічний розвиток і повноцінне



функціонування в усіх сферах суспільного життя на всій території країни [6]. Важливим етапом у зміцненні її позицій стало набуття чинності 16 липня 2022 року положеннями статті 27 Закону України «Про забезпечення функціонування української мови як державної», що стало суттєвим кроком у напрямі утвердження та подальшого розвитку української мови як державної [3].

Революція Гідності та активізація боротьби за збереження незалежності й територіальної цілісності держави в умовах воєнного протистояння з РФ спричинили посилення уваги до геополітичного виміру формування громадянської ідентичності українців. Г. Залізяк посилається на думку деяких дослідників, які вважають, що під час усвідомлення національної ідентичності зменшується значущість етнічного компонента. Водночас інші науковці підкреслюють, що культурна складова національної ідентичності не лише зберігає свою актуальність, а й, навпаки, посилюється під час війни з росією, виконуючи важливу роль у розвитку національної самоідентифікації [4, с. 73].

Опанування державної мови виконує консолідаційну функцію, зміцнюючи суспільну єдність, а відтак набуває значення чинник національної безпеки. Для України це питання є особливо актуальним. У сучасних умовах російська мова часто інтерпретується як «мова держави-агресора», що здійснила анексію Криму та окупацію частини південно-східних територій України. За таких обставин вивчення української мови виходить за межі суто освітнього чи культурного аспекту. Воно набуває також політичного та ідеологічного виміру. Згідно з мовними стратегіями, які визначені для національної системи освіти, їх ключовим завданням є утвердження та підтримка україноцентричності з урахуванням прав і потреб національних меншин [2, с. 28-29].

Мова виступає як потужний засіб формування особистості та належить до унікальних феноменів людського й суспільного буття. Вона реалізує низку важливих соціальних функцій, зокрема комунікативну, естетичну та культурно. Комунікативна функція виявляється у здатності мови забезпечувати спілкування й інформаційний обмін між людьми – як у межах родини, так і в ширшому соціальному просторі. Саме тому комунікація є її базовим і визначальним призначенням.

Науковці, аналізуючи роль мови в житті людини, наголошують на її консолідуючому потенціалі, розглядаючи її як потужний чинник єднання та показник культурного рівня як окремої особистості, так і народу чи нації загалом. У наукових дослідженнях також підкреслюється, що мова виступає важливим маркером ідентичності [9, с. 87].

Норми Конституції, що закріплюють статус української мови як державної, також деталізуються в інших законодавчих актах і нормативно-освітніх документах, наприклад в Національній доктрині розвитку освіти. У межах Стратегії мовної освіти в Україні серед пріоритетних завдань визначено оволодіння державною мовою, підвищення рівня мовної культури громадян, а також виховання толерантного ставлення до представників різних мовних і

культурних спільнот [8, с. 279]. Отже, провідним завданням мовної освіти є забезпечення розвитку високого рівня мовної культури громадян, утвердження шанобливого ставлення до державної мови та мов національних меншин, а також формування толерантного ставлення до представників різних мовних і культурних спільнот.

Таким чином, українська мова є серед ключових чинників формування національної ідентичності, що забезпечує культурну тяглість, соціальну єдність і національну самосвідомість. Її роль особливо зростає в періоди суспільних трансформацій і криз. Підтримка української мови та послідовна мовна політика є стратегічними для розвитку української нації та зміцнення державності. Важливе місце тут має освітній компонент як фактор розвитку та впливу на вивчення української мови. Формування україномовного простору постає ключовою передумовою національної консолідації. Повноцінне засвоєння рідної мови можливе за наявності сприятливого мовного середовища як у родині, так і в суспільстві загалом, адже мова функціонує й розвивається лише за умови активного використання – у мисленні, спілкуванні, читанні та письмі. Тільки тоді українська мова стане державною мовою не лише на законодавчому рівні.

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## **ІНСТИТУТ ПРЕЗИДЕНТА УКРАЇНИ В МЕХАНІЗМІ СУЧАСНОЇ ДЕРЖАВИ**

Держава – це складний механізм, у якому кожна гілка влади виконує чітко визначену функцію. Баланс між кожним елементом гарантує стабільність, законність і демократичний розвиток. Метою є дослідити інститут Президента України як ключовий елемент механізму сучасної держави, визначити його місце і роль у забезпеченні стабільності конституційного ладу, узгодженості діяльності органів державної влади, гарантуванні суверенітету, національної безпеки, прав і свобод громадян.

У сучасному світі існують три типи республік, а саме: парламентська, президентська та змішана (парламентсько-президентська). Безумовно, між собою вони мають певні відмінності. Всі три типи різняться співвідношенням повноважень між главою держави, парламентом й урядом.

У парламентській республіці влада належить парламенту та уряду, який формується парламентською більшістю. Президент, в цьому випадку, виконує переважно представницькі функції. Він виступає гарантом стабільності, але не бере активної участі в управлінні державою.

У президентській республіці Президент несе персональну відповідальність перед народом, є главою держави та очолює виконавчу владу. До його повноважень належать формування уряду й визначення основних напрямів державної політики. Парламент у такій системі має обмежений вплив на виконавчу владу, зберігаючи законодавчу ініціативу, право вето та контрольні функції, однак його роль є другорядною порівняно з Президентом.

Україна належить до змішаного типу республік, тобто має форму державного правління парламентсько-президентської республіки. Її особливість полягає в поєднанні ознак вище згаданих двох систем, із метою збалансувати відносини між законодавчою та виконавчою гілками влади [6, с. 77-81]. У повноваження Верховної Ради України, згідно статті 85 Конституції України,

входить: формування коаліції, призначення Прем'єр-міністра України та членів Кабінету Міністрів України, контроль діяльності уряду, затвердження Державного бюджету України і схвалення програми діяльності уряду [1].

Президент України, зі свого боку, має низку конституційних засобів впливу на парламент. Одним із них є право достроково припинити повноваження Верховної Ради України. Конституція України не обмежує кількість разів, коли Президент України може розпустити парламент, кожен випадок оцінюється окремо і має відповідати виключно підставам, передбаченим статтею 90 Конституції України. Разом із тим право Президента України є процедурно обмеженим. Перед виданням указу він зобов'язаний провести консультації з Головою Верховної Ради України, його заступниками та головами депутатських фракцій. Крім того, парламент, обраний на позачергових виборах, не може бути розпущений протягом одного року після свого обрання [1].

Протягом історії незалежності України повноваження Верховної Ради України достроково припиняли чотири рази. Вперше за часів правління Леоніда Кравчука у 1993 році. Вдруге Віктор Ющенко використав це право у 2007 році. Утретє Петро Порошенко в 2014 році. Останнім прикладом є Указ Президента України «Про дострокове припинення повноважень Верховної Ради України та призначення позачергових виборів». [3]. Цим указом позачергові вибори були призначені на 21 липня 2019 року [7]. Цей указ був оскаржений у Конституційному Суді України, проте Суд визнав його конституційним [5]. Таким чином, практика свідчить, що Президент України може розпускати парламент неодноразово, але виключно за наявності конституційних підстав і з дотриманням визначеної процедури, а юридична оцінка таких рішень належить до компетенції Конституційного Суду України.

У Конституції України, прийнятій 28 червня 1996 року, згідно зі статтею 102 Президент України є главою держави і виступає від її імені. Він є гарантом державного суверенітету, територіальної цілісності України, додержання Конституції України, прав і свобод людини і громадянина [1]. Законодавчу компетенцію Президента України визначено не лише в Основному Законі України, а й у Виборчому кодексі України, який регулює порядок обрання Глави держави [2]. Водночас спеціальний закон України, що комплексно регламентував би діяльність Президента України, Верховною Радою України наразі не ухвалено.

Президент України обирається строком на п'ять років шляхом прямих, загальних і таємних виборів. Такий спосіб дає особливий демократичний мандат довіри від народу. Президент України не входить ні до законодавчої, ні до виконавчої, ні до судової влади, він виконує роль арбітра та гаранта стабільності функціонування державного механізму. Президент України не може самостійно розширювати свої повноваження або діяти поза межами, встановлених законом.

Президент України також може впливати на законодавчий процес. За статтею 94 Конституції України голова держави має 15 днів, щоб або підписати

ухвалений Верховною Радою України закон, або накласти вето та з власними пропозиціями повернути його парламенту на повторний розгляд. Якщо глава держави не встигає підписати закон у визначений строк, такий документ вважається схваленим Президентом України і має бути «підписаний та офіційно оприлюднений» [1]. Однак в Конституції України відсутні норми, які визначають поведінку гаранта порушенням та встановлюють покарання за неї. Це призводить до того, що президенти України дозволяють собі не дотримуватися норми про підписання закону у п'ятнадцятиденний термін.

Володимир Зеленський затягував із підписанням кожного четвертого з ухвалених парламентом законів. За майже чотири роки каденції Володимир Зеленський ветував і надав пропозиції до 34 законів. Ще один - законопроект про посилення відповідальності за злочини вчинені стосовно малолітньої, неповнолітньої особи чи такої, яка не досягла статевої зрілості - ветоаний Зеленським, але його пропозиції не були опубліковані у картці документу. Із 35 ветоаних Володимиром Зеленським законів один було відхилено та знято з розгляду, при тому що Президент України пропонував внесення до нього змін, а не відхилення. Подолати Президентське вето парламент зміг лише раз - для ухвалення закону про тимчасові слідчі і спеціальні комісії Верховної Ради України, який передбачає процедуру імпідменту Президента України [4; 8]. Для цього, за статтею 94 Конституції України на повторному голосуванні слід було набрати щонайменше 300 голосів. Лише в цьому разі голова Верховної Ради України підписує закон і офіційно оприлюднює його, навіть без згоди Президента України [1].

Але роль Президента України не зводиться лише до виконання конституційних обов'язків. Він є центральною фігурою політичного процесу. Найвідповідальнішою місією Президента України є захист демократії, верховенства права та прав людини. Він повинен виступати гарантом конституційного ладу, охоронцем основоположних прав і свобод кожного громадянина України.

Отже, інститут Президента України є ключовим елементом механізму державної влади, що забезпечує стабільність конституційного ладу, узгодженість діяльності органів держави та реалізацію стратегічних напрямів політики. Президент виконує провідну роль у гарантуванні суверенітету, національної безпеки, дотриманні прав і свобод громадян. Ефективність його діяльності суттєво впливає на якість державного управління та рівень демократичного розвитку країни.

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## **ЦИФРОВА ІДЕНТИЧНІСТЬ ОСОБИ ТА ЇЇ ПРАВОВИЙ ЗАХИСТ У СУЧАСНОМУ ПРАВОВОМУ ПРОСТОРІ**

У сучасних умовах стрімкого розвитку інформаційно-комунікаційних технологій та цифрової трансформації суспільства відбуваються суттєві зміни у способах ідентифікації особи. Традиційні механізми встановлення особи поступово доповнюються або навіть замінюються цифровими інструментами, які передбачають використання електронних ідентифікаторів, біометричних даних, електронних підписів, цифрових документів та інших технологічних рішень. У зв'язку з цим формується нове правове явище – цифрова ідентичність

особи, що є сукупністю електронних даних та характеристик, які дозволяють ідентифікувати людину в інформаційному середовищі.

Цифрова ідентичність сьогодні відіграє важливу роль у забезпеченні доступу громадян до електронних послуг, цифрових сервісів державного управління, банківських операцій, освітніх платформ та інших сфер суспільного життя. В умовах розвитку електронного урядування та цифрової держави цифрова ідентифікація стає ключовим інструментом взаємодії особи з державними органами, бізнесом та суспільством загалом. Зокрема, в Україні активне впровадження цифрових сервісів, електронних документів та систем електронної ідентифікації сприяє підвищенню ефективності надання адміністративних послуг та спрощує комунікацію між громадянами і державою. Разом із тим розвиток цифрової ідентичності породжує низку нових правових викликів, пов'язаних із захистом прав і свобод людини. Зокрема, виникають питання щодо забезпечення конфіденційності персональних даних, захисту приватності, запобігання несанкціонованому доступу до цифрових ідентифікаційних даних, а також недопущення їх незаконного використання. Поширення кіберзлочинності, зокрема крадіжки цифрової ідентичності, фішингових атак та інших форм неправомірного використання персональної інформації, створює додаткові ризики для безпеки особи у цифровому середовищі. [1]

Особливої актуальності проблема правового захисту цифрової ідентичності набуває в умовах глобалізації інформаційного простору та активного використання цифрових платформ, соціальних мереж і онлайн-сервісів. У таких умовах цифрові дані особи можуть оброблятися, передаватися та зберігатися у різних юрисдикціях, що ускладнює забезпечення належного рівня їх правового захисту. Це зумовлює необхідність удосконалення національного законодавства у сфері захисту персональних даних, кібербезпеки та електронної ідентифікації, а також гармонізації правового регулювання з міжнародними стандартами. Крім того, цифрова ідентичність поступово перетворюється на один із ключових елементів реалізації основоположних прав людини у цифровому середовищі. Можливість безпечної та надійної ідентифікації особи в інформаційних системах є важливою передумовою доступу до державних сервісів, фінансових ресурсів, електронної комерції та інших сфер суспільних відносин. Водночас недостатній рівень правового регулювання або технічного захисту цифрової ідентичності може призводити до порушення права на приватність, втрати контролю над персональними даними та інших негативних наслідків для особи.

У зв'язку з цим дослідження проблематики цифрової ідентичності особи та забезпечення її правового захисту набуває особливого значення в умовах сучасного правового простору. Необхідним є комплексний аналіз правових механізмів регулювання цифрової ідентифікації, визначення основних ризиків та загроз у цій сфері, а також формування ефективних підходів до захисту прав людини у цифровому середовищі. Саме тому питання правового захисту



цифрової ідентичності особи є важливим напрямом наукових досліджень та розвитку сучасної правової системи.

Стрімка цифровізація суспільних відносин спричинила появу нових форм взаємодії людини з державою, бізнесом та інформаційними системами. Ідентифікація особи дедалі частіше здійснюється не через традиційні документи, а за допомогою електронних інструментів, що формують цифровий профіль користувача. До таких елементів належать електронні документи, електронний підпис, біометричні параметри, облікові записи у державних та комерційних інформаційних системах. Сукупність цих даних формує цифрову ідентичність особи, яка забезпечує можливість доступу до значної кількості соціальних, адміністративних та фінансових сервісів. [2]

Функціонування електронного урядування, банківських платформ, освітніх ресурсів та інших цифрових середовищ значною мірою залежить від достовірної ідентифікації користувача. Водночас накопичення великого обсягу персональних даних створює додаткові ризики їх незаконного використання, викрадення або маніпулювання інформацією. Однією з найбільш поширених загроз є привласнення цифрової ідентичності, коли зловмисники отримують доступ до персональних відомостей і використовують їх для здійснення фінансових операцій, реєстрації фіктивних акаунтів або інших протиправних дій. Подібні випадки демонструють вразливість сучасних систем ідентифікації та потребу в удосконаленні правових механізмів захисту. Окремою проблемою залишається використання біометричних технологій, які активно впроваджуються у процеси верифікації користувачів. Застосування відбитків пальців, розпізнавання обличчя або інших біометричних характеристик значно підвищує рівень зручності та швидкості доступу до сервісів, однак водночас створює серйозні виклики щодо захисту приватності. На відміну від паролів або інших змінних ідентифікаторів, біометричні дані не можуть бути змінені у разі їх компрометації, що робить питання їх збереження особливо чутливим з точки зору прав людини. Складність правового регулювання зумовлюється також глобальним характером цифрового середовища. Персональні дані користувачів часто обробляються міжнародними платформами, сервери яких можуть розташовуватися в різних країнах. Така ситуація створює труднощі у визначенні юрисдикції, відповідальності суб'єктів обробки інформації та механізмів захисту порушених прав. У результаті особа нерідко стикається з обмеженими можливостями контролю над власними цифровими даними та складністю їх правового захисту. Важливим аспектом сучасної проблематики є також зростання ролі автоматизованих систем аналізу інформації. Алгоритми обробки даних можуть формувати цифрові профілі користувачів, оцінювати їх поведінку або прогнозувати певні дії. Використання таких технологій у сфері фінансових послуг, електронної комерції чи безпеки створює ризики неправомірного втручання у приватне життя та можливих форм цифрової дискримінації. У таких умовах особливої актуальності набуває забезпечення прозорості обробки інформації та дотримання принципів законності, пропорційності й мінімізації використання персональних відомостей.



Проблематика цифрової ідентичності безпосередньо пов'язана з необхідністю формування ефективних механізмів кіберзахисту. Наявність надійних технологічних рішень, криптографічних методів захисту інформації та сучасних систем автентифікації є важливою передумовою забезпечення безпеки персональних даних. Проте технічні засоби не можуть повністю гарантувати захист без належного правового регулювання та контролю за діяльністю суб'єктів, які здійснюють обробку цифрових відомостей. [3-4]

Таким чином, цифрова ідентичність поступово перетворюється на важливий елемент реалізації прав людини у сучасному інформаційному суспільстві. Водночас її використання супроводжується низкою ризиків, пов'язаних із порушенням приватності, незаконним використанням персональних даних та зростанням кіберзагроз. Це зумовлює необхідність подальшого вдосконалення правових механізмів регулювання, спрямованих на забезпечення належного рівня захисту особи у цифровому середовищі.

Отже, цифровізація суспільних процесів зумовлює формування нових підходів до ідентифікації особи та використання її персональних даних у цифровому середовищі. Цифрова ідентичність стає важливим елементом реалізації прав людини, оскільки забезпечує доступ до електронних послуг, фінансових систем та інших сфер суспільного життя. Водночас поширення цифрових технологій супроводжується ризиками незаконного використання персональної інформації, викрадення ідентифікаційних даних та порушення права на приватність. У зв'язку з цим особливого значення набуває удосконалення правового регулювання у сфері захисту персональних даних, розвитку безпечних систем електронної ідентифікації та впровадження ефективних механізмів забезпечення прав людини у цифровому правовому просторі.

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## **ПРОБЛЕМАТИКА ЗАЛУЧЕННЯ ПОНЯТИХ ПІД ЧАС ПРОВЕДЕННЯ СЛІДЧИХ (РОЗШУКОВИХ) ДІЙ В УМОВАХ ВОЄННОГО СТАНУ**

Повномасштабна збройна агресія Російської Федерації проти України, зумовила об'єктивну необхідність комплексної трансформації кримінального процесуального інституту. Запровадження правового режиму воєнного стану детермінувало адаптацію кримінального судочинства до екстремальних умов, що знайшло своє відображення у формуванні особливого порядку досудового розслідування та судового розгляду, передбаченого статтею 615 КПК України. Одним із найбільш обговорюваних питань стала трансформація інституту понятих - класичного інструменту громадського контролю, який в умовах воєнного стану та постійних обстрілів часто стає об'єктивно неможливим або життєво небезпечним для реалізації особливо в районі ведення бойових дій.

Законодавчо закріплене положення у ст. 615 КПК України надає можливість проведення слідчих (розшукових) дій без залучення понятих за умови безперервної відеофіксації стало вимушеною відповіддю на виклики війни.

Участь понятих у слідчих (розшукових) діях є ключовим інструментом забезпечення об'єктивності досудового розслідування та дотримання прав учасників процесу, насамперед - захисту. Процесуальна роль понятих полягає у тому, щоб засвідчити, що дії слідчого, дізнавача чи прокурора відповідають нормам закону. Відповідно, ігнорування законодавчих норм щодо обов'язкової присутності понятих є безумовною підставою для визнання отриманих доказів недопустимими в суді. Як показує практика, поняті в переважності випадків відіграють вирішальну роль під час фіксації доказів у кримінальному провадженні, оскільки вони не є зацікавленими особами. Свідчення понятих дає можливість суду встановити фактичні умови проведення процесуальних дій та переконатися у відсутності порушень з боку слідчого, дізнавача чи прокурора, що є важливим для оцінки доказів на предмет достовірності.

Згідно з нормами ч.7 ст. 223 КПК України слідчий, прокурор зобов'язаний запросити не менше двох незаінтересованих осіб (понятих) для пред'явлення особи, трупа чи речі для впізнання, огляду трупа, в тому числі пов'язаного з ексгумацією, слідчого експерименту, освідування особи. Винятками є випадки застосування безперервного відеозапису ходу проведення відповідної слідчої (розшукової) дії. Поняті можуть бути запрошені для участі в

інших процесуальних діях, якщо слідчий, прокурор вважатиме це за доцільне [1].

В той час існують фактори які унеможливають залучення понятих до слідчих дій в умовах воєнного стану. До таких слід віднести: 1) Безпековий ризик через постійні повітряні тривоги на території України, що суперечить обов'язку слідчого дбати про безпеку всіх учасників процесу. 2) Масове переміщення осіб по території України (евакуація, добровільне переміщення) спричиняє дефіцит понятих в зоні ведення активних бойових дій. 3) На деокупованих територіях більшість мешканців мають статус потерпілих, що згідно з ч.7 ст. 223 КПК України унеможливають їхню участь у якості понятих. 4) Психологічна стійкість громадян в умовах воєнного стану зазвичай передбачає те, що вони не мають брати участь у слідчих діях наражаючи на себе небезпеку. Дані фактори змушують слідчого звертатись до альтернативних методів фіксації.

Законом України від 22.04.2022 № 2201-IX внесено зміни до (абз. 2 ч. 7 ст. 223 та абз. 3 ч. 1 ст. 615 КПК України), якими в умовах воєнного стану слідчому, прокурору дозволяється без залучення понятих проводити обшук або огляд житла чи іншого володіння особи, обшук особи за наявності двох обов'язкових умов: 1) якщо залучення понятих є об'єктивно неможливим або пов'язано з потенційною небезпекою для їхнього життя; 2) здійснення фіксування слідчої дії доступними технічними засобами шляхом здійснення безперервного відеозапису [2].

У межах адаптації кримінального судочинства до викликів воєнного часу, законодавець допустив відступ від загального правила обов'язкової участі понятих (ч. 7 ст. 223 КПК України) при проведенні обшуку чи огляду. Такий правовий механізм реалізується у випадках об'єктивної неможливості залучення незацікавлених осіб або існування реальної загрози їхній безпеці, за умови компенсації відсутності понятих застосуванням технічних засобів відеозапису, що виступає гарантом процесуальної достовірності здобутих доказів. Попри наявності чіткого законодавчого алгоритму, аналіз сучасної правозастосовної практики надає підстави стверджувати, що існує тенденція щодо необґрунтованого розширеного тлумачення положень ч. 7 ст. 615 КПК України. Констатовано, непоодинокі випадки ігнорування слідчими вимоги щодо імперативного зазначення у протоколі як правових підстав, так і конкретних фактичних обставин, що унеможливили участь понятих.

Звертаємо увагу, що впровадження воєнного стану не нівелює дію ст. 223 КПК України та не створює презумпції автоматичного звільнення від обов'язку залучення незацікавлених осіб. Відсутність у процесуальному документі мотивованого обґрунтування неможливості участі понятих, підкріпленого посиланням на відповідні безпекові чи логістичні чинники, ставить під сумнів дотримання стандарту належної правової процедури та створює ризики визнання отриманих доказів недопустимими на підставі ст. 87 КПК України.

Також слід зазначити, що сучасний стан правового регулювання на забезпечує чіткого врегулювання: 1) поняття «понятій»; 2) перелік прав та

обов'язків понятих; 3) повний перелік суб'єктів, уповноважених залучати понятих до участі в процесуальних діях; 4) джерела та підстави оплати часу залучення понятих; 5) відповідальність понятого за неявку на слідчу дію або самовільне залишення місця проведення процесуальної дії.

Понятий – це незаінтересована у результатах кримінального провадження особа, запрошена слідчим чи прокурором для посвідчення факту провадження слідчої дії, її ходу та результатів [3, с. 156]. Участь понятих є гарантією правильного безпосереднього сприйняття при провадженні слідчих дій обставин та фактів, що мають значення для кримінального провадження, їх належного фіксування у процесуальних документах [4, с. 631].

Отже можна сказати те, що інститут понятих у кримінальному процесі України наразі проходить етап докорінної трансформації. Війна стала основою для змін, які назрівали роками: переходу від "людського" контролю до технічного. Результати аналізу практики дають підстави стверджувати, що будь-яка деформація стандартної процедури зокрема, відмова від залучення понятих має бути суворо аргументованою, оскільки ігнорування встановлених законом гарантій неминуче призводить до нівелювання засадничих принципів кримінального провадження та дискредитації результатів слідчих дій.

З метою усунення зловживань з органу досудового розслідування, пропонується внести зміни до ст. 615 КПК України, чітко визначивши перелік об'єктивних обставин, що дозволяють проводити дії без понятих. До них слід віднести: офіційне оголошення повітряної тривоги, ведення артилерійських обстрілів у межах локації, роботу на територіях із підтвердженою мінною небезпекою або повну відсутність цивільного населення в зоні евакуації.

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## МОВНИЙ ВИМІР НАЦІОНАЛЬНОЇ ІДЕНТИЧНОСТІ ТА ДЕРЖАВОТВІРНИХ ПРОЦЕСІВ

У сучасних умовах повномасштабної війни роль мови виходить далеко за межі суто комунікативної функції та набуває виразного стратегічного виміру, перетворюючись на інструмент національної безпеки, соціальної стійкості й державотворення. Мова в таких умовах стає не лише засобом передавання інформації, а й маркером політичної суб'єктності, ціннісної єдності та цивілізаційного вибору суспільства.

Гібридні загрози, культурна експансія та системна інформаційна війна, що ведеться проти України, спрямовані, зокрема, на розмивання мовної ідентичності, підміну смислів і легітимацію асиміляційних практик. У цьому контексті українська мова виконує функцію символічного кордону, який відмежовує власний культурно-історичний простір від нав'язаних наративів агресора. Вона стає засобом спротиву маніпуляціям, інструментом деколонізації свідомості та відновлення історичної справедливості.

Актуальність питання посилена викликами глобалізації та цифровізації, коли мова стає маркером «свого» проти «чужого» у віртуальному просторі та публічній сфері. Мова виконує три ключові функції у формуванні національної ідентичності (Рис 1.):

**Рис. 1.<sup>1</sup> Функції мови в контексті національної ідентичності**



<sup>1</sup> Рисунок створено за допомоги інтерфейсу Napkin.ai, платформи на основі штучного інтелекту, яка автоматично перетворює текст на візуальні елементи, такі як схеми, інфографіка та діаграми. Вона дозволяє швидко візуалізувати ідеї, значно спрощуючи процес створення графічного контенту, презентацій та освітніх матеріалів.



Питання національної ідентичності тісно корелює зі станом мовної політики. Історичний шлях української мови позначений численними репресіями та спробами її викорінення, проте кожен етап спротиву лише кристалізував сприйняття мови як фундаментальної основи буття нації. У сучасних умовах збройного конфлікту відбувається масштабна мовна консолідація громадян: це проявляється у поверненні до українського слова, плеканні мовних традицій та деколонізації вітчизняного інфопростору [5, с. 438].

Отже, українська мова є не лише конституційно закріпленою державною мовою, а й базовим чинником формування національної ідентичності, політичної нації та сталого державотворення, що забезпечує культурний суверенітет, символічну цілісність і ціннісну єдність українського суспільства. Вона виконує інтегративну функцію, поєднуючи різні соціальні, регіональні групи навколо спільного мовно-культурного коду, який уможлиблює відтворення історичної пам'яті та національної самосвідомості, про що свідчить рисунок 2, поданий нижче.

Рис. 2.<sup>2</sup> Динаміка історії української мови



У воєнний час українська мова набуває додаткового безпекового виміру, виконуючи функції інструмента національної безпеки, протидії гібридним загрозам і стратегічної комунікації. Саме через мову здійснюється демаркація «свого» і «чужого» в інформаційному просторі, нейтралізуються пропагандистські наративи та забезпечується стійкість суспільства до психологічних і когнітивних впливів. Мова стає каналом трансляції мобілізаційних меседжів, формування суспільної довіри до державних

<sup>2</sup> Статистику унаочнено за допомоги «NotebookLM», інструменту штучного інтелекту (ШІ) від Google, який діє як персональний помічник для дослідження та навчання, аналізуючи документи (PDF, Google Docs, веб-сторінки, відео, аудіо) для створення резюме, відповідей на запитання, флеш-карток, діалогів та інших навчальних матеріалів. Він «прив'язує» модель Gemini до ваших джерел, щоб давати відповіді виключно на основі наданої інформації, допомагаючи швидше опрацьовувати великі обсяги даних.

інституцій, розвитку інформаційної гігієни та критичного мислення як ключових елементів інформаційної стійкості.

У цьому контексті державна мовна політика потребує системного посилення та стратегічного переосмислення, зокрема в напрямі повної та якісної українізації публічної сфери, медіапростору, системи освіти й науки, а також цифрового середовища. Йдеться не лише про нормативно-правове регулювання, а й про створення сприятливих умов для мовної практики: підтримку україномовного контенту, розвиток сучасної термінології, стимулювання мовної культури в професійних спільнотах і впровадження мовної компоненти в програми національної безпеки.

Використання української мови в освітньому, медійному, управлінському та цифровому просторах сприяє консолідації громадян, зміцненню внутрішньої згуртованості суспільства та підвищенню його резистентності до дезінформації й маніпулятивних технологій. Мовна єдність у цьому сенсі виступає не фактором уніфікації, а передумовою солідарності, взаєморозуміння та ефективної колективної дії.

Отже, українська мова постає не лише елементом культурної спадщини, а й активним чинником протидії асиміляції, дієвим інструментом інформаційної безпеки та важливою складовою національного спротиву. Її утвердження в усіх сферах суспільного життя є стратегічною інвестицією у збереження ідентичності, зміцнення суверенітету та забезпечення майбутнього української державності в умовах тривалих безпекових викликів.

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## **ПРИМУСОВЕ ВИЛУЧЕННЯ ЗЕМЕЛЬНИХ ДІЛЯНОК ДЛЯ СУСПІЛЬНИХ ПОТРЕБ В УМОВАХ ВОЄННОГО СТАНУ: ПРАВОВІ ВИКЛИКИ ТА ШЛЯХИ ОПТИМІЗАЦІЇ**

Актуальність дослідження правового режиму примусового відчуження та вилучення земельних ділянок зумовлена безпрецедентними викликами, з якими зіткнулася національна правова система України після 24 лютого 2022 року. В умовах повномасштабної агресії земельна ділянка перестає бути лише об'єктом цивільних прав чи засобом виробництва; вона стає стратегічним простором для забезпечення обороноздатності. Проте реалізація державної потреби у землі часто вступає у гострий конфлікт із конституційними гарантіями права власності. Це вимагає від юридичної науки чітких відповідей на питання: де проходить межа між державною необхідністю та свавіллям, і як забезпечити справедливий баланс інтересів у цей надзвичайний період.

Теоретичне підґрунтя цієї проблеми закладено у працях відомих українських вчених-земельників. Зокрема, В. В. Носік слушно зауважує, що право власності на землю має соціальну функцію, яка в особливі періоди дозволяє державі обмежувати права приватних осіб задля виживання нації. А. М. Мірошніченко у своїх дослідженнях критично підходить до процедурних аспектів, вказуючи на те, що механізм оцінки майна при вилученні часто є недосконалим і не враховує потенційну вартість втраченої вигоди власника. Т. Є. Харитонova акцентує увагу на розмитості поняття «суспільна потреба», що в умовах воєнного стану може трактуватися надто широко. Р. І. Марусенко підкреслює, що правовий режим воєнного стану хоч і передбачає спрощення процедур, проте не звільняє державу від обов'язку дотримуватися принципу законності та пропорційності втручання.

Аналізуючи сучасний стан законодавства, слід зазначити, що основний тягар регулювання лягає на Земельний кодекс України та Закон «Про передачу, примусове відчуження або вилучення майна в умовах правового режиму воєнного чи надзвичайного стану». Ключова відмінність воєнного часу полягає у



заміні тривалих судових процедур на оперативні рішення військового командування. Це виправдано з точки зору швидкості побудови фортифікацій чи логістичних шляхів, проте створює ризики для правової визначеності. Особливо гостро стоїть питання розмежування «вилучення» (безоплатного відібрання майна державної власності) та «відчуження» (примусового відібрання приватної чи комунальної власності з подальшою компенсацією).

На мою думку, ключова проблема сьогодні полягає не лише у самому факті вилучення землі, а у відсутності прозорого механізму подальшої реституції або адекватної заміни ділянки. Я вважаю, що для покращення поточної ситуації держава повинна запровадити систему «Земельного капіталу» або «Резервного земельного фонду». Суть моєї пропозиції полягає в тому, що власник, чия ділянка була вилучена для оборонних потреб (наприклад, під мінні поля чи окопи), повинен мати законодавчо закріплене право на автоматичне отримання рівноцінної ділянки з державних чи комунальних резервів у безпечних регіонах, не чекаючи завершення війни та складних оціночних експертиз.

Крім того, я вважаю за необхідне деталізувати у законодавстві поняття «суспільної потреби» саме для воєнного стану. Необхідно чітко розмежувати потреби безпосередньої оборони (будівництво дотів, бліндажів) від потреб економічного відновлення. Для першого випадку процедура має залишатися максимально швидкою, а для другого – включати обов'язкові громадські слухання або розширений судовий контроль, навіть під час війни. Це дозволить уникнути зловживань, коли під приводом «суспільної необхідності» може відбуватися перерозподіл цінних земель у комерційних інтересах.

Важливим кроком до вдосконалення системи я вважаю також цифровізацію процесу фіксації стану ділянки на момент вилучення. Вважаю за доцільне зобов'язати органи, що приймають рішення про відчуження, створювати цифровий «паспорт пошкоджень» із використанням супутникових знімків та занесенням даних до Державного земельного кадастру в автоматичному режимі. Це зніме навантаження з власника щодо доведення збитків у майбутньому.

Підсумовуючи, можна стверджувати, що примусове вилучення землі в умовах війни є необхідним злом, проте воно не повинно ставати безповоротною втратою для громадянина. Держава має перейти від моделі «відібрання та виплати грошей» (які часто знецінюються) до моделі «гарантованого заміщення ресурсу». Лише такий підхід забезпечить стійкість інституту власності та збереже довіру між суспільством і владою у цей складний історичний період. Тільки через поєднання жорстких оборонних потреб та справедливих компенсаційних механізмів ми зможемо побудувати правову систему, яка витримає випробування війною.

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## **ЕЛЕКТРОННИЙ СУД ЯК МЕХАНІЗМ КОМУНІКАЦІЙ В АДМІНІСТРАТИВНОМУ СУДОЧИНСТВІ**

**Анотація:** Актуальність впровадження електронних сервісів у сфері правосуддя, є важливою складовою забезпечення цифровізації адміністративного судочинства. Мережа Інтернет стала джерелом обміну інформації, що використовується у всіх аспектах життя людини. Значення Інтернету та спроможності його підвищити ефективність адміністративного судочинства є вагомим важелем розвитку електронних комунікацій в Україні, враховуючи виклики сьогодення та правові аспекти.

**Ключові слова:** інтернет, адміністративне судочинство, доказова інформація, правові аспекти, електронний суд.

Мережа Інтернет стала не тільки джерелом інформації, але і механізмом для комунікації. Верховний Суд України з 1 січня 2014 року розпочав впровадження пілотного проекту «Електронний суд». В рамках цього проекту учасники судового процесу у ЦИВІЛЬНІЙ справі та учасники судового провадження у КРИМІНАЛЬНІЙ справі мають можливість: 1. Отримувати судову повістку (повідомлення) у вигляді смс-повідомлення про день, місце та час розгляду їхньої справи Верховним Судом України. 2. Отримувати

остаточне судове рішення Верховного Суду України на власну електронну пошту[5].

Вища рада правосуддя 17.08.2021 року прийняла рішення Про затвердження Положення про порядок функціонування окремих підсистем Єдиної судової інформаційно-телекомунікаційної системи. Фактично дане рішення є початком нормативним документом, який визначає порядок функціонування системи Електронний суд як окрему підсистему ЄСІТС, встановлює порядок її функціонування та юридичні наслідки її запуску. [1]

У червні 2021 року Президент України Володимир Зеленський підписав указ «Про Стратегію розвитку системи правосуддя та конституційного судочинства на 2021–2023 роки» [2], яка, поміж усього, передбачає необхідність розвитку електронного судочинства з урахуванням світових стандартів у сфері інформаційних технологій, його інтегрування у національну інфраструктуру електронного врядування шляхом запровадження можливості розгляду онлайн певних категорій справ незалежно від місцезнаходження сторін і суду та інших сервісів електронного судочинства, а також впровадження сучасного електронного діловодства в суді, електронного ведення справ, електронних комунікацій із судом, кабінету судді та кабінету учасника процесу [4].

Законом України № 3200-ІХ від 29.06.2023 «Про внесення змін до деяких законодавчих актів України щодо обов'язкової реєстрації та використання електронних кабінетів в ЄСІТС» вніс зміни в всі процесуальні кодекси України та Закон № 3200-ІХ опубліковано 20.07.2023; з 18.10.2023 норми набрали чинності для визначеного кола суб'єктів (адвокати, нотаріуси, органи влади, інші юридичні особи). Для приватних юридичних осіб у цивільному та адміністративному процесах обов'язок реєстрації вводився з 21.02.2024. Невиконання тягне процесуальні наслідки (залишення без руху, повернення документів тощо).

Таким чином нормативні кроки 2021–2023 років суттєво просунули цифровізацію правосуддя, однак процес триває. Цифровізації вплинула на всі ланки процесуального законодавства а також отримала значну кількість переваг, серед можна виділити, для країни в військовому стані, це: економію коштів, як для держави такі і для учасників, економія часу доставлення документів; пришвидшення строків розгляду спорів; спрощення доступу учасників до судового процесу, можливість долучення електронних доказів на пряму до суду, без витрат на їх перенесення на інші пристрої.

Крім того категорія електронних доказів у КАСУ закріплена ст. 99; допускається подання в оригіналі, електронній копії із КЕП, що в принципі і дозволяє функціонал електронного суду.

**Висновки.** Станом на сьогодні державна стратегія з розвитку правосуддя, ефективно реалізувалась як засіб для комунікації держави та учасників процесу не тільки, як система електронного документообігу, яка має чітке регулювання і можливість ідентифікація автора документу. Так насамперед є ефективним

інструментом для подання на розгляд суду електронних доказів в адміністративному судочинстві.

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## **ДОКУМЕНТУВАННЯ ТА КРИМІНАЛІСТИЧНЕ ЗАБЕЗПЕЧЕННЯ РОЗСЛІДУВАННЯ СЕКСУАЛЬНОГО НАСИЛЬСТВА ПІД ЧАС ЗБРОЙНИХ КОНФЛІКТІВ**

У сучасній історії України сексуальне насильство стало не просто проявом жорстокості - воно перетворилося на зброю. Після початку повномасштабного вторгнення російських військ на територію України світ зіткнувся з жахливими фактами системного сексуального насильства, вчиненого проти цивільного населення. Ці дії не є випадковими - вони несуть ознаки воєнних злочинів і підпадають під юрисдикцію Міжнародного кримінального суду. У таких умовах криміналістична фіксація стає не лише професійним викликом, а й етичним обов'язком слідчого та експерта.

Актуальність фіксації злочинів сексуального насильства під час збройного конфлікту зумовлена високим рівнем латентності таких злочинів, складністю збору доказів у воєнних умовах та психологічною травмою

потерпілих. В умовах війни в Україні ці злочини набули ознак системності та стали інструментом терору проти цивільного населення. У цьому контексті криміналістична фіксація виступає ключовим етапом для документування фактів, збереження доказової бази та забезпечення можливості міжнародного правосуддя (макарова).

Слід зазначити поняття сексуального насильства, пов'язаного з конфліктом. Відповідно до визначення, наданого наприкінці 2023 року Офісом Прокурора Міжнародного кримінального суду в новій Політиці щодо гендерно зумовлених злочинів, сексуальне насильство визначається як форма гендерно зумовленого насильства, що полягає у вчиненні або спробі вчинення «сексуальних дій». Такі дії можуть мати «сексуальний» характер навіть за відсутності фізичного контакту, наприклад, у формі психологічного насильства, що виникає внаслідок погроз щодо зґвалтування або каліцтва статевих органів. Крім того, сексуальний характер дії визначається незалежно від того, чи було сексуальне задоволення частиною наміру або результатом цих дій [1].

Для належної фіксації злочину необхідно провести медичне обстеження потерпілої особи, що включає огляд тіла, статевих органів, слизових оболонок та збір відповідних біологічних зразків. Утруднення виникають у випадках відсутності доступу до кваліфікованого медичного або експертного персоналу в зоні бойових дій. Одночасно проводиться огляд місця події з метою збору всіх доказів, що свідчать про вчинення зґвалтування. Несвоєчасне виконання цих дій може призвести до втрати або руйнування доказів через вплив часу, погодних умов, пожежі або бойових дій. Допит потерпілої проводиться окремо, лише за її згодою, у максимально комфортних умовах. У зоні бойових дій це завдання ускладнюється через загрозу обстрілів, страх потерпілої щодо повернення злочинця або його спільників, що може затримати слідство та фіксацію злочину. Під час допиту важливо утримуватися від тиску на потерпілу, не перебивати та не вимагати відповідей на всі питання одночасно. Отримані показання фіксуються у протоколі та за можливості підтверджуються участю психолога. Наступним критично важливим етапом є забезпечення надійного збереження зібраних доказів.

Передача зібраних матеріалів до міжнародних інстанцій, таких як МКС або Спеціальна слідча комісія ООН, здійснюється через Спеціалізований департамент з міжнародних злочинів ОГПУ. Згідно з Законом України «Про співробітництво з Міжнародним кримінальним судом» [3], така передача є правомірною та відбувається за згоди потерпілої або її законного представника.

Особливу увагу також слід приділяти стандартизації мови протоколів та юридичних формулювань, аби матеріали могли бути безпосередньо використані у міжнародному процесі. Так, міжнародна правозастосовна практика вимагає чіткого розмежування понять: зґвалтування, сексуальне рабство, примус до проституції, насильницьке оголення, насильницьке стерилізування тощо, як окремих форм злочинів проти людяності [4].

Таким чином, якісна та документально правильна робота слідчого є ключовим елементом у притягненні винних до відповідальності не лише в

межах національного правосуддя, а й на рівні міжнародного трибуналу, що визнає сексуальне насильство в умовах конфлікту тяжким воєнним злочином.

Відповідальність за вчинення сексуального насильства під час війни ґрунтується на низці міжнародно-правових актів. Так, Римський статут Міжнародного кримінального суду (МКС) визнає сексуальне насильство як воєнний злочин (ст. 8) та злочин проти людяності (ст. 7) [4]. Женевські конвенції (1949) забороняють будь-яке приниження людської честі, включно з сексуальним насильством, стосовно цивільного населення [5]. Додатково, такі міжнародні документи, як Конвенція проти катувань, Конвенція CEDAW та відповідні резолюції Ради Безпеки ООН, прямо визнають сексуальне насильство як форму зброї війни та встановлюють механізми відповідальності за такі дії.

Сексуальне насильство під час збройного конфлікту є тяжким міжнародним злочином, що потребує системної та належної процесуальної фіксації для забезпечення справедливості. Ключовим у цьому процесі є слідчий, від якого залежить документування злочину та збереження доказів. Фіксація повинна здійснюватися відповідно до національного та міжнародного законодавства, із залученням фахівців, забезпеченням захисту прав постраждалої особи та дотриманням міжнародно визнаних протоколів. Лише такий підхід гарантує притягнення винних до відповідальності та забезпечує визнання і відновлення прав жертв.

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## **ТРУДОВІ ПІЛЬГИ ДЛЯ УЧАСНИКІВ БОЙОВИХ ДІЙ ТА ЧЛЕНІВ ЇХНІХ СІМЕЙ**

Трудові пільги для учасників бойових дій та членів їхніх сімей зумовлені триваючою збройною агресією проти України та значним зростанням кількості осіб, які набули статусу учасника бойових дій. Повернення військовослужбовців до мирного життя супроводжується низкою соціально-економічних і правових викликів, серед яких особливе місце займає реалізація права на працю, забезпечення належних умов праці та гарантій зайнятості.

Важливість дослідження цієї теми обумовлена також необхідністю ефективного правового захисту членів сімей учасників бойових дій, які нерідко стикаються з додатковими трудовими обмеженнями у зв'язку з мобілізацією, пораненням або загибеллю годувальника. Надання трудових пільг таким особам є одним із ключових інструментів соціальної підтримки та державної відповідальності перед тими, хто зазнав негативних наслідків війни.

Крім того, чинне законодавство України у сфері трудових пільг для учасників бойових дій характеризується фрагментарністю, наявністю колізій та проблемами практичної реалізації, особливо в умовах воєнного стану. Це зумовлює потребу в комплексному науковому аналізі відповідних норм, оцінці ефективності механізмів їх застосування та виробленні пропозицій щодо вдосконалення правового регулювання.

Таким чином, дослідження трудових пільг для учасників бойових дій та членів їхніх сімей є актуальним як з точки зору теорії трудового права, так і з огляду на практичні потреби правозастосування, спрямовані на забезпечення соціальної справедливості, відновлення трудового потенціалу та зміцнення системи соціального захисту в Україні.

Працевлаштування ветеранів війни виступає важливим чинником їхньої соціальної інтеграції, успішність якої значною мірою залежить від рівня ефективності професійної адаптації. Державна політика у сфері професійної адаптації спрямована на створення умов для повернення ветеранів до активної трудової діяльності, забезпечення їх економічної самостійності та стабільного доходу. Основними формами реалізації права на працю після проходження професійної адаптації є працевлаштування у межах класичних трудових відносин відповідно до норм КЗпП України, у тому числі шляхом повернення на попереднє місце роботи з гарантією збереження посади, а також працевлаштування на іншому підприємстві, використання гнучких і нестандартних



форм зайнятості та започаткування підприємницької діяльності через реєстрацію фізичної особи – підприємця або створення юридичної особи [1, с.135].

Форми захисту трудових прав працівників становлять законодавчо визначену процедуру відновлення їхніх законних інтересів, де вибір конкретного способу реагування залежить від повноважень відповідного суб'єкта захисту. В умовах воєнного стану це коло суб'єктів чітко обмежене: для оскарження порушень працівник може звертатися виключно до органів державної влади чи місцевого самоврядування, Уповноваженого Верховної Ради України з прав людини або безпосередньо до суду. Запровадження правового режиму воєнного стану істотно вплинуло на процедури захисту трудових прав працівників, зокрема шляхом тимчасового обмеження окремих конституційних гарантій. Так, Указ Президента України «Про введення воєнного стану в Україні» № 64/2022 від 24 лютого 2022 року обмежив реалізацію права на страйк, передбаченого статтею 44 Конституції України, який традиційно виступає колективною формою захисту трудових прав та законних інтересів працівників. Водночас зазнали змін і адміністративні механізми захисту, оскільки з 19 липня 2022 року Законом України № 2352-ІХ було запроваджено можливість проведення позапланових заходів державного нагляду органами Державної служби з питань праці (Держпраці) за дотриманням трудового законодавства на підставі заяв працівників або профспілок, зокрема щодо виявлення не оформлених трудових відносин та законності припинення трудових договорів. У таких умовах механізм захисту трудових прав набуває ознак гнучкої та адаптивної системи, здатної реагувати на сучасні виклики у сфері праці, особливо в контексті забезпечення трудових і соціальних прав ветеранів війни як вразливої категорії працівників, що зумовлює потребу в науковому осмисленні змісту, форм і суб'єктів реалізації відповідного механізму захисту [2].

Відповідно до чинного законодавства, зокрема ст. 77<sup>2</sup> КЗпП та профільного закону про статус ветеранів, учасники бойових дій мають право на розширений пакет трудових пільг. Він включає виплату допомоги по тимчасовій непрацездатності в розмірі 100% середньої зарплати незалежно від страхового стажу, право на щорічну відпустку у будь-який зручний час, а також гарантоване надання додаткової оплачуваної відпустки тривалістю 14 календарних днів на рік. Останнє право також поширюється на осіб з інвалідністю внаслідок війни, постраждалих учасників Революції Гідності та певних категорій реабілітованих осіб. Згідно зі статтями 42 та 42<sup>1</sup> КЗпП України, учасники бойових дій мають пріоритетний захист у разі оптимізації штату або ліквідації установи: вони користуються переважним правом на залишення на роботі, а також на працевлаштування у разі відтворення аналогічних посад (поворотне прийняття) протягом року. Важливо враховувати, що при скороченні першочергово оцінюються кваліфікація та продуктивність праці, проте за умови їхньої рівності з іншими колегами, статус учасника бойових дій стає вирішальним юридичним чинником для збереження робочого місця або першочергового укладення нового трудового договору [3].



Окрему увагу законодавець приділяє гарантіям збереження трудових прав військовослужбовців у період проходження військової служби та після демобілізації. Зокрема, час перебування на військовій службі зараховується до загального, безперервного та страхового стажу, а також до стажу роботи за спеціальністю. Додатково держава передбачає комплекс соціальних пільг для членів сімей учасників бойових дій, що опосередковано впливають на реалізацію трудових прав, зокрема шляхом зменшення фінансового навантаження на сім'ю. Вказані положення підтверджуються офіційними роз'ясненнями Міністерства у справах ветеранів України та судовою практикою [4].

Трудові пільги для учасників бойових дій та членів їхніх сімей є важливим інструментом реалізації державної соціальної політики, спрямованої на забезпечення права на працю та соціальний захист осіб, які постраждали внаслідок збройної агресії проти України. Чинне законодавство передбачає систему трудових гарантій для цієї категорії осіб, однак характеризується фрагментарністю та проблемами практичного застосування, що зумовлює потребу в його подальшому вдосконаленні, особливо в умовах воєнного стану. Подальший розвиток правового регулювання має бути спрямований на систематизацію норм, підвищення ефективності механізмів захисту трудових прав і створення дієвих умов для професійної адаптації та соціальної інтеграції ветеранів війни.

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## **ДОКТРИНА ЕФЕКТИВНОГО КОНТРОЛЮ У ПРАКТИЦІ ЄСПЛ ЯК ПІДґРУНТЯ ВІДПОВІДАЛЬНОСТІ ДЕРЖАВИ-АГРЕСОРА ЗА ЗНИЩЕННЯ МАЙНА**

Збройна агресія рф проти України призвела до безпрецедентних за масштабами руйнувань (пошкодження, знищення) цивільної інфраструктури. У цих умовах питання відшкодування шкоди перестає бути суто теоретичним і переходить у площину пошуку дієвих правових механізмів захисту прав людини. Актуальність теми зумовлена необхідністю визначення чіткого алгоритму дій для громадян та бізнесу, чиє право на мирне володіння майном, закріплене зокрема в ст. 1 Першого протоколу до Європейській конвенції з прав людини, було порушене внаслідок збройної агресії рф.

На початку повномасштабного вторгнення росії у 2022 р. Україна покладала певні надії на швидке отримання компенсаційних виплат для відшкодування понесених збитків за рахунок російських активів, що заблоковано іноземними державами. Водночас з боку керівників окремих іноземних держав практично відразу висловлювалось занепокоєння стосовно легітимності рішення про передачу вказаних активів Україні, а також їх відповідності нормам міжнародного права. [1]

Тож, оскільки національні ресурси обмежені, саме стандарти ЄСПЛ стають тим орієнтиром, що дозволяє вибудувати ефективну систему фіксації доказів і оцінки збитків, гарантуючи, що кожна вимога про відшкодування буде правомірною, обґрунтованою та визнаною на міжнародному рівні.

Генезис підходів ЄСПЛ до відповідальності держави за порушення майнових прав у контексті окупації пов'язаний насамперед із формуванням доктрини "ефективного контролю". Центральне місце у цьому процесі посідає справа «Лоїзиду проти Туреччини», яка заклала концептуальний зв'язок між фактичним контролем держави над певною територією та її зобов'язанням забезпечувати захист власності. Хоча справа стосується тривалої неможливості доступу заявниці до її нерухомості, сформульовані Судом правові позиції стали універсальним фундаментом для розгляду справ про відшкодування шкоди у зв'язку зі знищенням майна під час збройних конфліктів.

Суд визнав, що відповідальність держави може виникнути і тоді, коли внаслідок військових дій — законних чи незаконних — вона здійснює ефективний контроль над територією за межами своєї національної території. Зобов'язання забезпечити на такій території права та свободи, викладені в

Конвенції, впливає з факту такого контролю, незалежно від того, здійснюватиметься він безпосередньо через збройні сили такої держави чи через підпорядковану їй місцеву адміністрацію. [2]

У контексті сучасної збройної агресії цей підхід набуває вирішального значення: держава-окупант, встановивши контроль через військову присутність, автоматично перебирає на себе тягар відповідальності за реалізацію прав, гарантованих Конвенцією. Відтак факт контролю трансформується у позитивний обов'язок держави не лише утримуватися від неправомірного знищення приватної власності, а й нести відповідальність за її фізичне руйнування.

Подальший розвиток ця доктрина отримала у справі «Чірагов та інші проти Вірменії», де Велика Палата підтвердила застосовність критерію ефективного контролю до ситуації навколо Нагірного Карабаху. Суд встановив, що Вірменія здійснювала вирішальний вплив на відповідну територію, а тому відповідала за порушення майнових прав заявників. Нemoжливiсть повернення до місця проживання та користування власністю протягом багатьох років була визнана порушенням права мирного володіння майном. Суд акцентував, що навіть за відсутності політичного врегулювання конфлікту, держава зобов'язана забезпечити власникам майна реальну можливість захищати свої права та вимагати відшкодування завданої шкоди. Для практики цей стандарт є фундаментальним, адже він підтверджує: відсутність дієвої процедури оцінки та відшкодування шкоди за знищене майно сама по собі становить порушення Конвенції, незалежно від того, чи тривають активні бойові дії.

Велике значення для українського контексту має рішення у справі «Україна та Нідерланди проти росії», в якому Суд визнав наявність ефективного контролю РФ над тимчасово окупованими територіями України з 2014 року. Суд дійшов висновку, що росія здійснювала вирішальний військовий, політичний та економічний вплив на відповідні території, що зумовлює її юрисдикцію за Конвенцією. Це положення має принципове значення для справ щодо знищення та пошкодження майна, оскільки встановлює правову основу для покладення відповідальності на державу-агресора.

Попри денонсацію РФ ЄКПЛ, ЄСПЛ продовжує розглядати справи щодо порушень, вчинених до моменту денонсації Конвенції 16 вересня 2022 року, керуючись принципом невідворотності покарання. Водночас оскільки шкода, завдана агресором після цієї дати, більше не підпадає під юрисдикцію Суду, постає об'єктивна потреба у створенні альтернативних міжнародних механізмів для забезпечення повного відшкодування збитків та притягнення держави-агресора до відповідальності.

Відтак у травні 2023 року під егідою Ради Європи було створено Реєстр збитків для України (RD4U). Його правовою основою стала Резолюція CM/Res(2023)3 про встановлення Розширеної часткової угоди, що базується на принципах Резолюції Генасамблеї ООН A/RES/ES-11/5 щодо забезпечення

репарацій за агресію проти України. Функціонуючи в Гаазі, Реєстр виступає першим елементом майбутнього міжнародного компенсаційного механізму.

На відміну від класичного судочинства в ЄСПЛ, RD4U має адміністративний характер і орієнтований на системне документування масових порушень майнових прав. Проте за останній рік відбулися важливі зрушення у створенні решти елементів компенсаційного механізму. Зокрема, у жовтні 2025 року Парламентська асамблея та Комітет міністрів Ради Європи схвалили проєкт Конвенції про створення Міжнародної комісії з розгляду претензій для України. Саме ця комісія матиме юрисдикційні повноваження: вона розглядатиме заяви, передані з Реєстру, встановлюватиме відповідальність та визначатиме суми виплат.

Таким чином, створення RD4U засвідчує перехід від індивідуальних судових позовів до комплексної системи міжнародного відшкодування. Це дозволяє подолати «юрисдикційний вакуум», що виник після виходу рф з Ради Європи, та забезпечити реалізацію права на компенсацію для тих власників, чие майно було знищене після вересня 2022 року, на основі уніфікованих міжнародних стандартів.

У контексті збройної агресії рф проти України доктрина ефективного контролю створює чітке нормативне підґрунтя для міжнародно-правової відповідальності агресора та слугує концептуальною основою як для судових механізмів захисту, так і для формування спеціального компенсаційного механізму. Відтак ефективний контроль виступає не лише критерієм юрисдикції, а й фундаментом притягнення держави до відповідальності за завдану майнову шкоду.

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## **КРИМІНАЛІСТИЧНА ХАРАКТЕРИСТИКА ТА ОСОБЛИВОСТІ РОЗСЛІДУВАННЯ ВБИВСТВ, ПОВ'ЯЗАНИХ З РОЗЧЛЕНУВАННЯМ ТРУПА**

Вбивства, пов'язані з розчленуванням трупа, часто мають глибоко запущені психологічні корені та мотиви. Вивчення особливостей таких кримінальних правопорушень допомагає створювати ефективніші методи їх розслідування. Розчленування трупа часто є спробою приховати основне кримінальне правопорушення або ускладнити його розкриття. Тому розуміння особливостей таких кримінальних правопорушень допомагає правоохоронцям знаходити важливі докази. Ефективне розслідування та покарання злочинців допомагає відновлювати довіру до правоохоронної системи. Для підвищення ефективності розслідування, профілактики та забезпечення соціальної безпеки, необхідним є глибоке розуміння цієї категорії кримінальних правопорушень, а саме дослідження та визначення особливостей розслідування вбивства, пов'язаного з розчленуванням трупа [3, ст. 308-309].

Отже, вбивство є кримінальним правопорушенням проти життя людини. Найважливішим завданням правоохоронних органів є швидке розкриття таких кримінальних правопорушень, встановлення причин та умов, що сприяють їх вчиненню. Складність розслідування вбивств зумовлена відсутністю, як правило, свідків, великою кількістю версій розслідування, характером речових доказів, інсценуванням у деяких випадках обставин події кримінального правопорушення [4, с. 6].

Мотиви вчинення такого вбивства можуть бути різними. Загальними завданнями, які ставиться перед слідчим, є встановлення: 1) особи трупа або ідентифікація частин трупа; 2) місце вчинення вбивства і місце знайдення частин трупа; 3) особи злочинця; 4) мотив і механізм вчинення вбивства; 5) свідків; 6) засобів вчинення кримінального правопорушення і знарядь, з допомогою яких труп був розчленований. Для вирішення даних завдань проводяться такі слідчі (розшукові) дії: а) огляд місця події, трупа або частин трупа за спеціальними правилами огляду невідомого трупа або частин трупа; б)

встановлення і допит свідків, які знайшли труп або частини трупа, і допит осіб, які повідомили про це в поліцію; в) проведення оперативно-розшукових заходів для встановлення особи померлого, мотиву вбивства; г) якщо виявляється, що є заява про зникнення людини, то труп пред'являється для впізнання особам, які заявили про такий випадок, але тільки після того, як вони будуть допитані про ознаки того, хто зник; д) призначення судово-медичної і криміналістичної експертиз; е) проведення перевірки по обліку безвісти зниклих і обліку судимих осіб; ж) проведення оперативно-розшукових заходів по встановленню особи вбивці; з) огляд житла можливої жертви; і) в випадках знайдення частин трупа в житлі підозрюваного – огляд житла останнього; к) проведення слідчих дій по розшуку і вилученню знарядь вчинення вбивства і призначення експертиз для дослідження і перевірки відповідності поранень на трупі, пошкоджень тканин з предметним описом знарядь вчинення кримінального правопорушення. В усіх ситуаціях висувають і перевіряють версії з кожної обставини, що підлягає доказуванню [3, с.309].

Специфіка огляду місця події у справах досліджуваної групи вбивств полягає в тому, що: 1) у переважній більшості випадків місце вчинення вбивства і розчленування трупа не збігаються із місцем їх виявлення; 2) часто частини трупа знаходять через досить тривалий проміжок часу, за який у навколишньому середовищі відбулися фізичні, хімічні та біологічні зміни, внаслідок яких частини трупа зазнали гnilісних процесів, зазнала змін і обстановка місця події; 3) як правило, виявляються не всі, а лише деякі частини тіла, що також ускладнює встановлення особи загиблого. Серед основних криміналістично-значущих об'єктів у огляді місця події у справах про вбивства з розчленуванням трупа необхідно виокремити: а) ділянку місцевості або приміщення, де локалізовано по дію; б) частини (частину) розчленованого трупа; в) сліди вчинення вбивства і розчленування тіла; г) сліди перебування на місці події злочинця або інших осіб; ґ) сліди автотранспортних та інших засобів, що використовувалися злочинцем для транспортування частин трупа; д) речі і предмети, кинуті або випадково забуті злочинцем; е) пакувальний матеріал; є) мікрооб'єкти, що могли потрапити на предмети обстановки, упаковку і частини трупа. Особливість огляду місця події у провадженнях про вбивства з розчленуванням трупа також полягає в тому, що місце події за наявності однієї події може бути декілька: місце вбивства, місце розчленування (іноді вони не співпадають) і місце виявлення частин трупа [1, с. 37].

Усі вбивства, пов'язані з розчленуванням трупа, можна класифікувати на кілька груп: побутові вбивства; вбивства на сексуальному ґрунті (пов'язані із зґвалтуванням жертви або сексуально-садистські); ритуальні вбивства, а також вбивства з метою канібалізму. У вбивствах, пов'язаних з розчленуванням трупа, інших перелічених вище класифікаційних груп цілі злочинців полягають у задоволенні своїх бажань (сексуальних, садистських, некрофільних тощо) - злочинців цікавить сам процес вбивства і розчленування, тому вони не приховують трупи і не перешкоджають у встановленні потерпілої особи [2].

Найбільш поширеними є вбивства, вчинені на побутовому ґрунті, за яких розчленування трупа виступає як спосіб приховування злочину. Ці вбивства вчиняються переважно в такому місці, з якого важко винести труп, щоб це не привернуло уваги інших осіб (наприклад, з квартири, яка знаходиться в багатоповерховому будинку). Тому з метою приховування трупа і факту вбивства, особа яка скоїла такий злочин, намагається розчленувати труп на фрагменти, які в подальшому вона буде намагатися винести з квартири та залишити, наприклад, у місцях збору сміття, лісосмугах, парках, у річках тощо.

Отже, вбивства, пов'язані з розчленуванням трупа, становлять складну та багатокомпонентну категорію кримінальних правопорушень, що характеризується специфікою механізму вчинення, множинністю місць події та труднощами ідентифікації потерпілої особи. Їх розслідування потребує застосування комплексного криміналістичного підходу, який поєднує тактичні прийоми проведення слідчих (розшукових) дій із використанням судово-медичних, біологічних і криміналістичних експертиз, а також урахування психологічних особливостей мотивації злочинця. Узагальнення національної та міжнародної практики сприяє вдосконаленню методики розслідування цієї категорії кримінальних правопорушень, а підвищення професійної підготовки працівників правоохоронних органів є важливою умовою підвищення ефективності їх розкриття.

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## **АДМІНІСТРАТИВНЕ СУДОЧИНСТВО ЯК МЕХАНІЗМ ЗАХИСТУ ПРАВ ЛЮДИНИ В УМОВАХ ВОЄННОГО СТАНУ**

Забезпечення ефективного судового захисту прав і свобод людини є одним із ключових елементів функціонування демократичної правової держави. Конституція України гарантує кожному право на судовий захист своїх прав і свобод, а також можливість оскарження в суді рішень, дій чи бездіяльності органів державної влади, органів місцевого самоврядування та їх посадових осіб[1]. У системі національного судового захисту особливе місце посідає адміністративне судочинство, яке покликане забезпечувати контроль за законністю діяльності суб'єктів владних повноважень та гарантувати ефективне поновлення порушених прав у сфері публічно-правових відносин[2].

Початок повномасштабної збройної агресії Російської Федерації проти України та запровадження воєнного стану зумовили істотну трансформацію функціонування правової системи держави, зокрема й механізмів захисту прав людини. Воєнний стан, будучи особливим правовим режимом, передбачає можливість тимчасового обмеження окремих конституційних прав і свобод громадян з метою забезпечення оборони держави, громадської безпеки та належного функціонування органів влади[3]. Разом із тим навіть в умовах воєнного стану держава зобов'язана забезпечувати ефективні механізми судового контролю за діяльністю публічної адміністрації, оскільки обмеження прав людини повинні відповідати принципам законності, необхідності та пропорційності.

У цьому контексті адміністративне судочинство набуває особливого значення як інституційний механізм забезпечення балансу між публічними інтересами держави та правами людини. Саме адміністративні суди розглядають спори, пов'язані з оскарженням рішень, дій або бездіяльності суб'єктів владних повноважень, що безпосередньо впливають на реалізацію конституційних прав громадян. В умовах воєнного стану кількість таких спорів суттєво зросла, що пов'язано із запровадженням нових управлінських рішень та адміністративних процедур у сфері мобілізації, соціального забезпечення, переміщення населення, реалізації права на свободу пересування та інших сфер публічно-правових відносин.

Практика адміністративних судів свідчить про те, що судовий контроль за діяльністю суб'єктів владних повноважень у період воєнного стану відіграє важливу роль у забезпеченні верховенства права та недопущенні свавільного втручання держави у сферу прав і свобод людини. Водночас застосування



адміністративного судочинства в умовах воєнного стану породжує низку нових правових викликів, пов'язаних із необхідністю забезпечення ефективного судового захисту прав людини при одночасному врахуванні інтересів національної безпеки та оборони держави.

Запровадження воєнного стану в Україні суттєво вплинуло на характер публічно-правових відносин та зумовило появу нових категорій адміністративних спорів, пов'язаних із реалізацією державою повноважень у сфері забезпечення національної безпеки та оборони. В умовах воєнного часу органи державної влади та інші суб'єкти владних повноважень отримують додаткові управлінські повноваження, спрямовані на організацію мобілізаційних заходів, регулювання переміщення громадян, забезпечення функціонування системи соціального захисту та реалізацію інших публічних функцій. Разом із тим реалізація таких повноважень нерідко пов'язана з обмеженням окремих прав і свобод людини, що обумовлює необхідність ефективного судового контролю за законністю рішень, дій або бездіяльності органів публічної адміністрації.

Однією з найбільш поширених категорій адміністративних спорів у період дії воєнного стану стали справи, пов'язані з мобілізаційними заходами та діяльністю територіальних центрів комплектування та соціальної підтримки, правові засади яких визначені законодавством про мобілізаційну підготовку та мобілізацію[4]. У межах таких спорів громадяни оскаржують рішення щодо призову на військову службу під час мобілізації, відмову у наданні відстрочки, результати проходження військово-лікарських комісій або інші дії суб'єктів владних повноважень, що впливають на реалізацію права на відстрочку від призову. Судова практика у цих справах свідчить про необхідність дотримання органами публічної адміністрації встановлених законодавством процедур та належного врахування документів, які підтверджують наявність підстав для відстрочки від мобілізації. Верховний Суд у своїх рішеннях неодноразово наголошував, що навіть в умовах воєнного стану діяльність суб'єктів владних повноважень повинна здійснюватися у суворій відповідності до вимог законодавства та принципів верховенства права.

Іншою важливою категорією публічно-правових спорів стали справи, пов'язані з обмеженням свободи пересування громадян, зокрема з відмовою у перетині державного кордону під час дії воєнного стану. В умовах запровадження спеціальних правил виїзду за межі України для окремих категорій громадян адміністративні суди розглядають позови щодо оскарження рішень прикордонних органів або інших суб'єктів владних повноважень, які приймають рішення про відмову у виїзді за кордон. У межах таких спорів суди оцінюють законність застосування відповідних обмежень, перевіряють наявність документального підтвердження підстав для виїзду та з'ясовують, чи дотрималися органи влади встановлених процедур під час ухвалення відповідних рішень.

Значну частину адміністративних справ у період воєнного стану становлять також спори у сфері соціального забезпечення. Зокрема, до

адміністративних судів звертаються внутрішньо переміщені особи щодо призначення або припинення виплат державної допомоги, військовослужбовці та члени їхніх сімей щодо отримання соціальних гарантій, передбачених законодавством, а також інші категорії осіб, права яких можуть бути порушені внаслідок неналежного виконання органами державної влади своїх соціальних зобов'язань. У таких спорах адміністративні суди здійснюють перевірку законності рішень органів соціального захисту населення, Пенсійного фонду України та інших суб'єктів владних повноважень, забезпечуючи тим самим реалізацію конституційного права громадян на соціальний захист.

Аналіз зазначених категорій справ свідчить про те, що адміністративне судочинство в умовах воєнного стану виконує надзвичайно важливу функцію гарантування прав людини у сфері публічно-правових відносин. Судовий контроль за діяльністю суб'єктів владних повноважень дозволяє забезпечити дотримання принципу законності при реалізації державою заходів, спрямованих на забезпечення обороноздатності та безпеки держави, а також сприяє формуванню балансу між публічними інтересами та необхідністю належного захисту прав і свобод людини.

Важливу роль у формуванні підходів до захисту прав людини в умовах воєнного стану відіграє практика Верховного Суду, який у своїх рішеннях формує стандарти оцінки законності дій суб'єктів владних повноважень у публічно-правових відносинах. Судова практика свідчить про те, що адміністративні суди при вирішенні відповідних спорів прагнуть забезпечити баланс між необхідністю реалізації державою заходів, спрямованих на захист національної безпеки та оборони, і гарантуванням належного рівня захисту прав і свобод людини. Такий підхід відповідає загальним принципам верховенства права, відповідно до яких навіть в умовах особливих правових режимів діяльність органів публічної влади повинна здійснюватися на підставі закону, у межах наданих повноважень та з дотриманням встановлених процедур.

Отже, адміністративне судочинство в умовах воєнного стану виступає важливим інституційним механізмом забезпечення захисту прав і свобод людини у сфері публічно-правових відносин. Аналіз практики розгляду адміністративних справ свідчить про те, що адміністративні суди відіграють ключову роль у здійсненні судового контролю за діяльністю суб'єктів владних повноважень, сприяючи дотриманню принципу законності та недопущенню необґрунтованого обмеження прав громадян. У цьому контексті ефективне функціонування адміністративної юстиції є необхідною умовою забезпечення балансу між публічними інтересами держави та гарантіями захисту прав людини навіть у складних умовах воєнного стану.

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## **ОСОБЛИВОСТІ ПРОТИДІЇ ДИВЕРСІЙНИМ ТА ВИБУХОВИМ ЗАГРОЗАМ У СУЧАСНИХ УМОВАХ**

У сучасних умовах безпекового середовища протидія диверсійним та вибуховим загрозам набула системного характеру й стала одним із ключових напрямів державної політики у сфері національної безпеки. Зростання кількості диверсійних актів, використання саморобних вибухових пристроїв, дистанційних засобів ініціювання, а також поєднання фізичних атак з інформаційно-психологічним впливом зумовлюють необхідність комплексного правового, інституційного та технологічного реагування. Особливу актуальність це має в умовах воєнного стану, коли об'єктами посягань стають критична інфраструктура, транспортні вузли, органи публічної влади та місця масового перебування людей.

Законодавчі засади протидії диверсійним і вибуховим загрозам в Україні формуються на перетині норм кримінального, адміністративного та спеціального безпекового законодавства. Кримінальний кодекс України встановлює відповідальність за диверсію, терористичні акти, незаконне поводження з вибуховими речовинами та пристроями, що створює базову правову рамку для притягнення винних осіб до відповідальності. Водночас законодавець розширює превентивний компонент, надаючи правоохоронним органам можливість застосовувати спеціальні заходи з метою запобігання вчиненню таких злочинів ще на стадії підготовки. Важливу роль у протидії диверсійним і вибуховим загрозам відіграє спеціальне законодавство у сфері боротьби з тероризмом та забезпечення національної безпеки [1]. Закон України «Про боротьбу з тероризмом» закріплює систему суб'єктів

антитерористичної діяльності, їх повноваження та механізми координації, що дозволяє оперативно реагувати на загрози вибухового характеру. У цьому контексті ключове значення має діяльність Служби безпеки України, яка здійснює контррозвідувальне забезпечення, виявлення диверсійних груп і нейтралізацію каналів постачання вибухових матеріалів [2].

Особливістю сучасного етапу є посилення ролі режиму воєнного стану як правового інструменту протидії загрозам. Закон України «Про правовий режим воєнного стану» передбачає можливість запровадження спеціальних обмежувальних і контрольних заходів, зокрема посилений огляд транспорту, обмеження доступу до окремих територій, розширення повноважень сил безпеки щодо перевірки документів та огляду речей. Такі заходи мають превентивний характер і спрямовані на мінімізацію ризиків закладення вибухових пристроїв або здійснення диверсій [4, с. 10]. Водночас протидія диверсійним і вибуховим загрозам не обмежується діяльністю спецслужб. Значну роль відіграють органи Національної поліції, зокрема підрозділи вибухотехнічної служби, які забезпечують огляд місць подій, знешкодження вибухонебезпечних предметів та криміналістичний аналіз їх походження. Координація між Національною поліцією України, органами місцевого самоврядування та військовими адміністраціями дозволяє забезпечити оперативне реагування та підвищити рівень захищеності цивільного населення [3].

Суттєвою рисою сучасної протидії є інтеграція технологічних засобів у правозастосовну практику. Законодавство у сфері національної безпеки та захисту критичної інфраструктури стимулює використання систем відеоспостереження, аналітики великих даних, автоматизованих систем контролю доступу та безпілотних технологій для моніторингу потенційно небезпечних об'єктів. Такий підхід дозволяє не лише реагувати на вже вчинені правопорушення, а й здійснювати прогнозування та раннє виявлення диверсійних намірів [5, с. 455].

Окремої уваги потребує баланс між безпековими заходами та дотриманням прав і свобод людини. Конституція України та міжнародні зобов'язання держави вимагають, щоб навіть в умовах воєнного стану обмеження прав мали законну мету, були пропорційними та тимчасовими. Це накладає на законодавця й правозастосовні органи обов'язок чітко регламентувати процедури проведення обшуків, оглядів і затримань, пов'язаних із підозрою у підготовці диверсійних або вибухових злочинів.

Отже, особливості протидії диверсійним та вибуховим загрозам у сучасних умовах полягають у комплексному поєднанні кримінально-правових, адміністративних і спеціальних безпекових механізмів, посиленні міжвідомчої координації, активному використанні технологій та забезпеченні балансу між ефективністю безпеки й гарантіями прав людини. Подальший розвиток законодавства в цій сфері має бути спрямований на уточнення превентивних повноважень, удосконалення захисту критичної інфраструктури та

гармонізацію національних норм із міжнародними стандартами протидії терористичним і диверсійним загрозам.

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## **ДОСТОВІРНІСТЬ ТА ПОВНОТА ІНФОРМАЦІЇ В ЄДИНОМУ РЕЄСТРІ ДОСУДОВИХ РОЗСЛІДУВАНЬ НА СТАДІЇ ДОСУДОВОГО РОЗСЛІДУВАННЯ**

Єдиний реєстр досудових розслідувань (ЄРДР) є ключовим елементом інформаційного забезпечення кримінального провадження та відіграє значну роль у функціонуванні всієї системи досудового розслідування. Відповідно до статті 214 Кримінального процесуального кодексу України (далі – КПК України), саме з моменту внесення відомостей до ЄРДР офіційно розпочинається досудове розслідування, що надає реєстраційній інформації статус процесуально значущої.

ЄРДР поєднує в собі риси технічного інформаційного ресурсу та процесуального інструменту. Така різносторонність Реєстру зумовлює підвищені вимоги до достовірності, повноти та актуальності відомостей, які в ньому фіксуються. Дані ЄРДР використовуються не лише слідчими й прокурорами, але й судами, що обумовлює їх безпосередній вплив на реалізацію прав учасників кримінального провадження.

Науковці підкреслюють, що ЄРДР виконує реєстраційну, контрольну, аналітичну та гарантійну функції, оскільки його відомості слугують підґрунтям для процесуального контролю та прокурорського нагляду [4, с. 11–13]. У зв'язку з цим будь-які недоліки інформаційного наповнення Реєстру набувають не лише технічного, а й правового значення.

Однією з найбільш поширених проблем функціонування ЄРДР є внесення формалізованих або поверхових відомостей про кримінальне правопорушення. У практичній діяльності органів досудового розслідування фабула події часто викладається узагальнено, без чіткого зазначення істотних обставин, що ускладнює формування предмета доказування.

Такий підхід суперечить змісту статті 214 КПК України, яка вимагає внесення відомостей, що можуть свідчити про вчинення кримінального правопорушення, у повному та коректному вигляді. Недостатня деталізація первинної інформації створює передумови для помилкової правової кваліфікації та неправильного визначення напрямку розслідування.

Погорецький М. А. звертає увагу на те, що недостовірні або неточні дані, внесені на початковому етапі, можуть зумовити викривлення фактичної картини кримінального провадження та призвести до процесуальних помилок у подальшому [3, с. 44–46]. Таким чином, проблема достовірності інформації в ЄРДР має системний характер і впливає на всі наступні стадії кримінального процесу.

Поряд із проблемою достовірності актуальною залишається проблема неповноти інформації, що вноситься до ЄРДР. У багатьох кримінальних провадженнях Реєстр не містить відомостей про зміну правової кваліфікації, уточнення фабули події або прийняті слідчим процесуальні рішення. Це не відповідає вимогам ст.ст. 110 та 214 КПК України щодо належного процесуального оформлення рішень і їх фіксації.

Навчально-методичні джерела вказують, що причинами неповноти відомостей є як організаційні чинники (надмірне навантаження на слідчих, обмежені часові ресурси), так і технічні особливості функціонування ЄРДР [2, с.117–119]. Унаслідок цього Реєстр не завжди відображає реальний стан досудового розслідування, що знижує його інформативну цінність.

Крім того, фрагментарне наповнення ЄРДР ускладнює здійснення прокурорського нагляду та судового контролю, оскільки відсутність актуальних даних позбавляє можливості об'єктивно оцінити законність і обґрунтованість процесуальних дій слідчого.

Недостовірність і неповнота відомостей у ЄРДР безпосередньо впливають на реалізацію прав учасників кримінального провадження. Зокрема, неналежне відображення процесуального статусу особи порушує вимоги статті 55 КПК України, а несвоєчасне внесення відомостей про повідомлення про підозру — положення статті 276 КПК України.

Столітній А. В. зазначає, що інформаційні помилки в ЄРДР можуть створювати підстави для визнання окремих процесуальних дій незаконними та слугувати аргументом для їх оскарження [4, с. 18–20]. Окрім того, неточності в

Реєстрі негативно впливають на рівень довіри до органів досудового розслідування з боку потерпілих і сторони захисту.

Якість інформації в ЄРДР має безпосереднє значення для забезпечення принципу верховенства права, оскільки саме через Реєстр забезпечується прозорість і підконтрольність дій органів досудового розслідування.

Вирішення проблем достовірності та повноти інформації в Єдиному реєстрі досудових розслідувань потребує системного та комплексного підходу, що має поєднувати організаційні, процесуальні та інформаційно-технічні заходи. Насамперед важливим є формування усвідомлення того, що внесення відомостей до ЄРДР є не формальною процедурою, а повноцінною процесуальною дією, яка закладає основу всього подальшого досудового розслідування.

Одним із ключових напрямів вирішення зазначених проблем є підвищення якості первинної реєстрації кримінального правопорушення. Це передбачає більш відповідальний підхід до викладення фабули події, зосередження уваги на істотних обставинах, які мають значення для правильної правової кваліфікації та визначення предмета доказування. Чіткість, логічна послідовність і конкретність викладу інформації здатні суттєво зменшити ризик допущення помилок на подальших етапах розслідування.

Не менш важливим є забезпечення актуальності відомостей, що містяться в ЄРДР. Реєстр має відображати реальний стан кримінального провадження, а всі зміни, пов'язані з процесуальними рішеннями слідчого чи прокурора, повинні своєчасно фіксуватися. Запровадження внутрішнього контролю за регулярним оновленням інформації дозволить уникнути ситуацій, коли дані ЄРДР не відповідають фактичному ходу досудового розслідування.

Окрему увагу слід приділити питанням професійної відповідальності осіб, уповноважених на внесення відомостей до ЄРДР. Формування сталої практики персональної відповідальності за якість і повноту інформації сприятиме підвищенню дисципліни та зменшенню формального підходу до роботи з Реєстром. Важливу роль у цьому процесі відіграє належний процесуальний контроль з боку прокурора.

Перспективним напрямом удосконалення є також використання потенціалу інформаційних технологій. Автоматизовані підказки, обов'язкові поля для заповнення, системні попередження про неповноту або логічну неузгодженість даних можуть стати ефективним інструментом запобігання технічним і змістовним помилкам. Такі механізми сприятимуть стандартизації підходів до внесення відомостей та зменшенню впливу суб'єктивного фактора.

Отже, проблеми достовірності та повноти інформації в Єдиному реєстрі досудових розслідувань на стадії досудового розслідування мають комплексний і системний характер. Формальний підхід до внесення відомостей, недостатній контроль та недооцінка процесуального значення ЄРДР негативно впливають на ефективність кримінального провадження та реалізацію прав його учасників.

Вирішення зазначених проблем можливе лише за умови поєднання належного нормативного регулювання, ефективного процесуального контролю



та формування усвідомлення того, що якість інформації в ЄРДР є однією з ключових гарантій законності на стадії досудового розслідування.

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## **ПЕРСПЕКТИВИ СТВОРЕННЯ ВІЙСЬКОВИХ СУДІВ В УКРАЇНІ**

В умовах повномасштабного вторгнення національні суди зіштовхнулись з кратним збільшенням специфічних справ (дезертирство, самовільне залишення частини, невиконання наказу, порушення законів та звичаїв війни), що призвело до значного навантаження на судову систему України. Зазначене гостро ставить питання щодо створення спеціалізованої системи юстиції – військових судів, здатних оперативно й неупереджено розглядати справи, що стосуються військових правопорушень, а також забезпечити гарантування прав військовослужбовців, які виконують свій обов'язок у складних бойових умовах.

Як слушно зазначає суддя Верховного Суду Олег Ткачук, у світі немає жодної держави, яка, перебуваючи у стані війни, не мала б військових судів, адже саме вони забезпечують справедливість і правовий захист захисників держави [1].

Необхідність створення мережі військових судів зумовлена низкою об'єктивних чинників. По-перше, кількість кримінальних проваджень, у яких фігурують військовослужбовці, зросла у декілька разів із початку повномасштабного вторгнення [2]. По-друге, специфіка військової служби передбачає прийняття рішень в екстремальних умовах, де звичайні критерії правомірності поведінки не завжди можуть бути застосовані. Суддя без військового досвіду



часто не здатен належним чином оцінити дії військовослужбовця, який діяв у ситуації реальної небезпеки чи під час виконання бойового наказу [3, С. 23]. Тому спеціалізовані суди, укомплектовані суддями з військовою освітою або досвідом служби, є запорукою неупередженого та справедливого судочинства.

Водночас позиція України щодо функціонування військових судів йде у розріз із практикою більшості демократичних держав, які визнають необхідність спеціалізованого військового судочинства для забезпечення фахового та об'єктивного розгляду справ військовослужбовців [4]. Після ліквідації військових судів у 2010 році українська система правосуддя фактично втратила інституційний механізм, здатний забезпечувати кваліфікований розгляд військових справ у специфічних умовах воєнного стану [5]. Це ускладнює належну оцінку дій військових, зокрема під час бойових операцій, і підвищує ризики формального підходу з боку цивільних судів.

Міжнародний досвід підтверджує доцільність існування військових судів як складової системи національної безпеки та ефективного механізму захисту прав військовослужбовців. У понад сорока розвинених країнах світу, зокрема в Ізраїлі, Бельгії, Іспанії, США, Канаді, Польщі, Франції, Швейцарії та Швеції, такі суди забезпечують баланс між військовою дисципліною та дотриманням принципів справедливого судочинства. Військові суди діють на засадах професійності, незалежності та процесуальної справедливості, враховуючи специфіку військової служби. Хоча організація їх діяльності відрізняється залежно від правової системи держави: у країнах загального права переважають військові трибунали, а в державах континентальної Європи – постійні спеціалізовані суди, – їх спільною метою є забезпечення фахового та неупередженого розгляду справ військовослужбовців [4, С. 147].

Відновлення військових судів в Україні слід розглядати як крок до підвищення ефективності правосуддя, забезпечення прав і зміцнення дисципліни у війську. До юрисдикції таких судів доцільно віднести справи про злочини проти встановленого порядку несення військової служби (розділ XIX Кримінального кодексу України), воєнні злочини (розділ XX) [6], злочини, вчинені під час виконання військового обов'язку, а також дисциплінарні порушення. Судді мають поєднувати юридичну кваліфікацію з досвідом військової служби, а їх призначення повинно здійснюватися із забезпеченням незалежності від командування.

Створення військових судів також сприятиме реалізації принципів Європейської конвенції про захист прав людини та основоположних свобод, зокрема права на справедливий суд [7, ст. 6]. Зміцнення довіри військовослужбовців до держави, формування незалежної системи військової юстиції, яка гарантує справедливість і захист – це крок до утвердження європейських стандартів правової держави тим паче у воєнний час.

Отже, проблематика створення військових судів в Україні має системний характер і не може розглядатися виключно як елемент чергової інституційної трансформації судової влади. Вона безпосередньо пов'язана з необхідністю

пристосування механізмів правосуддя до умов сьогодення, за яких істотно зростає кількість правопорушень у сфері військової служби та ускладнюється їх правова оцінка. Відсутність спеціалізованого органу, орієнтованого на розгляд таких справ, створює ризики неоднакового застосування законодавства і послаблює рівень правового захисту військовослужбовців. Досвід демократичних держав засвідчує, що належним чином організована система військової юстиції є ефективним інструментом забезпечення правопорядку у секторі безпеки і оборони. З огляду на це, запровадження такого органу правосуддя в Україні слід розцінювати як відповідь на об'єктивні виклики війни та важливу передумову підвищення якості правозастосування у військовій сфері.

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## ОРГАНІЗАЦІЙНО-ПРАВОВІ ЗАСАДИ ВЗАЄМОДІЇ СУБ'ЄКТІВ ПРЕВЕНТИВНОЇ ДІЯЛЬНОСТІ З НЕДЕРЖАВНИМИ ІНСТИТУЦІЯМИ В УМОВАХ ВОЄННОГО СТАНУ

Запровадження правового режиму воєнного стану в Україні кардинально змінило архітектуру публічної безпеки та порядку, вимагаючи від суб'єктів владних повноважень, насамперед Національної поліції України, миттєвої адаптації до нових загроз. У цих умовах превентивна діяльність набула виняткового значення, трансформувавшись із класичного запобігання кримінальним та адміністративним правопорушенням у комплексний механізм забезпечення національної безпеки, виявлення диверсійно-розвідувальних груп та підтримання стабільності в тилу. Водночас ефективність такої діяльності неможлива без налагодження тісної взаємодії правоохоронних органів з недержавними інституціями та громадянським суспільством загалом.

**Сутність та зміст превентивної діяльності.** Традиційні теоретико-методологічні засади превенції в умовах війни потребують переосмислення. Превентивна діяльність у період воєнного стану – це не просто поліцейська функція, а складна система заходів, яка реалізується в умовах обмеження певних конституційних прав і свобод громадян (комендантська година, особливий режим в'їзду/виїзду, перевірка документів тощо). Відповідно до Закону України «Про Національну поліцію», поліція діє у тісній співпраці з громадськістю. В умовах повномасштабного вторгнення ця нормативована декларація перетворилася на життєво необхідну практику.

**Взаємодія з недержавними інституціями як каталізатор ефективності превенції.** Особливості взаємодії суб'єктів превентивної діяльності з недержавними інституціями в умовах дії правового режиму воєнного стану полягають у формуванні принципово нових, горизонтальних мереж безпеки. До таких інституцій сьогодні належать волонтерські організації, громадські об'єднання, благодійні фонди, а також неформальні об'єднання громадян (наприклад, мешканці територіальних громад, що самоорганізувалися для патрулювання в перші місяці війни).

Аналіз практичної діяльності підрозділів превентивної діяльності (зокрема, дільничних офіцерів поліції, поліцейських офіцерів громад) свідчить, що недержавні інституції виконують низку критично важливих функцій у системі превенції:

1. **Інформаційно-аналітична підтримка.** Громадяни та громадські організації є першоджерелом інформації про підозрілих осіб, зміну оперативної обстановки в громаді, випадки мародерства чи колабораційної діяльності.

2. **Спільне забезпечення публічної безпеки.** Залучення представників громадських формувань з охорони громадського порядку та добровольчих

формувань територіальних громад (ДФТГ) до спільного патрулювання дозволило суттєво знизити рівень вуличної злочинності та забезпечити дотримання комендантської години. Це є яскравим прикладом синергії зусиль правоохоронної системи та суспільства.

**3. Соціальна превенція та комунікація.** Громадські організації, особливо ті, що працюють з внутрішньо переміщеними особами (ВПО), допомагають поліції виявляти осіб, які опинилися у складних життєвих обставинах, і запобігати вчиненню ними правопорушень з мотивів скрути.

Крім того, варто відзначити особливості взаємодії суб'єктів превентивної діяльності зі складовими сектору безпеки і оборони (Збройними Силами України, Національною гвардією, Службою безпеки України) під час забезпечення правового режиму воєнного стану. Така багаторівнева взаємодія від громадянського суспільства до військових формувань формує монолітний безпековий простір.

**Проблемні питання та міжнародний досвід.** Попри позитивні аспекти, організаційно-правовий механізм такої взаємодії залишається недосконалим. На практиці виникають колізії щодо меж повноважень громадських формувань, порядку обміну інформацією з обмеженим доступом та алгоритмів спільних дій у кризових ситуаціях. Вивчаючи міжнародний досвід превентивної діяльності в умовах дії правового режиму воєнного стану або збройних конфліктів (досвід Ізраїлю, Хорватії), можна констатувати, що ключовим фактором успіху є чітка законодавча регламентація статусу «помічників поліції» з числа цивільного населення та запровадження протоколів кризової комунікації.

**Висновки.** В умовах дії правового режиму воєнного стану недержавні інституції та громадянське суспільство трансформувалися з пасивних споживачів поліцейських послуг в активних суб'єктів превентивної діяльності. Для удосконалення цієї взаємодії та максимального використання її потенціалу необхідно внести зміни до відомчих нормативно-правових актів МВС України, розробивши чіткі інструкції та алгоритми спільної діяльності поліції та громадських організацій в умовах надзвичайних та кризових ситуацій. Подальші напрями удосконалення превентивної діяльності в умовах дії правового режиму воєнного стану потребують комплексного наукового дослідження та розробки оновленої доктрини поліцейської превенції.

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## **ГРОМАДЯНСЬКЕ СУСПІЛЬСТВО ЯК ЧИННИК СТІЙКОСТІ ДЕРЖАВИ**

Повномасштабна збройна агресія проти України стала серйозним випробуванням для всіх сфер суспільного життя. В умовах воєнного стану особливого значення набуває діяльність громадянського суспільства – сфери самоорганізації громадян, яка функціонує незалежно від держави, але активно взаємодіє з нею задля захисту національних інтересів, прав людини та демократичних цінностей. Війна не лише змінила напрями діяльності громадських організацій, а й посилила їхню роль як одного з ключових чинників національної стійкості.

У мирний час громадянське суспільство виконує функції громадського контролю, захисту прав людини, розвитку демократії та формування громадської думки. Однак в умовах війни його діяльність трансформується та значно розширюється. Громадські організації, благодійні фонди, волонтерські рухи та ініціативні групи зосереджують свої зусилля на підтримці обороноздатності держави, гуманітарній допомозі населенню та міжнародній адвокації [2].

Яскравим прикладом є діяльність благодійного фонду «Повернись живим», який системно забезпечує українських військових технікою, обладнанням та засобами зв'язку [1]. Іншим прикладом є платформа UNITED24, створена для залучення міжнародної фінансової підтримки на потреби оборони, медицини та відбудови. Окрім військової підтримки, громадянське суспільство активно займається гуманітарною діяльністю. Волонтерські центри допомагають внутрішньо переміщеним особам із житлом, одягом, продуктами харчування, надають психологічну та юридичну підтримку. У багатьох містах України створено координаційні штаби, які працюють у співпраці з місцевими органами влади, що свідчить про формування партнерської моделі взаємодії між державою та громадськістю. Важливою складовою діяльності є також захист прав людини та документування воєнних злочинів. Українські правозахисні організації

збирають свідчення постраждалих, фіксують факти порушень міжнародного гуманітарного права, співпрацюють із міжнародними структурами. Це сприяє притягненню винних до відповідальності та формуванню доказової бази для міжнародних судових процесів.

Водночас функціонування громадянського суспільства в умовах війни супроводжується значними викликами. Серед них – безпекові ризики, обмеженість ресурсів, психологічне виснаження активістів, міграція частини громадян за кордон. Воєнний стан передбачає певні обмеження прав і свобод, що потребує збереження балансу між вимогами безпеки та демократичними стандартами [3]. Саме тому важливо, щоб громадянське суспільство продовжувало виконувати функцію громадського контролю, забезпечуючи прозорість рішень та підзвітність влади навіть у складних умовах. Окремої уваги заслуговує роль громадянського суспільства у процесі післявоєнної відбудови. Воно братиме участь у контролі за використанням міжнародної допомоги, у розробці стратегій відновлення громад, у реінтеграції ветеранів та підтримці постраждалих від війни. Саме активна позиція громадян сприятиме формуванню відповідального суспільства та зміцненню демократичних інститутів.

Таким чином, в умовах війни громадянське суспільство стає не лише елементом демократичної системи, а й важливим чинником національної безпеки та стійкості держави. Досвід України демонструє високий рівень самоорганізації, солідарності та відповідальності громадян. Громадські ініціативи, волонтерські рухи та благодійні фонди відіграють ключову роль у підтримці армії, захисті прав людини та допомозі постраждалим. Попри існуючі виклики, громадянське суспільство довело свою здатність ефективно діяти в кризових умовах. Його подальший розвиток є запорукою успішної відбудови країни, зміцнення демократії та забезпечення сталого майбутнього держави.

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## **ПРАВА ЛЮДИНИ В УМОВАХ ВІЙНИ: ВИКЛИКИ ТА МЕХАНІЗМИ ЗАХИСТУ У СУЧАСНОМУ ПРАВОВОМУ ПРОСТОРІ**

У сучасному світі питання забезпечення прав і свобод людини є одним із найважливіших напрямів розвитку демократичних держав. Права людини становлять основу правової системи будь-якого цивілізованого суспільства та виступають важливим показником рівня розвитку держави. Особливої актуальності ця проблема набуває в умовах воєнних конфліктів, коли виникають значні труднощі із забезпеченням і реалізацією основних прав і свобод громадян.

Для України питання захисту прав людини стало надзвичайно актуальним у зв'язку з повномасштабною війною, яка суттєво вплинула на всі сфери суспільного життя. Воєнні дії призводять до порушення базових прав людини, зокрема права на життя, безпеку, свободу пересування, житло, працю та соціальний захист. У таких умовах держава змушена забезпечувати баланс між необхідністю захисту національної безпеки та дотриманням міжнародних стандартів у сфері прав людини.

Основні принципи захисту прав людини закріплені у Конституції України, яка проголошує людину, її життя і здоров'я, честь і гідність, недоторканність та безпеку найвищою соціальною цінністю [1].

Крім того, важливе значення мають міжнародні нормативно-правові акти, серед яких Загальна декларація прав людини, Європейська конвенція про захист прав людини і основоположних свобод та інші документи, що встановлюють загальновизнані стандарти у сфері прав людини [2].

Одним із найважливіших прав людини є право на життя. Саме воно є базовим і невід'ємним правом, без якого неможливе існування інших прав. У період збройних конфліктів це право зазнає найбільшої загрози. Воєнні дії супроводжуються обстрілами населених пунктів, руйнуванням житлових будинків, лікарень, навчальних закладів та інших об'єктів цивільної інфраструктури. Такі події призводять до численних жертв серед мирного населення та створюють серйозні гуманітарні проблеми [3].

В умовах війни важливим завданням держави є забезпечення безпеки громадян. Для цього проводяться евакуаційні заходи, організовується надання гуманітарної допомоги, створюються тимчасові місця проживання для осіб, які втратили житло. Значну роль у цьому процесі відіграють органи державної влади, місцевого самоврядування, волонтерські організації та міжнародні гуманітарні структури [4].

Однією з найбільш актуальних проблем сучасності є питання внутрішньо переміщених осіб. Через воєнні дії мільйони громадян були змушені покинути свої домівки та переїхати до інших регіонів України або виїхати за кордон. Це створює значні соціально-економічні труднощі, пов'язані із забезпеченням житлом, працевлаштуванням, доступом до освіти та медичних послуг. Держава повинна розробляти ефективні програми підтримки внутрішньо переміщених осіб, сприяти їхній соціальній адаптації та забезпечувати реалізацію їхніх прав [5].

Важливим елементом системи захисту прав людини є забезпечення доступу до правосуддя. У період воєнного стану функціонування судової системи може ускладнюватися через бойові дії або пошкодження судових установ. Проте навіть у таких умовах держава повинна гарантувати громадянам право на справедливий судовий розгляд. З цією метою впроваджуються сучасні інформаційні технології, зокрема система електронного суду, яка дозволяє подавати документи та брати участь у судових засіданнях дистанційно [6].

Значну роль у забезпеченні прав людини відіграють правоохоронні органи. Вони здійснюють розслідування злочинів, пов'язаних із порушенням прав людини, забезпечують громадський порядок та захищають громадян від протиправних дій. Особливе значення має розслідування воєнних злочинів та злочинів проти людяності, які можуть мати місце під час збройних конфліктів.

Не менш важливою є діяльність правозахисних організацій. Вони здійснюють моніторинг ситуації з правами людини, документують факти порушень, надають правову допомогу постраждалим та сприяють поширенню інформації про такі порушення на міжнародному рівні. Завдяки роботі правозахисних організацій формується доказова база, яка може бути використана у міжнародних судових інстанціях.

Міжнародна співпраця також відіграє важливу роль у захисті прав людини. Україна активно взаємодіє з міжнародними організаціями, такими як Організація Об'єднаних Націй, Рада Європи та інші інституції. Вони здійснюють моніторинг дотримання прав людини, надають гуманітарну допомогу та сприяють притягненню до відповідальності осіб, винних у порушенні міжнародного гуманітарного права.

Особливого значення у сучасних умовах набуває процес документування воєнних злочинів. Фіксація фактів порушень прав людини є необхідною умовою для подальшого притягнення винних осіб до відповідальності. Для цього проводяться спеціальні розслідування, збираються свідчення очевидців, здійснюється аналіз доказів та співпраця з міжнародними судовими інституціями.

Важливим напрямом розвитку правової системи України є вдосконалення національного законодавства відповідно до європейських стандартів. У процесі європейської інтеграції Україна поступово адаптує своє законодавство до вимог Європейського Союзу, що сприяє підвищенню ефективності механізмів захисту прав людини та зміцненню демократичних інститутів.



Не менш важливим є підвищення рівня правової культури населення. Усвідомлення громадянами своїх прав і свобод, а також механізмів їхнього захисту є важливою умовою розвитку правової держави. Правова освіта, просвітницькі заходи та діяльність громадських організацій сприяють формуванню правової свідомості суспільства.

Таким чином, забезпечення прав людини в умовах війни є складним і багатогранним процесом, який потребує комплексного підходу. Ефективний захист прав і свобод громадян можливий лише за умови тісної взаємодії державних органів, громадянського суспільства та міжнародної спільноти.

Подальший розвиток правової системи України повинен бути спрямований на вдосконалення законодавства, підвищення ефективності діяльності правозахисних інституцій та зміцнення гарантій прав людини. Лише за таких умов можна забезпечити реальний захист прав кожної людини та сприяти побудові демократичного правового суспільства.

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## **КРИМІНАЛЬНО-ПРАВОВІ ПРОБЛЕМИ ПРОТИДІЇ НЕЗАКОННОМУ ПЕРЕПРАВЛЕННЮ ОСІБ ЧЕРЕЗ ДЕРЖАВНИЙ КОРДОН УКРАЇНИ**

У сучасних умовах забезпечення національної безпеки України особливої актуальності набувають питання протидії незаконному переправленню осіб через державний кордон. Цей вид злочинної діяльності є складовою транснаціональної організованої злочинності та становить серйозну загрозу для безпеки держави. Особливо гостро ця проблема стала в умовах воєнного стану, коли збільшується кількість спроб незаконного перетину державного кордону, а також діяльність організованих злочинних груп, що займаються переправленням осіб за кордон.

Відповідно до Кримінального кодексу України відповідальність за організацію незаконного переправлення осіб через державний кордон передбачена статтею 332. Зазначена норма встановлює кримінальну відповідальність за організацію незаконного переправлення осіб через державний кордон, керівництво такими діями або сприяння їх вчиненню порадами, вказівками, наданням засобів чи усуненням перешкод. Такі правопорушення становлять значну суспільну небезпеку, оскільки пов'язані з діяльністю організованих злочинних груп, корупційними ризиками та можуть використовуватися для переміщення осіб, причетних до інших кримінальних правопорушень.

У протидії незаконному переправленню осіб через державний кордон важливу роль відіграє Державна прикордонна служба України (далі - ДПСУ). Саме цей правоохоронний орган здійснює безпосередню охорону державного кордону, забезпечує прикордонний контроль та бере участь у виявленні й припиненні протиправної діяльності, пов'язаної з незаконною міграцією. У взаємодії з іншими правоохоронними органами ДПСУ проводить оперативно-розшукові заходи, спрямовані на викриття організаторів незаконного переправлення осіб через державний кордон.

Разом з тим сучасні умови вимагають удосконалення кримінально-правових механізмів протидії таким злочинам. Зокрема, актуальними залишаються питання посилення кримінальної відповідальності за організацію незаконного переправлення осіб через державний кордон, удосконалення правового регулювання діяльності правоохоронних органів у цій сфері, а також посилення міжвідомчої та міжнародної співпраці.

Особливу увагу необхідно приділяти використанню міжнародного досвіду боротьби з незаконною міграцією та діяльністю транснаціональних

злочинних угруповань. Багато країн Європейського Союзу активно застосовують комплексні механізми протидії нелегальній міграції, які включають посилення прикордонного контролю, обмін інформацією між правоохоронними органами та проведення спільних операцій.

Важливим напрямом підвищення ефективності протидії незаконному переправленню осіб через державний кордон є впровадження сучасних інформаційних технологій, удосконалення системи аналізу ризиків та підвищення професійної підготовки персоналу прикордонних підрозділів. Застосування сучасних технічних засобів спостереження та контролю дозволяє значно підвищити ефективність виявлення правопорушень на державному кордоні.

Таким чином, кримінально-правові проблеми протидії незаконному переправленню осіб через державний кордон України потребують комплексного вирішення. Ефективна боротьба з цим видом злочинності можлива лише за умови удосконалення кримінального законодавства, підвищення ефективності діяльності ДПСУ та інших правоохоронних органів, а також активної міжнародної співпраці у сфері забезпечення прикордонної безпеки.

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## **ДО ПИТАННЯ РЕАЛІЗАЦІЇ ПРИНЦИПУ ВЕРХОВЕНСТВА ПРАВ В ДІЯЛЬНОСТІ ПРАВООХОРОННИХ ОРГАНІВ**

Розроблення та реалізація державної політики, особливо у сфері діяльності органів Національної поліції, має ґрунтуватися на чітко визначених принципах, що забезпечують її ефективність, узгодженість та відповідність

потребам суспільства [1; 2]. У сучасних умовах трансформації системи публічного управління правоохоронні органи потребують постійного оновлення організаційних механізмів, оцінювання результативності їх діяльності та адаптації до нових соціальних і безпекових викликів [2]. Саме тому наукове осмислення напрямів реформування правоохоронної системи України набуває особливої актуальності, а одним із ключових орієнтирів цього процесу виступає принцип верховенства права [3; 5].

Засади формування державної політики у сфері діяльності органів Національної поліції визначені у стратегічних документах держави, зокрема у Концепції першочергових заходів реформування системи Міністерства внутрішніх справ України та Стратегії розвитку органів системи МВС України [6; 7]. У цих документах підкреслюється, що європейський вектор розвитку України передбачає формування ефективних державних інституцій, здатних забезпечувати дотримання принципів законності, гарантувати права і свободи людини та здійснювати належний захист громадян [5]. У цьому контексті реформування правоохоронної системи повинно базуватися на таких фундаментальних принципах, як верховенство права, деполітизація, прозорість, підзвітність суспільству, децентралізація управління та високий рівень професійної підготовки персоналу [6].

Враховуючи сучасні виклики державної безпеки та трансформаційні процеси у сфері публічного управління, принцип верховенства права посідає провідне місце серед засад формування державної політики у діяльності Національної поліції [5]. Міжнародний досвід засвідчує, що саме верховенство права виступає фундаментом демократичної держави та визначальним принципом міжнародних стандартів у сфері захисту прав і свобод людини [16; 17]. Основна місія Національної поліції України полягає у забезпеченні охорони прав і свобод людини, протидії правопорушенням та підтриманні публічної безпеки і порядку [8].

Проблематика дослідження принципу верховенства права тривалий час перебуває у центрі уваги юридичної науки. Значний внесок у розроблення цієї проблематики зробили такі вчені, як В. Авер'янов, М. Козюбра, А. Колодій, П. Рабінович, Р. Дворкін, Б. Таманага та інші [1; 4; 11; 12]. Разом із тим у науковій літературі відсутній єдиний підхід до визначення змісту, структури та практичного значення цього принципу [15].

Дослідження верховенства права в контексті державного управління у сфері безпеки передбачає вирішення низки наукових завдань, зокрема визначення його сутності, аналізу історичної еволюції, узагальнення наукових підходів та з'ясування ролі цього принципу у функціонуванні державних інституцій [2; 5]. Для реалізації зазначених завдань застосовуються різні методи наукового пізнання, серед яких важливе місце посідають історико-правовий, формально-юридичний та системно-структурний методи дослідження [10].

Етимологічно поняття «принцип» походить від латинського слова *principium*, що означає «основа» або «першооснова». У правовій науці принципи права розглядаються як базові ідеї та фундаментальні засади, що

визначають зміст і спрямованість правового регулювання суспільних відносин [3]. Український правознавець В. Копейчиков визначав принципи права як загальнообов'язкові вихідні положення правової системи [9].

У Юридичній енциклопедії верховенство права визначається як домінування права у всіх сферах суспільного життя [3]. Історичні витоки цього принципу простежуються ще в античній філософії, зокрема у працях Платона та Арістотеля, які обґрунтовували необхідність підпорядкування державної влади законам [11]. Науковець О. Костенко розглядає верховенство права як пріоритет природного права над позитивним правом [13].

Нормативне закріплення принципу верховенства права міститься у статті 8 Конституції України [18]. Для органів Національної поліції зазначений принцип має особливе значення, оскільки забезпечує легітимність їх діяльності та гарантує дотримання прав і свобод людини [8; 14].

Верховенство права виступає важливою гарантією законності у сфері правоохоронної діяльності, оскільки забезпечує баланс між інтересами держави та правами особи [14].

У правовій державі джерелом влади є народ, який формує систему правових норм та визначає межі діяльності державних інституцій [1]. Межі державної влади визначаються правами і свободами людини та принципом поділу влади [19]. Право у демократичному суспільстві формується не лише державою, але й інститутами громадянського суспільства [2]. Верховенство права проявляється також у системі законодавства, де діє ієрархія нормативно-правових актів [19]. Конституція України має найвищу юридичну силу [18].

Принцип законності є практичним проявом верховенства права та передбачає діяльність державних органів виключно в межах закону.

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## **РОЛЬ ШТУЧНОГО ІНТЕЛЕКТУ В ПОПУЛЯРИЗАЦІЇ УКРАЇНСЬКОЇ МОВИ ЗА КОРДОНОМ**

Активний розвиток цифрових технологій відкриває нові можливості для поширення та вивчення мов у глобальному освітньому просторі. В умовах зростання інтересу до української мови та культури за кордоном особливого значення набуває використання штучного інтелекту (ШІ) як інноваційного інструменту мовної популяризації. Штучний інтелект сприяє розширенню доступу до української мови для іноземних здобувачів освіти, представників української діаспори та всіх зацікавлених осіб.

Сучасні ШІ-орієнтовані платформи забезпечують персоналізоване навчання української мови, адаптуючи зміст, темп і складність матеріалу до індивідуальних потреб користувачів. Мовні чатботи, системи автоматичного перекладу, синтезу та розпізнавання мовлення створюють умови для постійної мовної практики, що є особливо важливим для тих, хто не має доступу до

живого мовного середовища. Завдяки цьому українська мова стає більш доступною та привабливою для міжнародної аудиторії.

Уявімо ситуацію: люди з різних куточків світу спілкуються українською, не виходячи з власної кімнати, а віртуальний асистент допомагає їм коректно будувати речення, пропонує культурні контексти і пояснює тонкощі мови. Віртуальний асистент не лише автоматизує навчання, а й створює новий формат взаємодії із мовою, який робить українську привабливою та доступною для міжнародної аудиторії. Сучасні платформи пропонують інтерактивні вправи, автоматичну перевірку вимови, адаптовані тексти і навіть сценарії для діалогів у різних культурних контекстах. Наприклад, чатботи можуть моделювати спілкування у бізнес-середовищі, в освітніх проектах або в культурних дискусіях, демонструючи як мовні, так і міжкультурні нюанси. Такий підхід дає змогу користувачам не просто запам'ятовувати слова, а занурюватися у реальне мовне середовище.

VR- та AR-технології дозволяють навчатися в умовах повного занурення: користувачі можуть «проживати» українську мову у повсякденних і професійних контекстах, виконувати рольові завдання, брати участь у культурних і наукових обмінах, а також отримувати миттєвий зворотний зв'язок щодо вимови, граматики та стилю мовлення. Такий підхід робить мову живою, а навчання інтерактивним і емоційно насиченим.

Безумовно необхідно користуватись перевагами, які надає сьогодні штучний інтелект. По-перше, інтеграція штучного інтелекту, VR та AR у процес популяризації української мови відкриває нові перспективи: від персоналізованого навчання до міжкультурного діалогу та глобального поширення мови як живого, інтерактивного і технологічно модернізованого ресурсу. Українська стає не лише об'єктом навчання, а досвідом, що «живе», взаємодіє та надихає міжнародну аудиторію, формуючи сучасний образ мови як технологічно модернізованого, інтерактивного і глобально значущого ресурсу.

По-друге, інтеграція штучного інтелекту та XR-технологій у процес популяризації української мови створює новий, інтерактивний формат глобального мовного середовища. Українська мова перестає бути лише об'єктом навчання – вона стає досвідом, що «живе», взаємодіє та надихає міжнародну аудиторію. Завдяки AI та VR/AR українська мова набуває сучасного, технологічно модернізованого образу, стає доступною для користувачів у будь-якій точці світу та сприяє формуванню глобальних компетенцій і міжкультурного діалогу.

Важливим аспектом використання штучного інтелекту є поєднання мовного навчання з елементами культурної комунікації. ШІ-технології дають змогу інтегрувати автентичні тексти, медіаконтент і культурні реалії, сприяючи формуванню міжкультурної компетентності та позитивного іміджу України у світі. У такий спосіб штучний інтелект виступає не лише засобом навчання, а й інструментом культурної дипломатії.

Штучний інтелект чудово допомагає популяризувати українську мову як частину культурної дипломатії, а саме автоматизовані перекладачі, інтерактивні

контент-платформи і голосові асистенти можуть «викладати» українську культуру світу, знайомлячи користувачів із традиціями, літературою та сучасними культурними практиками. Сучасні ШІ-системи дозволяють створювати персоналізовані VR-сценарії: від ділових зустрічей у віртуальному Києві до інтерактивних екскурсій музеями України, де учні можуть слухати аудіо-гиди українською, спілкуватися з віртуальними персонажами та виконувати мовні завдання. AR-додатки, наприклад, інтегровані в навчальні книги чи культурні події, дозволяють перекладати підписи, створювати інтерактивні підказки та моделювати культурні контексти прямо у фізичному просторі. Уявімо користувача з будь-якої точки світу, який заходить у віртуальне середовище та зустрічає AI-асистента, який стає його гидом у «живій Україні». Разом вони мандрують вулицями Києва, Львова чи Одеси, відвідують музеї та театри, беруть участь у STEAM-проектах і спілкуються українською з віртуальними персонажами. Штучний інтелект у такому середовищі створює персоналізовані інтерактивні сценарії, підказує мовні та культурні нюанси, моделює реалістичні ситуації спілкування та навіть адаптує контент під інтереси користувача.

ШІ-гид знайомить світ із традиціями, мистецтвом, науковими досягненнями та сучасними культурними практиками України. Міжкультурні сценарії враховують різні комунікативні стилі Сходу та Заходу, допомагаючи користувачам орієнтуватися у культурних відмінностях та формувати глобальні компетенції. Поступово українська мова перетворюється на інтерактивний культурний ресурс, доступний будь-кому у будь-якій точці світу. ШІ технології разом із VR/AR формують «живу українську», доступну будь-якому користувачу у будь-якій точці світу. Таким чином, штучний інтелект стає містком між Україною та глобальною спільнотою, одночасно підтримуючи мовне навчання та міжкультурний діалог.

Отже, застосування штучного інтелекту в процесі популяризації української мови за кордоном має значний потенціал. Воно сприяє поширенню української мови в міжнародному просторі, підвищенню мотивації до її вивчення та зміцненню міжкультурного діалогу. Подальші дослідження у цій сфері можуть бути спрямовані на розробку ефективних ШІ-моделей, орієнтованих на навчання української мови як іноземної.

Таким чином, штучний інтелект відкриває нові горизонти для розповсюдження української мови за кордоном, створюючи інтерактивне та персоналізоване середовище навчання. Це не лише сприяє підвищенню інтересу до української, а й формує сучасний образ мови як живої, динамічної та глобально значущої.



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## **ЗАРУБІЖНИЙ ДОСВІД НАДАННЯ БЕЗОПЛАТНОЇ ПРАВНИЧОЇ ДОПОМОГИ У СФЕРІ ЗАПОБІГАННЯ ТА ПРОТИДІЇ ДОМАШНЬОМУ НАСИЛЬСТВУ**

Відповідно до статті 6 Конвенції про захист прав людини і основоположних свобод [1] та практики застосування Європейським судом з прав людини, необхідність надання правничої допомоги в інтересах правосуддя має визначатися на підставі: складності юридичних та фактичних обставин справи; скрутних життєвих обставин, у яких опинилася особа.

У багатьох державах прийнято спеціальне законодавство, яке детально регламентує систему правничої допомоги. Такі закони діють в Австралії, Албанії, Бельгії, Болгарії, Німеччині, Нідерландах, Словаччині, Словенії, Франції, ПАР та ін. У зазначених законах закріплено основні характеристики програм з надання безкоштовних (або частково безкоштовних) правових послуг населенню: коло осіб, які мають право на отримання допомоги, та умови її надання; обсяг і види наданих юридичних послуг; порядок формування та повноваження органу, що відповідає за управління програмою юридичної допомоги; повноваження інших органів влади в межах програми юридичної допомоги; принципи фінансування програм юридичної допомоги; порядок роботи приватних юристів-практиків [2, с. 11].

В усіх державах-членах Ради Європи для забезпечення ефективного доступу до правосуддя існує принаймні один спосіб, за допомогою якого громадяни можуть отримувати правову допомогу. Системи різняться між країнами, і єдиної моделі не існує. Важливими питаннями надання правової допомоги є фінансова та юридична оцінка. Ця оцінка може включати фінансові ресурси, тип проваджень, у яких може надаватися правова допомога, та умови, що стосуються суті спору. Між державами-членами Ради Європи існують принципові відмінності в парадигмі, організації та управлінні систем надання правової допомоги. Щодо парадигми систем, то загальною метою в деяких державах, очевидно, є забезпечення вільного доступу до юридичних послуг і правосуддя, тоді як в інших державах правову допомогу можуть отримувати тільки вкрай нужденні особи. Більшість програм допомоги доступні громадянам відповідної країни, громадянам Європейського Союзу, а також іноземним громадянам, які постійно законно чи незаконно проживають у цій країні. У кримінальних провадженнях будь-хто, у кого бракує коштів для оплати правової допомоги, має право одержувати таку допомогу безоплатно, коли це необхідно в інтересах правосуддя. Допомога адвоката може полягати в досудовому консультуванні та в разі потреби представництва в суді –

безкоштовно чи за помірну винагороду. Фінансова оцінка в основному пов'язана з рівнем доходу, незалежно від його джерел, та наявністю майна [3, с. 50-51].

Сьогодні уряди багатьох країн світу приймають закони, розробляють державні програми, вживають спеціальних заходів, спрямованих на протидію тим формам насильства, які донедавна вважалися приватною справою сім'ї або окремої людини. Серед загальносвітових акцій цього напрямку є систематичне проведення з 1999 р. Всесвітньої акції «16 днів протидії гендерному насильству». Проте статистика свідчить, що у 79 країнах світу закони щодо протидії насильству в сім'ї або відсутні, або про них нічого невідомо [4, с. 202-208].

Насильство між партнерами – найпоширеніша форма насильства щодо жінок, і вона може бути смертельно небезпечною. За даними дослідження, проведеного Лондонською школою гігієни та тропічної медицини, у всьому світі 38,6 % усіх загиблих жінок загинули внаслідок насильства, вчиненого їх партнерами. Північні країни, попри значну гендерну рівність, виділяються на порівняльних рейтингах поширеності насильства між партнерами. Дані Агентства з основних прав Європейського Союзу показують, що три північні країни-члени Європейського Союзу – Швеція, Фінляндія та Данія – можуть мати значно більший рівень насильства, спрямованого на партнерів-жінок, ніж середній у ЄС. Відповідно до досліджень Агентства з основних прав Європейського Союзу рівень фізичного та/або сексуального насильства, вчиненого поточним чи попереднім партнером щодо жінок з 15-річного віку серед країн-членів ЄС, найвищий в Данії (32 %), Латвії (32 %) та Фінляндії (30 %), найнижчий – в Австрії, Іспанії, Хорватії, Польщі, Словенії (по 13 %) [5].

Особливістю США можна назвати наявність розгорнутої та ефективної системи запобігання насильства, яка відіграє важливу роль у суспільстві. Діють програми різноманітного спрямування щодо запобігання досліджуваному явищу. Усього у Сполучених Штатах Америки діє понад дві тисячі таких програм. Кожен штат зазвичай реалізує 42-45 таких програм [6, с.47].

Враховуючи вищевикладене приходимо до висновку, що переважна більшість світових держав, до якої б правової системи вони не належали, мають системні напрацювання в напрямку запобігання та протидії домашньому насильству завдяки спеціально створеним органам та установам, на які покладено обов'язок надавати безоплатну правничу допомогу особам, постраждалим від домашнього насильства.

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## **ВІЙСЬКОВО-СТРАТЕГІЧНИЙ ВИМІР У КОНТЕКСТІ ТЕОРІЇ РЕЗИЛІЄНТНОСТІ ТА ДОКТРИНИ ВСЕОХОПНОЇ ОБОРОНИ**

Функціонування громадянського суспільства в умовах повномасштабної війни набуває якісно нових характеристик у контексті теорії резилієнтності та доктрини всеохопної оборони. Сучасна війна, що поєднує військовий, економічний, інформаційний і когнітивний виміри, зумовлює трансформацію ролі громадянських інституцій у структурі національної безпеки та їх інтеграцію до військово-стратегічної архітектури держави.

Громадянське суспільство за умов екзистенційної загрози виступає не лише як простір демократичної участі чи суспільного контролю, а як структурно значущий компонент системи національної резилієнтності. Мережеві форми самоорганізації забезпечують підвищення адаптивної спроможності держави, скорочення часових лагів мобілізації ресурсів, підтримання стійкості тилу та зміцнення інформаційної й когнітивної безпеки.

У цих умовах формується підхід «все суспільство до оборони», за якого громадянський сектор інтегрується в механізми асиметричного стримування та комплексної оборони, посилюючи стратегічну глибину й стійкість національної системи безпеки.

Теорія резилієнтності, спочатку розроблена в межах екологічного та системного аналізу, була адаптована у безпекових студіях для позначення здатності системи поглинати потрясіння, адаптуватися до стресових впливів і зберігати функціональну безперервність в умовах кризи.

У дискурсі національної безпеки резилієнтність охоплює:

- **абсорбційну спроможність** (здатність витримувати первинний удар);
- **адаптивну спроможність** (здатність пристосовуватися до змінних умов);
- **трансформаційну спроможність** (здатність перебудовувати інституції після деструкції).

В умовах війни громадянське суспільство посилює всі три виміри: воно поглинає шоки через швидку гуманітарну мобілізацію, адаптується завдяки децентралізованим волонтерським мережам та сприяє інституційній трансформації шляхом інтеграції у формальні механізми оборони.

Отже, громадянське суспільство доцільно розглядати як ендогенний підсилювач резилієнтності національної системи.

Доктрина всеохопної оборони (Total Defense / Comprehensive Security) виходить із того, що оборона не обмежується збройними силами, а охоплює політичний, економічний, інформаційний і суспільний виміри. Ця модель інституціоналізована в низці європейських держав та відображена у стратегічних документах НАТО.

Базові принципи включають:

- інтеграцію цивільних і військових компонентів;
- територіальну оборону та місцеву самоорганізацію;
- розподілену відповідальність між державою та суспільством;
- підготовку в мирний час для забезпечення безперервності функціонування у воєнний період.

У межах цієї парадигми громадянське суспільство не є зовнішнім щодо оборонного планування – воно становить один із його структурних стовпів.

Підхід «все суспільство» виходить за межі міжвідомчої координації («whole-of-government») і передбачає системну мобілізацію приватного сектору, громадських організацій, волонтерських мереж і місцевих громад.

Цей підхід зменшує стратегічну вразливість через:

- децентралізацію критичних функцій;
- скорочення логістичних циклів;
- множення джерел ініціативи та інновацій;
- ускладнення таргетування з боку противника.

В умовах асиметричної війни така розподілена суспільна мобілізація виступає мультиплікатором сили.

Мережі громадянського суспільства зменшують бюрократичну затримку між запитом фронту та постачанням ресурсів. Це підвищує операційний темп і посилює адаптивність військових підрозділів. У термінах резилієнтності це

зміцнює адаптивну спроможність; у військово-стратегічному вимірі — підвищує гнучкість у циклі «рішення—дія».

Волонтерський сектор функціонує як паралельна логістична підсистема, інтегрована у ширшу оборонну архітектуру.

Теорія резилієнтності підкреслює безперервність критичних функцій. Громадянське суспільство забезпечує евакуацію, гуманітарний розподіл, ремонт інфраструктури, допомогу внутрішньо переміщеним особам. Ці дії зберігають економічну та соціальну стабільність і запобігають внутрішній дестабілізації.

Стратегічно це формує глибину за межами поля бою: тил стабілізується через розподілену громадянську участь, а не виключно централізований контроль.

Сучасна війна включає когнітивний вимір як вирішальну арену протиборства. Актори громадянського суспільства здійснюють:

- протидію дезінформації;
- цифрову верифікацію та практики OSINT;
- міжнародну адвокацію;
- документування воєнних злочинів.

У стратегічному сенсі це зміцнює легітимність держави, підтримку міжнародних коаліцій та моральну стійкість суспільства. У межах теорії резилієнтності це посилює психологічну й нормативну стабільність.

Формування та підтримка підрозділів територіальної оборони демонструють інституційну конвергенцію між громадськими структурами та військовим управлінням. Місцеві громади виступають співвиробниками безпеки.

Це відповідає логіці всеохопної оборони: захист держави стає територіально вкоріненим і соціально інтерналізованим, а не виключно професіоналізованим.

Тривала війна породжує системні ризики:

- виснаження волонтерських ресурсів;
- координаційні тертя між державними та громадськими структурами;
- ризики надмірної сек'юритизації цивільного простору;
- потенційну ерозію демократичного контролю.

У зв'язку з цим повоєнна інституціоналізація має зосереджуватися на:

1. Формалізованих механізмах інтеграції громадянського суспільства в оборонне планування.
2. Правових рамках, що регулюють участь громадян без обмеження їх автономії.
3. Стратегічному плануванні, яке закріплює резилієнтність як доктринальний принцип, а не лише реакцію на надзвичайну ситуацію.

В умовах повномасштабної війни громадянське суспільство трансформується з інституту демократичного нагляду у структурно

інтегрований елемент військово-стратегічної системи. Крізь призму теорії резилієнтності та доктрини всеохопної оборони воно функціонує як:

- мультиплікатор резилієнтності;
- децентралізована логістична підсистема;
- актор когнітивної безпеки;
- механізм територіальної стабілізації.

Воєнний досвід демонструє, що стійка національна оборона в сучасних конфліктах залежить від системної суспільної мобілізації. Інституціоналізація цієї моделі в довгостроковому стратегічному плануванні є критично важливою для повоєнного відновлення та майбутнього стримування.

Для поглиблення теоретичного аргументу доцільно зіставити воєнну трансформацію громадянського суспільства з інституціоналізованими моделями всеохопної оборони окремих європейських держав.

Фінська модель тотальної оборони (*kokonaisturvallisuus*) ґрунтується на системній інтеграції органів влади, приватного сектору та громадянського суспільства в єдину систему національної готовності. Координацію здійснює Національне агентство з питань забезпечення постачання, яке відповідає за стратегічні резерви та безперервність функціонування.

Резилієнтність у цій моделі є доктринальним принципом, закладеним у державне планування ще до настання кризи.

Естонія поєднує територіальну оборону з цифровою резилієнтністю. Ключову роль відіграє добровольча воєнізована організація *Kaitseliit*, інтегрована в національну систему оборони.

Модель демонструє зрілий підхід «все суспільство», у межах якого громадянська участь посилює як фізичний, так і кібернетичний виміри безпеки.

Литва акцентує на цивільному спротиві та стратегічних комунікаціях. Важливу роль відіграє Союз стрільців Литви.

Модель підкреслює значення когнітивної резилієнтності та суспільної моралі як складових архітектури національної безпеки.

Порівняльний аналіз підтверджує:

1. Резилієнтність є структурним принципом сучасної оборонної політики.
2. Громадянське суспільство може бути як формалізованим, так і еволюційно інтегрованим компонентом військово-стратегічних систем.
3. Ефективна всеохопна оборона поєднує правову інституціоналізацію з культурною легітимністю участі громадян.
4. Розподілена суспільна мобілізація збільшує стратегічну глибину та ускладнює дії противника в умовах асиметричної війни.

Таким чином, воєнна трансформація громадянського суспільства відображає конвергенцію до європейських моделей всеохопної оборони, зберігаючи характеристики високої адаптивної швидкості в умовах тривалого кінетичного та гібридного тиску.

## **ТАКТИЧНА КОМУНІКАЦІЯ ЯК СКЛАДОВА СПЕЦІАЛЬНОЇ ФІЗИЧНОЇ ПІДГОТОВКИ**

Тактична комунікація є невід'ємною складовою спеціальної фізичної підготовки особового складу силових структур, оскільки ефективність дій у складних і екстремальних умовах залежить не лише від фізичної витривалості, а й від здатності швидко передавати інформацію, координувати рухи та приймати колективні рішення. У сучасних умовах безпеки, зокрема під час воєнного стану та зростання кількості надзвичайних ситуацій, комунікація набуває значення стратегічного ресурсу, що забезпечує злагодженість підрозділів та збереження життя особового складу. Спеціальна фізична підготовка повинна розглядатися не ізольовано як система вправ, а як комплексний процес формування професійної готовності, де комунікаційні навички є рівнозначними фізичним.

Тактична комунікація передбачає здатність особового складу взаємодіяти в умовах дефіциту часу, обмеженої видимості, шуму, стресу та високих фізичних навантажень. Під час виконання службових завдань фізична втома безпосередньо впливає на якість передачі інформації, швидкість реакції та здатність сприймати команди. Саме тому у процесі спеціальної фізичної підготовки необхідно моделювати ситуації, в яких фізичні вправи поєднуються з командною взаємодією. Такий підхід формує не лише витривалість, а й психологічну стійкість та навички оперативної координації.

Правове регулювання професійної підготовки силових структур підкреслює значення комплексності навчання. Відповідно до Закону України "Про Національну поліцію", а саме статті 49, професійна підготовка поліцейських включає систему навчальних заходів, спрямованих на формування та підтримання готовності до виконання службових обов'язків [1]. У цьому контексті тактична комунікація виступає інструментом реалізації службових функцій, адже більшість поліцейських операцій здійснюється у груповому форматі. Недостатній рівень взаємодії може призвести до помилок, що створюють загрозу для життя як правоохоронців, так і цивільних осіб.

Особливого значення комунікація набуває в умовах воєнного стану, коли службові завдання виконуються в підвищено небезпечному середовищі. Відповідно до Закону України "Про правовий режим воєнного стану", а саме статті 8, державні органи та військові формування зобов'язані діяти в режимі підвищеної координації та оперативної взаємодії [2]. Це означає, що спеціальна фізична підготовка повинна враховувати вимоги до швидкого обміну інформацією, узгодженості дій і дисципліни комунікації. В екстремальних

умовах навіть короткі сигнали або жести можуть мати вирішальне значення, тому підготовка повинна включати розвиток невербальної тактичної мови.

Важливим аспектом є також безпека під час навчального процесу. Інтенсивні фізичні тренування, що супроводжуються командною роботою, потребують чіткої системи інструктажу та зворотного зв'язку. Відповідно до Закону України "Про охорону праці", а саме статті 13, роботодавець зобов'язаний забезпечити безпечні умови виконання робіт і належну підготовку працівників [3]. У системі спеціальної фізичної підготовки це означає, що комунікація виступає не лише навчальним інструментом, а й гарантією запобігання травматизму. Чіткі команди, сигнали зупинки та взаємне інформування про ризики є складовою культури безпеки.

Тактична комунікація також виконує психологічну функцію. Під час фізичного виснаження зростає ризик конфліктів, втрати концентрації та панічних реакцій. Налагоджена система взаємодії сприяє підтримці морального стану підрозділу, формує довіру між його членами та зміцнює командну ідентичність. Комунікація стає засобом управління стресом, що особливо важливо для осіб, які готуються до дій у кризових ситуаціях.

Сучасні підходи до спеціальної фізичної підготовки дедалі більше орієнтуються на міждисциплінарність, поєднуючи фізіологію, психологію та тактику. У цьому комплексі комунікація виступає сполучною ланкою між індивідуальною підготовкою та колективною ефективністю. Підрозділ, члени якого здатні швидко й точно обмінюватися інформацією, демонструє вищий рівень адаптивності та виживання в екстремальних умовах.

Отже, тактична комунікація є ключовим елементом спеціальної фізичної підготовки, що забезпечує ефективність, безпеку та психологічну стійкість особового складу. Її розвиток має здійснюватися системно, із врахуванням правових вимог, професійних стандартів і реальних умов службової діяльності. Інтеграція комунікаційних навичок у фізичну підготовку сприяє формуванню сучасного фахівця, здатного діяти узгоджено, відповідально та результативно.

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1. Закон України «Про Національну поліцію» від 02.07.2015 р. № 580-VIII // URL: <https://zakon.rada.gov.ua/laws/show/580-19#Text> (дата звернення: 09.02.2026).

2. Закон України «Про правовий режим воєнного стану» від 12.05.2015 р. № 389-VIII // URL: <https://zakon.rada.gov.ua/laws/show/389-19#Text> (дата звернення: 09.02.2026).

3. Закон України «Про охорону праці» від 14.10.1992 р. № 2694-XII // URL: <https://zakon.rada.gov.ua/laws/show/2694-12#Text> (дата звернення: 09.02.2026).



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## **ІДЕНТИЧНІСТЬ, МОВА ТА ДЕРЖАВА: СУЧАСНА ПАРАДИГМА МОВНОЇ ПОЛІТИКИ**

Питання мовної політики та мовної ідентичності в сучасних умовах набуває не лише гуманітарного, а й безпекового, культурного та цивілізаційного виміру. У ХХІ столітті мова перестає бути лише засобом комунікації – вона стає маркером належності, інструментом державної консолідації та одночасно полем суспільних дискусій. Особливо гостро ці процеси проявляються в країнах, які переживають період глибоких трансформацій, пов'язаних із зовнішніми викликами, внутрішніми реформами та переосмисленням власної історичної траєкторії розвитку.

Мовна політика, у широкому розумінні, є системою цілеспрямованих заходів держави щодо регулювання функціонування мов у публічному просторі, освіті, медіа, сфері управління та інших галузях суспільного життя. Водночас вона завжди виходить за межі суто нормативного регулювання. Будь-яке рішення в мовній сфері неминуче впливає на самоідентифікацію громадян, на відчуття включеності або маргіналізації, на рівень довіри до інституцій влади.

Мовна ідентичність, у свою чергу, формується як результат тривалого історичного, культурного та соціального процесу. Вона є складовою особистісної і колективної ідентичності, відображає систему цінностей, історичну пам'ять, культурний досвід. У цьому контексті трансформація мовної політики завжди супроводжується трансформацією ідентичності – іноді поступовою, іноді конфліктною.

Сучасні виклики мовної політики можна умовно поділити на кілька груп.

По-перше, це глобалізаційні процеси. Поширення англійської мови як мови міжнародної комунікації, науки та технологій створює нову конфігурацію мовної ієрархії. З одного боку, володіння глобальними мовами відкриває доступ до знань і ринків, з іншого – виникає ризик поступового витіснення національних мов із престижних сфер функціонування. Держава опиняється перед складним завданням: забезпечити конкурентоспроможність громадян у глобальному світі, не послаблюючи статусу державної мови.

По-друге, суттєвим викликом є цифровізація. Соціальні мережі, цифрові платформи, алгоритми рекомендацій формують нові мовні практики, у яких норми часто поступаються місцем швидкості та гібридності. Молодіжні

субкультури активно створюють змішані мовні форми, використовують запозичення, транслітерацію, елементи сленгу. У цих умовах мовна політика не може обмежуватися лише заборонними чи регулятивними механізмами; вона повинна передбачати підтримку сучасного, привабливого й конкурентоспроможного мовного продукту.

По-третє, важливим чинником є безпековий аспект. У ситуації інформаційної війни мова стає каналом впливу, інструментом формування наративів та ідентичнісних установок. Підтримка державної мови набуває значення елементу національної стійкості. Водночас надмірна політизація мовного питання може породжувати внутрішню поляризацію. Баланс між захистом державної мови та забезпеченням прав мовних меншин є одним із ключових тестів на зрілість демократичної системи.

Трансформація мовної політики передбачає також зміну підходів до освіти. Саме освітній простір формує довгострокову мовну ідентичність. Якість викладання державної мови, її присутність у науковій сфері, розвиток сучасної термінології – усе це визначає її життєздатність. Якщо мова не представлена в інноваційних галузях знань, вона поступово втрачає престиж і функціональну повноцінність. Отже, мовна політика повинна бути інтегрованою з науковою та освітньою стратегією держави.

Окремої уваги потребує питання регіональної та індивідуальної мовної багатоманітності. У багатьох суспільствах історично склалася ситуація дво- або багатомовності. У такому контексті ефективна мовна політика має враховувати реальні мовні практики громадян, а не лише нормативні установки. Примусова уніфікація часто викликає спротив, тоді як поступове розширення сфер використання державної мови через якісні культурні та освітні продукти дає більш стабільний результат.

Перспективи розвитку мовної політики пов'язані з переходом від конфронтаційної моделі до моделі партнерства. Держава повинна виступати не лише регулятором, а й модератором суспільного діалогу. Формування мовної ідентичності не може ґрунтуватися виключно на юридичних нормах; воно потребує позитивної мотивації, символічного наповнення та підтримки культурних ініціатив.

Важливо також розуміти, що мовна ідентичність є динамічною. Вона змінюється разом із соціальними процесами, поколіннєвими трансформаціями, міграційними потоками. Молоде покоління може по-іншому сприймати питання мовної належності, поєднуючи локальну, національну та глобальну ідентичності. Завдання наукової спільноти полягає в тому, щоб досліджувати ці процеси без ідеологічних спрощень, спираючись на емпіричні дані та міждисциплінарний підхід.

Отже, мовна політика та мовна ідентичність у сучасних умовах перебувають у стані активної трансформації. Вони стають елементами стратегічного розвитку держави, чинниками соціальної згуртованості та інструментами культурної безпеки. Ефективна мовна політика повинна поєднувати нормативну визначеність із гнучкістю, захист державної мови – з

повагою до мовного різноманіття, стратегічне бачення – з урахуванням реальних мовних практик суспільства.

Перспектива полягає у формуванні такої моделі мовного розвитку, яка забезпечить одночасно збереження культурної самобутності, інтеграцію в глобальний простір та зміцнення громадянської єдності. Саме в цьому полягає головний виклик і водночас головна можливість сучасної мовної політики.

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## **ФУНКЦІОНУВАННЯ ГРОМАДСЬКОГО СУСПІЛЬСТВА В УМОВАХ ВІЙНИ**

Функціонування громадянського суспільства в умовах воєнного стану є одним із ключових чинників збереження державності, забезпечення стійкості соціальних інститутів та підтримки обороноздатності країни. Повномасштабна збройна агресія Російської Федерації проти України спричинила суттєві трансформації у взаємодії держави, суспільства та особистості. В умовах

війни громадянське суспільство набуває нових функцій, форм і механізмів діяльності.

Актуальність теми зумовлена тим, що саме активність громадян, волонтерських організацій, благодійних фондів, професійних спільнот та місцевих ініціатив стала одним із вирішальних факторів протидії агресії. Громадянське суспільство в Україні продемонструвало високий рівень самоорганізації, мобілізаційної спроможності та соціальної відповідальності. У перші дні повномасштабного вторгнення 2022 року значна частина логістичного, гуманітарного та інформаційного забезпечення здійснювалася саме завдяки громадським ініціативам.

Нормативною основою функціонування громадянського суспільства є положення Конституція України, зокрема норми щодо свободи слова, свободи об'єднань, права на участь в управлінні державними справами. Водночас в умовах воєнного стану, запровадженого відповідно до Закону України «Про правовий режим воєнного стану», допускаються певні обмеження прав і свобод, що об'єктивно впливають на діяльність інститутів громадянського суспільства. Баланс між безпековими потребами держави та збереженням демократичних стандартів є надзвичайно важливим.

Однією з ключових форм прояву громадянського суспільства в умовах війни є волонтерський рух. Волонтерські організації забезпечують військовослужбовців технічними засобами, амуніцією, медичним обладнанням, безпілотними системами, транспортом. Крім того, вони надають допомогу внутрішньо переміщеним особам, організовують евакуацію населення, психологічну підтримку постраждалих. Волонтерство фактично стало складовою національної системи оборони та соціального захисту.

Важливу роль відіграють також правозахисні організації та аналітичні центри, які документують воєнні злочини, здійснюють моніторинг дотримання прав людини, готують матеріали для міжнародних судових інституцій. Їх діяльність сприяє формуванню доказової бази щодо злочинів агресора та забезпечує міжнародну підтримку України.

Окремим напрямом є інформаційна діяльність громадянського суспільства. В умовах гібридної війни протидія дезінформації та пропаганді має стратегічне значення. Активні громадяни, журналісти, блогери, громадські організації здійснюють фактчекінг, поширюють перевірену інформацію, формують проукраїнський інформаційний простір на міжнародному рівні.

Разом із тим функціонування громадянського суспільства в умовах війни стикається з низкою викликів. Серед них – обмеження ресурсів, зростання навантаження на волонтерські структури, ризики безпеки для активістів, необхідність координації з державними органами. Певні проблеми виникають у сфері прозорості фінансування та звітності, що потребує удосконалення правового регулювання та механізмів громадського контролю.

Важливим аспектом є інституціоналізація взаємодії держави та громадянського суспільства. Ефективне партнерство передбачає

налагодження комунікаційних каналів, створення координаційних центрів, цифровізацію процесів взаємодії. У післявоєнний період роль громадянського суспільства лише зростатиме, зокрема у питаннях відновлення інфраструктури, реінтеграції ветеранів, підтримки родин загиблих, реформування сектору безпеки і оборони.

Таким чином, громадянське суспільство в умовах війни виконує не лише традиційні функції контролю за діяльністю влади та представництва інтересів громадян, але й бере безпосередню участь у забезпеченні обороноздатності держави. Воно виступає фактором національної стійкості, консолідації суспільства та збереження демократичних цінностей навіть в умовах надзвичайних викликів.

Підсумовуючи, можна стверджувати, що досвід України демонструє здатність громадянського суспільства адаптуватися до умов воєнного стану, зберігаючи активність, самоорганізацію та відповідальність. Подальший розвиток правових та організаційних механізмів взаємодії держави й громадськості є необхідною умовою зміцнення національної безпеки та сталого розвитку країни.

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2. Закон України «Про правовий режим воєнного стану».
3. Аналітичні матеріали щодо розвитку громадянського суспільства в Україні в умовах воєнного стану.
4. Наукові публікації з проблематики держави і права та національної безпеки.

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## **АДМІНІСТРАТИВНА ДІЯЛЬНІСТЬ УПОВНОВАЖЕНОГО ІЗ ЗАХИСТУ ДЕРЖАВНОЇ МОВИ**

Відповідно до ст. 10 Конституції України державною мовою в Україні є українська мова [1]. Розширення використання української мови у сфері освіти, медіа, обслуговування та публічного управління вимагало створення окремого незалежного органу для моніторингу виконання норм закону [2, с. 600]. Тому окремий вимір у системі національних омбудсманських інституцій становить посада Уповноваженого із захисту державної мови (далі - Уповноважений).

Правовий статус Уповноваженого та порядок реалізації ним своїх повноважень визначаються Законом України "Про забезпечення функціонування української мови як державної" від 25 квітня 2019 р. [3]., а також Постановами Кабінету Міністрів України: "Про затвердження Порядку

взаємодії Уповноваженого із захисту державної мови з органами державної влади, органами влади Автономної Республіки Крим, органами місцевого самоврядування" від 21 серпня 2019 р. [4] та "Деякі питання Уповноваженого із захисту державної мови" від 25 червня 2020 р. [5].

Уповноважений із захисту державної мови функціонує в системі органів виконавчої влади України, аналогічно до освітнього омбудсмана, і є посадовою особою, яку призначає та звільняє Кабінет Міністрів України. Водночас законодавство передбачає, що Уповноважений із захисту державної мови здійснює свою діяльність незалежно від інших органів державної влади та посадових осіб, що фактично дублює положення ч. 2 ст. 4 Закону України "Про Уповноваженого Верховної Ради України з прав людини" [6].

Законодавством також чітко визначено межі повноважень мовного омбудсмана в частині захисту державної мови та захисту прав людини щодо її застосування. Зокрема, з метою недопущення публічного приниження чи зневажання державної мови, навмисного спотворення її в офіційних текстах, а також ігнорування встановлених законом вимог щодо обов'язкового використання української мови, Уповноважений із захисту державної мови може:

- 1) здійснювати державний контроль за дотриманням норм щодо застосування державної мови органами державної влади, органами влади Автономної Республіки Крим, органами місцевого самоврядування, підприємствами, установами та організаціями державного й комунального секторів, їхніми посадовими особами, а також громадськими об'єднаннями, політичними партіями та іншими юридичними особами;

- 2) надавати рекомендації та висновки органам влади щодо належного використання державної мови;

- 3) оприлюднювати висновки про факти публічного приниження чи зневажання української мови у виступах посадових осіб;

- 4) подавати Кабінету Міністрів України пропозиції щодо вдосконалення законодавства у сфері захисту державної мови.

Для виконання цих функцій Уповноважений із захисту державної мови, за потреби, може залучати представників Національної поліції, органів, відповідальних за державну політику у сфері захисту прав споживачів, працівників місцевих державних адміністрацій та інших органів влади [7, с. 63-65].

Крім того, відповідно до ч. 2 ст. 49 Закону України «Про забезпечення функціонування української мови як державної», на Уповноваженого із захисту державної мови покладено основні завдання: забезпечення захисту української мови як державної та гарантування права громадян України на отримання інформації і послуг державною мовою у сферах суспільного життя, визначених законодавством. Також до його завдань належить усунення будь-яких перешкод чи обмежень, що можуть виникати у процесі користування державною мовою на всій території України.

У площині захисту прав людини щодо застосування державної мови закон передбачає право кожної особи звернутися до Уповноваженого із захисту державної мови зі скаргою в разі порушення вимог закону чи виникнення перешкод у користуванні державною мовою. Це може стосуватися рішень, дій або бездіяльності органів державної влади, органів влади Автономної Республіки Крим, місцевого самоврядування, підприємств, установ і організацій державної та комунальної форм власності, а також їхніх посадових осіб. Процедура розгляду таких звернень визначено статтями 54 і 55 Закону України «Про забезпечення функціонування української мови як державної». Крім того, Уповноважений із захисту державної мови виконує функцію державного контролю за дотриманням вимог застосування державної мови.

Враховуючи вищевикладене приходимо до висновку, що Уповноважений із захисту державної мови є прикладом функціонування спеціалізованих омбудсманів в Україні. Інститут Уповноваженого із захисту державної мови в нашій державі має чітке нормативне підґрунтя та прозорі механізми діяльності.

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## **СОЦІАЛЬНІ ВИКЛИКИ СУЧАСНОГО РОЗВИТКУ РЕГІОНІВ: КОМПЛЕКСНИЙ МЕХАНІЗМ ІННОВАЦІЙ ПУБЛІЧНОГО РЕГУЛЮВАННЯ**

Сучасний етап розвитку регіонів України характеризується посиленням соціальної турбулентності, зумовленої демографічними зрушеннями, економічною нестабільністю, структурними реформами, воєнними викликами, цифровою трансформацією й інтеграційними процесами. Соціально-економічні проблеми перестають бути локальними явищами і набувають системного характеру, впливаючи на якість життя, рівень соціальної згуртованості та довіру до інститутів влади [2; 3]. У таких умовах традиційні адміністративні інструменти регулювання виявляються недостатніми, що зумовлює потребу у впровадженні інноваційних механізмів публічного регулювання.

Соціальні виклики регіонального розвитку є багатовимірними. Вони охоплюють сферу зайнятості, освіти, охорони здоров'я, соціального захисту, житлової політики, міграції та соціальної інтеграції [2]. Їх специфіка визначається територіальною диференціацією ресурсів, нерівномірністю економічного потенціалу та різною інституційною спроможністю регіонів. Інноваційність публічного регулювання передбачає не лише використання цифрових технологій, а й трансформацію управлінської логіки – від реактивного реагування до проактивного та випереджального управління. Це означає перехід від фрагментарних соціальних програм до впровадження комплексного механізму, що інтегрує правові, економічні, інформаційні та соціально-комунікативні інструменти.

Соціальні виклики регіонального розвитку доцільно розглядати через призму системного, інституційного, кластерного та соціально-інноваційного підходів. Системний підхід дозволяє визначити взаємозв'язок економічних, демографічних і соціальних процесів. Інституційний підхід акцентує увагу на ролі формальних і неформальних правил у формуванні соціальної політики регіону. Кластерний підхід забезпечує інтеграцію суб'єктів розвитку на основі партнерських зв'язків, а соціально-інноваційний – орієнтує на пошук нових управлінських рішень.

Соціальні виклики мають багаторівневу природу: макрорівень (державна політика), мезорівень (регіональне управління), мікрорівень (громади). Відповідно, механізми публічного регулювання повинні бути адаптивними та багатокомпонентними [4]. У сучасних умовах соціальний розвиток регіонів визначається не лише економічним зростанням, а й якістю соціального капіталу, рівнем довіри, доступністю соціальних послуг і цифрової інфраструктури. Соціальна згуртованість стає ключовим показником стійкості



регіону. З огляду на це інновації в публічному регулюванні мають спрямовуватися на реалізацію інтегрованих політик, що поєднують економічні стимули з соціальними гарантіями. Формуванню комплексного механізму публічного регулювання у сфері регіонального розвитку має передувати здійснення систематизації соціальних викликів такого розвитку (табл. 1).

*Таблиця 1*

Типологізація соціальних викликів регіонального розвитку

| Група викликів         | Характеристика                                    | Основні ризики                                   | Потреба в інноваціях                                   |
|------------------------|---------------------------------------------------|--------------------------------------------------|--------------------------------------------------------|
| Демографічні           | Старіння населення, депопуляція, міграція         | Дефіцит робочої сили, навантаження на соцсистему | Програми активного довголіття, цифрові сервіси для ВПО |
| Соціально-економічні   | Безробіття, нерівність доходів                    | Соціальна напруга, бідність                      | Підтримка МСП, інноваційні кластери                    |
| Інфраструктурні        | Руйнування соцоб'єктів, нерівний доступ до послуг | Погіршення якості життя                          | Смарт-інфраструктура, цифрові платформи                |
| Інституційні           | Низька спроможність органів влади                 | Неефективність програм                           | Е-врядування, аналітичні системи                       |
| Соціально-психологічні | Зниження довіри, травматизація населення          | Соціальна фрагментація                           | Партисипативне управління                              |

*Джерело: авторська розробка*

Наведена типологія демонструє, що соціальні виклики мають взаємопов'язаний характер. Демографічні процеси впливають на ринок праці, що, своєю чергою, визначає рівень соціальної стабільності. Інфраструктурні проблеми посилюють соціальну нерівність, а інституційна слабкість ускладнює впровадження реформ. Комплексність викликів обумовлює потребу у багатокомпонентному механізмі регулювання, здатному інтегрувати інновації в різних сферах.

Зважаючи на це, вважаємо, що комплексний механізм інновацій публічного регулювання – це інтегрована система взаємопов'язаних інструментів, що забезпечують адаптивність соціальної політики регіону (табл. 2).

*Таблиця 2*

Структурні компоненти механізму інновацій публічного регулювання

| Компонент             | Зміст                       | Інноваційний інструментарій   |
|-----------------------|-----------------------------|-------------------------------|
| Правовий              | Нормативно-правова база     | Гнучкі регуляторні режими     |
| Інституційний         | Органи влади та партнерства | Публічно-приватні партнерства |
| Фінансово-економічний | Ресурсне забезпечення       | Соціальні інвестиції, гранти  |
| Цифровий              | Інформаційні системи        | Big Data, аналітика           |
| Комуникативний        | Залучення громадян          | Е-петиції, бюджети участі     |

*Джерело: складено на підставі [4–5]*

На нашу думку, правовий компонент забезпечує нормативну визначеність і стабільність регулювання. Інституційний компонент відповідає за координацію суб'єктів розвитку, а фінансово-економічний – за ресурсну підтримку інновацій. Цифровий компонент підвищує прозорість й ефективність управлінських рішень. Очевидно, що комунікативний компонент покликаний забезпечити підвищення рівня довіри населення до органів влади [1]. Синергія цих компонентів дозволяє забезпечити стійкість регіонального розвитку.

На наш погляд, до 2030–2035 рр. очікується перехід до моделі розвитку соціально-інноваційного регіону, де управління базується на даних, соціальні послуги інтегровані в цифрові екосистеми, громади активно залучені до прийняття рішень, а соціальна політика орієнтована на превентивність. При цьому очікується посилення ролі кластерного підходу, формування соціально-економічних кластерів, інтеграція регіонів у європейські програми співпраці. Уважаємо, що інноваційні механізми сприятимуть зменшенню регіональної асиметрії, підвищенню соціальної згуртованості та довіри до публічної влади.

Отже, соціальні виклики сучасного розвитку регіонів є системними та багатовимірними, що потребує комплексного підходу до їх регулювання. Інновації в публічному управлінні повинні інтегрувати правові, інституційні, фінансові, цифрові та комунікативні компоненти. Комплексний механізм інновацій публічного регулювання покликаний забезпечити адаптивність, прозорість та соціальну стійкість функціонування регіонів. Його реалізація сприятиме формуванню нової моделі соціального розвитку, орієнтованої на якість життя, довіру й інклюзивність. Уважаємо, що перспективи подальших досліджень мають бути пов'язані з розробленням індикаторів оцінки ефективності інноваційних механізмів регулювання та моделюванням сценаріїв регіонального розвитку в умовах глобальної невизначеності.

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## **ПРАВО, КОМУНІКАЦІЯ, СУСПІЛЬСТВО В ПРИФРОНТОВОМУ МІСТІ ХАРКОВІ: ВІТЧИЗНЯНИЙ ТА ЗАРУБІЖНИЙ ДОСВІД**

**Адаптація світових наукових підходів до українського соціального простору.** Слід відзначити, що за пошуковим запитом «право – комунікація – суспільство» на платформі Web of Science виявлено понад 2 тисячі наукових статей, що свідчить про надзвичайну актуальність і міждисциплінарність цієї проблеми у світовій науці. Ознайомлення насамперед з понад 100 анотаціями та вибіркове поглиблене опрацювання окремих наукових праць дає підстави стверджувати: сучасна методика написання наукових досліджень має ґрунтуватися на уважному вивченні зарубіжного досвіду з подальшим творчим переосмисленням і наповненням його власними напрацюваннями, адаптованими до національного контексту. Особливо це важливо для України, зокрема для прифронтового Харкова, де наукове осмислення не може бути відірваним від реального життя суспільства. Щоденні спостереження у міському просторі – зокрема в метро, тролейбусах, автобусах, маршрутках – дозволяють відчути емоційно-вольові стани людей, рівень міжособистісної комунікації, напруження, втому, прояви бідності та боротьби за виживання, тобто той соціальний ґрунт, на якому соціум функціонує не абстрактно, а як жива система регуляції суспільних відносин. Пріоритетним убачається поєднання трьох складників: найновіших зарубіжних досліджень, власних емпіричних спостережень і концептуальних напрацювань, а також наукового доробку українських учених, який має особливу цінність саме через глибоке розуміння локальних реалій. Саме така синтетична модель здатна забезпечити створення наукових праць, що будуть одночасно теоретично виваженими, практично релевантними та чутливими до потреб суспільства, яке живе в умовах тривалих соціальних і воєнних викликів.

**Комунікація і право: інтелектуальні та соціальні виміри взаємодії.** Слід відзначити, що пошуковий запит за кореневою сполукою «прав-» лише у Національній бібліотеці України імені В. І. Вернадського виявив близько 100 тисяч наукових фахових статей, «комунік-» близько 16 тис. статей, «сусп-, соціум-» близько 67 тис. наукових статей, що потребують системного й

поглибленого опрацювання, традиційно притаманного спеціалістам у галузі теорії держави і права, як фундаментальної науки і навчальної дисципліни, а також багатьох галузей права. Водночас, сучасний етап розвитку юридичної науки об'єктивно вимагає її міждисциплінарного переосмислення, адже право дедалі більше постає не лише як система норм, а як складний комунікативний механізм регулювання суспільних відносин. Комунікативний вимір – зокрема феномен комунікативної кримінології – дозволяє по-новому оцінити ризики й перспективи міжособистісної взаємодії, співвідношення живого спілкування та інтелектуальної праці, межі інформаційного навантаження і збереження працездатності. Очевидно, що ефективна комунікація не повинна перетворюватися на самоціль чи призводити до розпорошення сил: найвищу продуктивність забезпечує поєднання періодів зосередженої внутрішньої роботи – читання, осмислення, самодисципліни – з виваженими актами змістовного діалогу. Досвід великих учених свідчить, що саме глибока інтелектуальна концентрація, духовна зібраність і спрямованість на цінності Істини, добра та справедливості дозволяють одній особистості поступово впливати на ширші соціальні процеси. У цьому контексті комунікабельність постає не як поверхнева товариськість, а як здатність до відповідального слова, до поваги до іншої людини як найвищої соціальної цінності, до вміння слухати, переконувати й об'єднувати навколо конструктивних ідей. Саме така комунікація – виважена, морально вмотивована й інтелектуально наповнена – сьогодні є однією з ключових передумов гармонійного розвитку суспільства й ефективного функціонування права.

**Людина в замкнутому цифровому суспільстві: виклики комунікації, права і суспільства.** XXI століття дедалі більше набуває рис замкнутого суспільства, у якому значна частина людського життя відбувається в комунікаційному просторі «віч-на-віч» із технікою – комп'ютером, смартфоном, цифровими платформами. Внаслідок цього гостро відчувається дефіцит живого міжособистісного спілкування, що становить серйозну загрозу для розвитку особистості, особливо молодого покоління. Пандемія COVID-19 різко посилила цю тенденцію, обмеживши соціальні контакти, а російсько-українська війна – насамперед у прифронтових регіонах, зокрема в Харкові – ще більше звузила можливості соціалізації дітей та підлітків. Якщо пригадати 1990-ті роки, то тоді дитинство значною мірою проходило у дворі, в живій грі, у безпосередній взаємодії, коли формувалася справжня комунікація, емоційна чутливість і відчуття спільноти. Інформаційна революція кардинально змінила тип людини: цифрове середовище трансформувало стиль мислення, поведінкові моделі, способи сприйняття світу. Сьогодні дедалі актуальнішим стає питання правового й етичного регулювання цифрового простору, особливо щодо дітей: необхідно шукати баланс між доступом до інформації та захистом психіки від надмірних стимулів, зокрема феномену «тік-ток-культури», що діє за принципом швидкої залежності й виснажує здатність до зосередження. Водночас, електронна книга, на відміну від розважального контенту, може бути інструментом інтелектуального збагачення, адже відкриває можливість

масового читання й самоосвіти; недарма в окремих країнах, зокрема Китаї, впроваджуються обмеження на інтернет-контент для дітей і стимулюється культура читання. Однак проблема не лише технологічна, а й глибоко соціальна: сучасна людина часто замикається у власному світі, прагнучи особистого успіху, але втрачаючи навички співжиття, співпереживання й солідарності. Саме тому визначальними цінностями сьогодення мають стати милосердя, взаємодопомога, турбота про ближнього й довкілля – ті духовні орієнтири, що здатні відновити тканину суспільства. «Право, комунікація і суспільство» – це три кити або взаємопов'язані основи, від стану яких залежить майбутнє цивілізації: право має захищати людину від нових ризиків, комунікація – відновлювати живі зв'язки між людьми, а суспільство – формувати простір Добра, милосердя, довіри й відповідальності. У цьому процесі особливо важливо не втратити внутрішню духовну рівновагу, знаходити час для молитви, роздумів, щирого спілкування, адже саме такі практики роблять людину світилом у своєму середовищі – у науці, медицині, освіті, служінні чи будь-якій іншій сфері діяльності – і дозволяють не лише пристосуватися до цифрової епохи, а й зберегти найкращі людські якості.

Так, автори Б. Целлер та М. Атертон М. у науковій статті розглядають окремі важливі зміни, що відбуваються внаслідок цифрової модернізації соціальної взаємодії. Проривні наслідки нових та сучасних глобальних технологічних розробок є предметом жвавих дискусій. Хоча це відкриває безліч можливостей, дедалі більшу занепокоєність викликає те, що деякі аспекти нестримної цифрової революції, а особливо штучного інтелекту (ШІ), вже вплинули на колективні взаємодії між членами суспільства та ставлять їх під загрозу. Справжня проблема полягає в тому, що особисте спілкування було замінено безликими цифровими та іншими механічними засобами [1].

**Дезінформація як інструмент гібридної війни Росії проти України: загрози та механізми протидії.** Х. Бесерра, Х. Ернандес та Дж. Родрігес у своїй науковій статті представили дослідження протистояння, яке розвивається у західному суспільстві між фактичними даними та неперевіреними даними або псевдоданими, з міждисциплінарного боку, щоб спробувати зрозуміти це явище та розглянути альтернативні варіанти. «Фейкові новини», засновані на псевдоданих, присутні у всіх сферах західного суспільства, ведучи війну проти Істини та перевірених фактів, представлених фактичними даними, що впливають на соціально-політичну та культурну динаміку, що підтримує соціальну структуру. Це явище послаблює фундаментальні стовпи західного суспільства, такі як демократія, права людини або науковий метод, одночасно переосмислюючи колективну довіру, розуміння місцевих та глобальних фактів, а також взаємовідносини та реакцію суспільства. З огляду на зростаючу поширеність псевдоданих, дослідження авторів пропонує дослідницький міждисциплінарний аналіз, що інтегрує перспективи права, комунікації та візуалізації даних. Дослідження не лише вивчає вплив цього явища, але й пропонує можливу структуру розв'язання проблеми на основі поєднання цих перспектив, сприяючи синергії між правом, медіаграмотністю, гуманізацією

даних для візуалізації та соціально-емоційним навчанням у пошуках застосування верховенства права у кіберпросторі як фундаментальної основи західної культури [2]. Сьогодні російська федерація системно використовує інформаційну зброю у формі фейкових новин, маніпулятивних повідомлень та скоординованих вкидів у медіапростір, що спрямовані на дестабілізацію українського суспільства, підлив довіри до державних інституцій, ослаблення обороноздатності та формування негативного образу України на міжнародній арені. У цих умовах особливого значення набуває комплексний захист інформації – як на національному рівні, так і на рівні окремих підприємств, установ, організацій та громадян, адже будь-який витік або необережне поширення неперевіраних даних може бути використане ворогом у пропагандистських цілях. Протидія таким загрозам неможлива без розвитку кібербезпеки, систем інформаційної гігієни та високого рівня медіаграмотності населення, що включає критичне мислення, здатність відрізняти факти від маніпуляцій, усвідомлення відповідальності за поширення інформації та формування правової й громадянської свідомості. Саме поєднання технічного захисту інформаційних ресурсів із культурою відповідального споживання й поширення інформації створює надійний бар'єр проти інформаційно-психологічних операцій, спрямованих на «зомбування» суспільства та дискредитацію держави, і тому зазначена проблематика потребує подальшого глибокого міждисциплінарного дослідження в площині національної безпеки, права, та розвитку комунікативної кримінології.

**Харків під час війни: мовний зсув і громадянська солідарність.** Слід відзначити, що важливим чинником комунікації у прифронтовому Харкові є помітне й неухильне розширення функціонування української мови, яке сьогодні спостерігається як серед молоді, так і серед старшого покоління, зокрема у громадському транспорті та повсякденному публічному спілкуванні – там, де до 2022 року вона звучала значно рідше. Це свідчить про глибокі соціокультурні зрушення в середовищі харків'ян: місто змінилося під впливом війни, внутрішньої міграції, приходу переселенців і вихідців із сільських територій, що посилює українськомовний простір і актуалізувало питання ідентичності. Водночас, спротив російській агресії проявляється не лише мовно, а передусім на ментальному, ціннісному та духовно-культурному рівнях: навіть там, де зберігається використання російської мови в особистому спілкуванні, домінує чітка проукраїнська позиція, моральне неприйняття насильства, обстрілів мирних міст і страждань цивільного населення, особливо дітей. Таким чином, у сучасному Харкові формується нова модель міської солідарності, де мовний фактор є важливим, але не єдиним маркером патріотизму: визначальним стає усвідомлений громадянський вибір, готовність протистояти агресії та працювати задля майбутнього України. Саме ці тенденції сьогодні дедалі виразніше окреслюють етнонаціональний, ментальний і культурний ландшафт міста як простір стійкості, консолідації та внутрішнього спротиву.

### **Наукометричний зріз зарубіжних наукових праць з даної проблеми.**

Сьогодні ми маємо справу зі складною медіа-екосистемою, яка ставить перед нашим суспільством, цінностями та демократією численні виклики. За таких умов важливим є аналіз загальних принципів достовірності інформації, медіаграмотності та узгодження особистого та сімейного життя, включених до цього закону, а також вивчення того, як вони просуваються за допомогою інструментів та механізмів саморегулювання [3]. У книзі «Faktizitat und Geltung» «Фактизація та зиск» (1992) німецький філософ права, політики та суспільства Юрген Габермас запропонував нову процедурну парадигму права, стверджуючи, що право слід розглядати як засіб комунікації. Тут важливо проаналізувати: - як принцип права може відігравати трансформаційну роль між моральними та демократичними принципами; - чому процедурна теорія права є новою правовою парадигмою, та чи можливе право як засіб комунікації, а також які виклики стоять перед новою парадигмою процедурного права. Нова процедурна парадигма права виходить за межі формальної позитивної парадигми та матеріально-нормативної парадигми і є найбільш підходящою моделлю для реалізації глобального врядування в постнаціональній констеляції та постсекулярному суспільстві [4].

Автори С. Іонеску, Р. Постолаке наголошують, – загальновизнано, що право та засоби масової комунікації (засоби інформації та комунікації) є не лише необхідними, а й конститутивними елементами будь-якого організованого суспільства. Поєднуючи їх, ми можемо оцінити важливість правового регулювання масової комунікації. Поняття комунікаційного права, яке сприймається скоріше як сукупність конкретних правил, що застосовуються до масової комунікації, у поєднанні з нормами загального права, запозиченими або адаптованими з різних класичних галузей права, сьогодні більше відповідає взаємозалежній дисципліні, а не самостійній галузі права, з позицій вимог теорії права щодо умов, необхідних для справжньої автономії. Вважаючи передчасним говорити про справжнє комунікаційне право, автори підтримують цей підхід і наводять аргументи на його користь [5].

За словами О. М. Макеевої, Б. С. Літвінчук, комунікація є складним та багатогранним явищем, що забезпечує обмін інформацією між людьми в усьому світі, вона тісно пов'язана із процесом спілкування та обговорення. Дослідженням комунікації займалися представники багатьох наук, наприклад, лінгвістики, психології, філософії, соціології тощо. Проте, з розвитком та трансформацією суспільства, комунікація починає зароджуватися та дедалі частіше ставати об'єктом дослідження науковців-юристів. Зумовлено це тим, що юрист (авт. поліцейський), незалежно від обраної ним спеціалізації, кожного дня під час здійснення юридичної практики вступає в спілкування з великою кількістю людей. А у випадку держави, як суб'єкта комунікації, то тут можна підкреслити ще й значущість здійснення такої комунікації, адже від того наскільки вона вдало здійснена залежить загальний стан та Дух усіх громадян [6, с. 69].

**Про стан взаємодії підрозділів ГУНП із засобами масової інформації (ЗМІ) та громадськістю. Формування позитивного іміджу поліції, оперативність реагування на критичні матеріали. Протидія осередкам поширення дезінформації (фейки, пропаганда), а також підвищення рівня кібергігієни й медіаграмотності населення. Проблемні питання та шляхи їх вирішення.** Станом на 16 березня 2026 року відділом комунікації ГУНП в Харківській області забезпечено всебічне інформування населення через ЗМІ та мережу Інтернет про стан правопорядку в регіоні та заходи органів поліції щодо його поліпшення.

*Результати роботи.* За допомогою відділу комунікації ГУНП в Харківській області всього підготовлено та розміщено у центральних і місцевих ЗМІ, а також на веб-сайті ГУНП в Харківській області 590 матеріалів про роботу харківської поліції. З них 30 виступів керівництва ГУНП, начальників райуправлінь, відділів та відділень поліції, секторів поліцейської діяльності райуправлінь ГУНП. Організовано два брифінги та «круглі столи», а також 10 теле-, радіоетер за участю керівництва ГУНП. Аналогічна кількість розміщена на сторінках «Поліція Харківської області» у соціальних мережах Фейсбук та Телеграм.

*Взаємодія з телебаченням.* На українському телебаченні в «Єдиному марафоні» вийшло 161 сюжет, на регіональному – 76. З початку року відділом комунікації проведено 21 етер за участю керівництва ГУНП в Харківській області з актуальних питань діяльності поліції регіону та розкриття та розслідування резонансних злочинів.

*Робота в інтернет-мережі.* Відділ комунікації (далі ВК) активно застосовує можливості мережі Інтернет для наповнення інформаційного простору шляхом розміщення матеріалів про роботу поліції Харківської області на офіційному веб-сайті ГУНП. Також активно використовуються можливості соціальних мереж, офіційні сторінки ГУНП створені та функціонують у Фейсбуці, Телеграм, Твіттер, Інстаграм, YouTube, ТікТок, що дозволяє охопити більшу аудиторію користувачів інтернет-мережі. Працівники ВК наповнюють сторінки якісним контентом – розміщують пресрелізи про розкриті злочини, документування воєнних злочинів військових рф, матеріали про проведення іміджевих акцій, фото та відеоматеріали, профілактичні відеоролики. Більшість контенту виготовлена власними силами відділу комунікації. На YouTube каналі розміщено 52 відеоролики з документування воєнних злочинів, розкриття злочинів, проведення евакуаційних заходів, профілактичні ролики, тощо.

*Висвітлення в ЗМІ заходів щодо документування наслідків воєнних злочинів росіян (обстрілів).* З метою інформування населення про наслідки воєнних злочинів військових рф ВК постійно готує для розміщення публікації. На веб-сайті ГУНП в Харківській області розміщено 150 публікацій. Аналогічна кількість на соціальних сторінках ГУНП. На веб-сайті ГУНП в Харківській області розміщено 49 матеріалів щодо проведення підрозділами поліції евакуаційних заходів.



*Висвітлення в ЗМІ заходів щодо протидії шахрайствам.* З протидії шахрайствам ВК підготовлено та розміщено 11 матеріалів, в яких зазначені способи вчинення злочинів та поради громадянам, як не стати жертвою «шахраїв».

*Проведені заходи з інформування населення про можливість декларування в територіальних підрозділах поліції вогнепальної зброї та боєприпасів.* Відділом комунікації ГУНП в Харківській області проводиться інформаційна кампанія про право населення задекларувати в територіальних підрозділах Національної поліції вогнепальну зброю та боєприпаси. В рамках інформаційної кампанії НПУ з декларування вогнепальної зброї та боєприпасів підрозділами ГУНП в Харківській області підготовлено та розміщено 10 матеріалів. Дана інформація опублікована також на сторінках у соціальних мережах Telegram ([https://t.me/police\\_kh\\_region/23680](https://t.me/police_kh_region/23680)) та Facebook (<https://www.facebook.com/police.kharkov/videos/1427155264679447/>), та на сторінках територіальних підрозділів.

*Розміщення іміджевих матеріалів про працівників поліції, а також загиблих працівників.* На даний час в підрозділах поліції ГУНП в Харківській області загинуло 28 працівників поліції. З метою їх вшанування у «Віртуальній книзі пам'яті» вже розміщено матеріали про 17 загиблих поліцейських Харківщини. З початку року на офіційному сайті та в соцмережах оприлюднено 9 матеріалів щодо вшанування пам'яті загиблих. Протягом поточного року працівниками відділу комунікації підготовлено та розміщено 10 іміджевих матеріалів про роботу поліцейських, а також 2 матеріали про працівників, які загинули під час виконання службових обов'язків.

*Протидія осередкам поширення дезінформації (фейки, пропаганда), а також підвищення рівня кібергігієни й медіаграмотності населення.* У сучасному інформаційному середовищі одним із ключових викликів для правоохоронних органів є протидія осередкам поширення дезінформації, фейків та пропаганди, а також підвищення рівня кібергігієни і медіаграмотності населення. Кризові ситуації завжди супроводжуються стресом, хаосом та невизначеністю. У таких умовах надзвичайно важливо, щоб комунікація органів влади була послідовною, логічною та узгодженою. Важливо пам'ятати, що тиша в інформаційному просторі під час кризи є небезпечною. Якщо офіційна інформація відсутня, виникає інформаційний вакуум, який дуже швидко заповнюється чутками, маніпуляціями та дезінформацією. Це може призвести до втрати довіри, поширення паніки серед населення та використання ситуації різними деструктивними силами. Тому одним із ключових принципів кризових комунікацій є оперативність. У разі виникнення кризової ситуації важливо стати першоджерелом інформації для суспільства. Навіть якщо всі обставини ще не встановлені, необхідно інформувати громадськість про те, що ситуація відома, вона перебуває в полі нашої уваги і проводиться її перевірка.

*Взаємодія з територіальними підрозділами.* ВК проведено аналіз роботи територіальних підрозділів за лінією взаємодії із ЗМІ та громадськістю. Його

результати свідчать про те, що робота організована на належному рівні, однак є певні недоліки. Потребує покращення якості, своєчасність та оперативність надання матеріалів територіальними підрозділами поліції. Деякі підрозділи не своєчасно сповіщають про резонансні події та ворожі обстріли, що сталися на території обслуговування. Не надають інформацію про наслідки обстрілів, фото та відеоматеріали. Серед недоліків також слід відзначити, що інформація надсилається інспекторами до ВК не завжди оперативно, у неналежному вигляді, без фото та відеоматеріалів. Це не дає можливості оперативно висвітлювати інформацію у ЗМІ та негативно впливає на покращення іміджу поліції загалом.

*Що необхідно зробити для покращення якості роботи ВК:* - постійно інформувати ВК про виявлення та хід розслідування резонансних кримінальних проваджень, які мають суспільний резонанс, з обов'язковим наданням фото та (за можливості) відеоматеріалів з місця події. У разі розкриття резонансних злочинів, проведення по ним слідчих дій, фактів декларування зброї, надзвичайних подій, запрошувати знімальну групу ВК для проведення відеозйомки з метою подальшого виготовлення відео сюжетів; - провести аналіз роботи інспекторів окремих відділів і відділень поліції, закріплених за лінією роботи взаємодії підрозділів ГУНП із ЗМІ та громадськістю, з метою виявлення причин не надання до ВК іміджевих матеріалів та матеріалів про роботу поліції з розкриття злочинів (тяжких, майнових, протидії обігу наркотиків), ворожих обстрілів, профілактичних матеріалів тощо; - оперативно інформувати ВК про резонансні події, ворожі обстріли, заходи, що відбуваються на території району, розкриття особливо тяжких та тяжких злочинів на території Харківщини, а також надання іміджевих матеріалів; - забезпечити оперативне інформування черговими частинами відповідальних працівників по взаємодії зі ЗМІ та громадськістю про резонансні злочини та події з подальшим інформуванням ВК; - з метою недопущення висвітлення в ЗМІ недостовірної інформації, неточної та упередженої інформації про події (порушення громадського порядку, вчинення резонансних злочинів, затримання злочинців тощо), які можуть набути суспільного резонансу, забезпечити оперативне надання аргументованих роз'яснень (відповідей) до ВК для її висвітлення в ЗМІ; - пропрацювати у підрозділах алгоритм дій у разі виявлення критичних публікацій у мережі Інтернет щодо забезпечення оперативного реагування на них та, у разі необхідності, оприлюднення інформації; - забезпечити погодження з ВК усіх матеріалів для публікації на сторінках у соціальних мережах та надання коментарів для ЗМІ тощо

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**Висновки.** Ми проаналізували понад 100 анотацій наукових статей, розміщених на платформі Web of Science, і дійшли висновку, що тема взаємозв'язку «право – комунікація – суспільство» є надзвичайно своєчасною, актуальною та методологічно перспективною. Частина досліджень безпосередньо підтвердила наші ідеї, інші – спонукали до глибших роздумів щодо місця права в сучасному комунікативному просторі. Якщо ще з першого курсу під час вивчення курсу теорії держави і права ми засвоюємо різноманітні теорії походження держави (теологічну, патріархальну, класову, економічну тощо) і права (позитивістську, природно-правову, людиноцентричну, лібертарно-юридичну), то сьогодні дедалі очевиднішою стає потреба розширення традиційної парадигми праворозуміння – зокрема через духовно-ціннісний вимір або розвиток духовно-ціннісної концепції право розуміння (за І. В. Кріцаком). У цьому контексті доцільним видається введення до підручників з теорії держави і права окремої теми «Право, комунікація і суспільство» поряд з усталеним розділом «Право, політика» і економіка», адже комунікація стає ключовим механізмом функціонування правової реальності.

Особливого значення ця проблематика набуває у підготовці курсантів ЗВО системи МВС. Поліцейська професія за своєю природою є комунікативною: ефективність служби значною мірою залежить не лише від правової обізнаності, а й від уміння встановлювати довіру, вести діалог, працювати з людьми в кризових і граничних ситуаціях. Саме тому необхідно

відроджувати й інституціоналізувати конкурси ораторської майстерності, формувати культуру професійного мовлення, розвивати навички емпатійної комунікації, особливо у взаємодії з особами, які перебувають у стані відчаю чи суїцидальних намірів. Тут вагомим може бути й міждисциплінарний підхід, зокрема використання морально-філософських і духовних ресурсів, що ми окреслюємо як напрям кримінології – системи гуманістичних і ціннісних орієнтирів, здатних протидіяти деструктивним станам особистості.

У добу мас-медійної прозорості один окремий випадок професійної поведінки може сформувати уявлення про всю поліцію, а отже, позитивні приклади взаємодії з громадянами мають стратегічне значення для суспільної довіри й криміногенної ситуації загалом. Зло неможливо викоринити злом/насильством – воно долається лише його величністю Добром, професійністю і високими моральними стандартами та особистісним авторитетом. Тому глибока міждисциплінарна підготовка, широка гуманітарна начитаність й духовно-ціннісний скланик/компонент на справедливість, правду та людську гідність стають необхідними умовами формування сучасного правоохоронця. У контексті російсько-української війни духовний вимір суспільного життя посилюється, і звернення людини до віри, сенсу та моральних орієнтирів стає природною реакцією на екзистенційні виклики нинішньої війни та глобальних апокаліптичних потрясінь. Так, у сучасних умовах інформаційного суспільства та гібридних безпекових викликів особливої актуальності набуває розвиток *комунікативної кримінології* як міждисциплінарного напрямку, покликаного досліджувати вплив комунікаційних процесів, інформаційного середовища та міжособистісної взаємодії на формування криміногенної поведінки, запобігання правопорушенням і зміцнення довіри між державою, правоохоронними органами та суспільством.

«Community policing» як сучасна модель діяльності правоохоронних органів потребує постійного розвитку насамперед у площині комунікації – як правової, так і поліцейської, інституційної та міжособистісної. Її ефективність сьогодні особливо виразно проявляється крізь призму регіоналістики, урбаністики та концепції «розумного міста», де безпека розглядається не лише як функція силових структур, а як результат взаємоспівробітництва держави й громади. Важливим інструментом такої взаємодії можуть бути системні подворові обходи з виявлення криміногенності та попереднім інформуванням населення про негатив із залученням міждисциплінарних фахівців – дільничних офіцерів поліції, психологів, кримінологів, адвокатів, соціальних працівників, – що дозволяє не лише виявляти криміногенну ситуацію, а й формувати атмосферу довіри, раннього попередження ризиків та адресної допомоги. Не менш значущою є комунікація між самими інституціями – поліцією, судами, органами місцевого самоврядування, службами соціального захисту, – адже саме узгодженість дій забезпечує реальний превентивний ефект. Водночас, нової актуалізації потребує інформаційний складник Community policing: офіційні сторінки правоохоронних органів у соціальних мережах, регіональні

Telegram-канали, цифрові платформи взаємодії мають наповнюватися не формальною звітністю, а змістовною, своєчасною та мотивуючою/зацікавлюючою інформацією, що формує правову культуру, відчуття захищеності та перспективу позитивних змін. Сучасна Community policing – це система безпеки та комплексна комунікативна стратегія впливу на соціальне середовище, спрямована на зміцнення довіри, відповідальності та солідарності громади у протидії правопорушенням.

Сьогодні, особливо в умовах війни комунікація в поліцейській сфері потребує якісного оновлення – нових прийомів, способів і засобів подання інформації, здатних відновити довіру суспільства та показати справжню сутність служби. Одним із ключових інструментів має стати системний метод інтерв'ювання кожного поліцейського – наскільки це можливо – у текстовому, аудіо- чи відеоформаті, адже саме жива мова, особисті історії, досвід служби, переживання і мотивація здатні найсильніше впливати на громадську думку. Попри поширення негативних стереотипів і спрощених образів, реальність значно глибша: війна змінює все, і поліція виконує широкий спектр життєво важливих функцій, про які суспільство часто знає недостатньо. Саме тому інтерв'ю – живі, щирі, людяні – повинні посісти гідне місце у сучасній професійній комунікаційній поліцейській політиці. Вони покликані стати постійною рубрикою як у підрозділах поліції, так і в ЗВО системи МВС, засвідчуючи багатоманітність служб, унікальний життєвий досвід співробітників та їхню відданість справі. Щоб вдосконалити комунікаційну політику поліцейської сфери, необхідно постійно вдосконалюватися: глибоко вивчати наукові дослідження з комунікації, шукати нові формати, дивувати змістом і формою, пропонувати суспільству не формальні звіти, а живу, змістовну, людяну інформацію. Особливу довіру формують історії про служіння людям – допомога дітям, благодійні акції, волонтерство, участь у відновленні громад, спільні суботники, підтримка родин військових і постраждалих, тобто все, що засвідчує просту й, водночас, надзвичайно важливу Істину: поліція – разом з народом, попри весь негатив, який ллється на неї звідусіль. Саме системне висвітлення таких ініціатив у медіа та соціальних мережах, підкріплене особистими свідченнями поліцейських, здатне поступово змінити суспільне сприйняття, повернути довіру та показати, що світ може змінюватися на краще тоді, коли державні інституції й громадяни діють як єдина спільнота відповідальності, взаємної підтримки й надії.

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## **ПУБЛІЧНА КОМУНІКАЦІЯ ПРАВООХОРОННИХ ОРГАНІВ: ТЕОРЕТИКО-ПРАВОВИЙ ЗМІСТ І ПРАКТИЧНЕ ЗНАЧЕННЯ ДЛЯ ФОРМУВАННЯ СУСПІЛЬНОЇ ДОВІРИ**

У сучасному науковому дискурсі публічна комунікація правоохоронних органів дедалі частіше розглядається не як другорядний інформаційний супровід службової діяльності, а як самостійний інструмент належного правозастосування, забезпечення підзвітності публічної влади та зміцнення демократичної легітимності державних інституцій. За умов воєнних, безпекових та інформаційних викликів саме спосіб офіційного пояснення рішень, дій і обмежень істотно впливає на сприйняття населенням діяльності правоохоронних органів, готовність громадян до співпраці з ними та загальний рівень суспільної довіри.

Теоретико-правовий аналіз дає підстави визначати публічну комунікацію правоохоронних органів як урегульовану нормами права і відомчими стандартами системну діяльність уповноважених суб'єктів, спрямовану на офіційне інформування населення, роз'яснення правових позицій, підтримання зворотного зв'язку з громадськістю, профілактику правопорушень і формування належного уявлення про межі та зміст правоохоронної функції держави. Така комунікація поєднує інформаційний, правовиховний, превентивний, репутаційний і сервісний виміри, а отже виходить за межі звичайного поширення пресрелізів чи повідомлень у соціальних мережах.

Нормативним підґрунтям зазначеної діяльності виступають конституційні засади верховенства права, пріоритету прав і свобод людини [1], а також

положення законодавства про інформацію [2], доступ до публічної інформації [3], звернення громадян [4] та організацію діяльності Національної поліції [5]. Водночас зміст публічної комунікації має узгоджуватися з міжнародними стандартами захисту прав людини [6], зокрема із вимогами щодо поваги до приватного життя, презумпції невинуватості, недопущення дискримінаційних висловлювань і забезпечення пропорційності будь-яких обмежень доступу до інформації.

З огляду на це публічна комунікація правоохоронних органів виконує кілька взаємопов'язаних функцій. По-перше, інформаційну, оскільки забезпечує своєчасне доведення до суспільства відомостей про події, рішення та порядок дій у конкретних ситуаціях. По-друге, легітимаційну, адже через фахове й переконливе пояснення правових підстав діяльності формується сприйняття правоохоронного органу як відкритого і підконтрольного суспільству суб'єкта. По-третє, превентивну, бо належне інформування населення щодо типових ризиків, алгоритмів звернення по допомогу, правил цифрової безпеки та способів захисту своїх прав безпосередньо впливає на рівень правової культури та попередження правопорушень.

У науковому аспекті важливим є питання співвідношення відкритості й допустимих меж публічного інформування. Правоохоронний орган не може діяти за логікою абсолютної публічності, оскільки його діяльність пов'язана із захистом персональних даних, збереженням таємниці досудового розслідування, інтересами безпеки держави, правами потерпілих і свідків. Водночас сама наявність таких обмежень не повинна трансформуватися у невмотивовану закритість. Академічно виважений підхід полягає у застосуванні критерію пропорційності: суспільству має бути надано рівно той обсяг інформації, який є достатнім для розуміння правової природи події чи рішення, але не створює ризиків для слідства, безпеки або прав людини.

У практичній площині значення якісної комунікації особливо помітне під час кризових та резонансних подій. Йдеться, зокрема, про інформування населення щодо алгоритмів дій під час обмеження доступу до певних територій, документування воєнних злочинів, запровадження тимчасових безпекових заходів, розшуку зниклих осіб, евакуаційних заходів, кіберзлочинів та масового поширення шахрайських схем. У таких ситуаціях від правоохоронного органу очікують не лише оперативності, а й чіткості, юридичної коректності, несуперечливості повідомлень і пояснення того, якими є межі втручання держави та які гарантії захисту прав громадян зберігаються навіть у складних безпекових умовах.

Практика засвідчує, що комунікаційний вакуум майже завжди швидко заповнюється неофіційними джерелами, припущеннями, а інколи й свідомими інформаційними маніпуляціями. Саме тому ефективною є модель проактивної комунікації, коли офіційна позиція формується не після тривалого суспільного резонансу, а одночасно з реагуванням на подію або одразу після отримання перевірених даних. Це дає змогу мінімізувати поширення чуток, знизити рівень тривожності, попередити дезінформацію та підвищити довіру до інституції. Не

менш важливо, щоб офіційні повідомлення були викладені зрозумілою мовою без надмірної канцеляризації, оскільки складна юридична термінологія без належного пояснення часто знижує практичну цінність комунікації.

Окрему групу прикладних питань становить комунікація у кримінальних провадженнях та інших чутливих категоріях справ. Поширення інформації про затримання, підозру чи проведення слідчих дій не повинно підміняти собою судову оцінку вини особи. У цьому контексті професійна комунікація вимагає дотримання презумпції невинуватості, уникнення ярликів і надмірно емоційних оцінок, а також виваженого підходу до розкриття відомостей, здатних вплинути на права учасників провадження. Для правоохоронної практики це означає необхідність чітких внутрішніх стандартів: хто, коли, у якій формі та в яких межах уповноважений коментувати перебіг подій.

Ще одним важливим практичним аспектом є профілактична комунікація. Повідомлення правоохоронних органів щодо поширених способів шахрайства, правил поведінки з підозрілими предметами, механізмів захисту персональних даних, алгоритмів подання заяв і звернень, правил взаємодії з електронними сервісами та каналами екстреної допомоги мають не лише сервісне, а й виразне правовиховне значення. Така комунікація формує в громадян відчуття доступності держави, підвищує рівень правової обізнаності та зміцнює партнерську модель взаємодії між населенням і правоохоронною системою.

З урахуванням викладеного доцільно виокремити кілька напрямів удосконалення комунікаційної діяльності правоохоронних органів. По-перше, необхідним є нормативне й організаційне закріплення єдиних стандартів офіційного інформування, які б враховували як вимоги законності, так і сучасні особливості цифрового середовища. По-друге, слід посилювати професійну підготовку уповноважених спікерів та інших працівників, залучених до публічної взаємодії, з акцентом на правові обмеження коментування, кризову комунікацію та етику публічної служби. По-третє, важливо інституціоналізувати зворотний зв'язок із громадянами через офіційні електронні сервіси, гарячі лінії, роз'яснювальні кампанії та швидке спростування неправдивої інформації.

Отже, публічна комунікація правоохоронних органів є комплексним правовим та організаційним явищем, що має істотне значення як для ефективності правозастосування, так і для формування довіри до держави. Її академічне осмислення дає підстави розглядати комунікацію як одну з гарантій відкритості, підзвітності й людиноцентричності правоохоронної діяльності. У практичному вимірі якісна, своєчасна та правомірна комунікація сприяє запобіганню дезінформації, зміцненню суспільної стабільності, підвищенню правової культури населення та формуванню стійкої партнерської взаємодії між правоохоронними органами і громадянським суспільством.



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## **ФАКТОР ГРОМАДСЬКОСТІ У СИСТЕМІ СУДОЧИНСТВА РЕСПУБЛІКИ ПОЛЬЩІ НА ЗАХІДНОУКРАЇНСЬКИХ ЗЕМЛЯХ У 20-30 РР. ХХ СТ.**

Участь громадян у здійсненні правосуддя є однією із основних засад правової держави та функціонування громадянського суспільства. Це питання має також ключове значення, коли йдеться про ефективну судову систему, що користується довірою громадськості. Як зазначає польський суддя та дослідник Бартоломей Мігда, громадяни, як правило, можуть брати участь у судовому розгляді справ у судах зі змішаним складом. У цьому випадку передбачена участь у складі суду громадян, представників суспільства, осіб з особливою кваліфікацією або ж народних засідателів [1, с.46].

Реформа судочинства на території Республіки Польщі, до складу якої на початку 20-х рр. ХХ ст. ввійшли і західноукраїнські землі, спираючись також на так звану Березневу Конституцію 1921 року, передбачала створення судів

присяжних. Незважаючи на задекларовані наміри та вже напрацьовані нормативно-правові положення, на практиці суди присяжних діяли головним чином на території, яка колись була частиною Австро-угорської імперії, зокрема на західноукраїнських землях. Науковець Б. Мігда відзначає, що така інституція так і не була впроваджена на інших теренах Польської Республіки [1, 57]. Суди присяжних функціонували до 1938 р. при польських окружних судах. Ці суди, як правило, розглядали окремі категорії кримінальних справ. Склалися вони з трибуналу, до якого входило троє професійних суддів, і 12 присяжних. Судді проводили засідання та обирали покарання, а присяжні встановлювали факти, зокрема факт вини підсудних, більшістю голосів. Обов'язки присяжного могли виконувати чоловіки (жінкам зрештою не дозволили брати участі в суді присяжних, хоча така можливість раніше розглядалася), які були польськими громадянами, проживали щонайменше протягом двох років на території даної гміни, користувалися усіма громадянськими правами, розуміли польську мову, а також вміли нею читати та писати. Передбачалося втім, що діяльність судів присяжних на підставі рішення Ради Міністрів з дозволу президента могла бути призупинена на невизначений термін. У такому випадку ці справи розглядав окружний суд. Як зазначає Б. Мігда, на підставі опрацьованих збережених документів окружного суду в Кракові, суди присяжних розглядали невелику кількість справ (приблизно 1,5 %) [1, 58]. Незважаючи на цей факт, їх рішення отримували схвальну оцінку громадськості. Загалом суди присяжних розглядали справи швидко і проявляли достатню ліберальність у своїй практиці, адже часто обвинувачені одержували виправдання, натомість призначення смертної кари траплялося вкрай рідко. Держава все ж постійно намагалася зберігати контроль над системою судочинства і поступово обмежувала участь громадян у здійсненні правосуддя. Як результат, було прийнято Закон від 9 квітня 1938 року про скасування судів присяжних і мирових суддів, який остаточно ліквідував інституцію судів присяжних [2].

Березнева Конституція 1921 року також передбачала створення інституту мирових суддів. До їхньої компетенції належав розгляд цивільних справ, які стосувалися мешканців даного району. Мирові судді та їх заступники обиралися терміном на 5 років мешканцями певної громади. Мировим суддею могла стати особа віком понад 30 років з середньою освітою, яка мала польське громадянство, користувалася повними громадянськими правами, проживала на території даного району принаймні 1 рік, вільно володіла польською мовою, а також мала бездоганну репутацію. У Законі про структуру загальних судів від 6 лютого 1928 року навіть регулювалися такі деталі, пов'язані з обранням мирових суддів, як обрання членів виборчої комісії, спосіб проведення голосування, визначення результатів голосування тощо [3]. Та, незважаючи на усю наявну нормативно-правову базу, на практиці інститут мирових суддів так і не зміг запрацювати в окреслений період і був скасований у рамках Закону про скасування судів присяжних і мирових суддів від 9 квітня 1938 року.

Іншим прикладом залучення громадськості до процесу судочинства мав стати інститут почесних суддів. Така посада стала певним нововведенням і була передбачена у Законі про структуру загальних судів від 6 лютого 1928 року. Згідно нього Міністр юстиції мав право призначати почесних суддів для окремих окружних судів терміном на 3 роки, беручи до уваги думку голови відповідного апеляційного суду. Почесний суддя мав стати частиною колегії окружного суду замість гродського судді під час розгляду апеляцій на рішення гродських судів, а також, як заміна, при слуханні інших справ, що розглядаються окружними судами у колегії з трьох суддів. Почесним суддею могла бути призначена особа з польським громадянством, віком понад 30 років, яка вільно володіла польською мовою, користувалася бездоганною репутацією, а також мала вищу освіту. Та знову ж таки, незважаючи на підготовлену нормативно-правову базу, інститут почесних суддів так і не запрацював. А всі норми щодо нього були скасовані Законом від 4 березня 1929 року, який вносив зміни до Закону про систему загальних судів від 6 лютого 1928 року [4].

Ще однією формою залучення громадськості до процесу правосуддя у даний період була участь народних засідателів. Переважно вони брали участь у розгляді справ у так званих спеціальних судах, до яких належали трудові, військові, а також церковні суди. Останні діяли на землях, що раніше входили до складу Російської імперії, зокрема, і західноукраїнськими, і займалися передовсім шлюбними справами. Трудові суди залучали народних засідателів до розгляду справ цивільного характеру. Кримінальні справи у трудових судах розглядалися професійним суддею одноосібно. Ці питання регулювалися у Постанові Президента Республіки Польщі від 22 березня 1928 року про трудові суди, а також згодом Розпорядженням Президента Республіки Польщі від 24 жовтня 1934 року щодо Закону про трудові суди [5]. У військових судах такі особи, які не були професійними суддями, але були залучені до розгляду справ, називалися оцінювачами. Принципи участі оцінювачів у процесі судочинства регулювалися Указом Президента від 29 вересня 1936 року щодо Закону про організацію військових судів [6].

Підсумовуючи, варто зазначити, що важко переоцінити участь громадян у процесі судочинства, особливо під кутом підвищення довіри громадськості до системи правосуддя. Та все ж, залучені громадяни повинні були бути свідомими покладеної на них відповідальності, враховуючи й той факт, що часто польські політики використовували їх як привабливе передвиборче гасло або ж як певний універсальний інструмент для вирішення проблем судової системи.

Зважаючи на обставини, які склалися на території Польської республіки включно із західноукраїнськими землями у період, що досліджується, на практиці участь громадськості у процесі здійснення правосуддя залишалася досить обмеженою аж поки не була остаточно скасована спочатку Квітневою конституцією 1935 року, а згодом Законом про скасування інституту судів присяжних та мирових суддів від 9 квітня 1938 року.

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## **ЦИВІЛЬНО-ВІЙСЬКОВА ВЗАЄМОДІЯ ЯК КЛЮЧОВИЙ ФАКТОР ЗАБЕЗПЕЧЕННЯ СТІЙКОСТІ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В УМОВАХ ВОЄННОГО СТАНУ**

Умови повномасштабної збройної агресії проти України кардинально змінили парадигму ведення війни, перетворивши її на багатовимірне протистояння, де лінія фронту пролягає не лише в географічному просторі, а й у соціальному, інформаційному та психологічному вимірах. Сучасна війна має тотальний характер: об'єктом атак стає не лише військова інфраструктура, а й

цивільне населення, економіка та базові інститути суспільства. За таких умов традиційні підходи до оборони держави потребують розширення через залучення всього потенціалу нації. Саме тому концепція цивільно-військової взаємодії (ЦВВ) трансформувалася з допоміжної військової функції у фундаментальний елемент національної безпеки та головний драйвер забезпечення стійкості громадянського суспільства.

В академічному та практичному дискурсі важливо розмежовувати поняття «цивільно-військове співробітництво» (ЦВС) та ширший концепт «цивільно-військова взаємодія» (ЦВВ). Відповідно до стандартів НАТО, зокрема доктрини АJP-3.19, ЦВС фокусується на координації та співпраці між військовим командуванням і цивільними акторами (місцевою владою, міжнародними та неурядовими організаціями) переважно з метою підтримки виконання військового завдання. Натомість цивільно-військова взаємодія (ЦВВ) розглядається як більш глибокий, комплексний і двосторонній процес. Вона охоплює всі види комунікації, інтеграції зусиль та взаємопідтримки між мілітарними структурами та суспільством на всіх рівнях: від стратегічного планування до тактичного виконання завдань безпосередньо в громадах.

В умовах воєнного стану в Україні ЦВВ набула ознак синергії: цивільне суспільство (волонтерський рух, бізнес, органи місцевого самоврядування) стало невід'ємним елементом забезпечення спроможностей сил оборони, а військові формування, зі свого боку, перебрали на себе значну частину функцій із забезпечення життєдіяльності та безпеки цивільного населення в кризових регіонах.

Стійкість громадянського суспільства в умовах війни – це здатність соціуму абсорбувати шоківі впливи, адаптуватися до екстремальних умов, зберігати функціональність базових інститутів та швидко відновлюватися після кризових ситуацій. Указом Президента України від 27.09.2021 № 479/2021 було введено в дію Концепцію забезпечення національної системи стійкості, де взаємодія між державою та суспільством визначена як один із базових принципів.

Цивільно-військова взаємодія виступає практичним інструментом реалізації цієї стійкості через декілька ключових механізмів. По-перше, це синхронізація ресурсів. В умовах обмежених можливостей держави об'єднання логістичних, медичних, інженерних та гуманітарних можливостей військового і цивільного секторів дозволяє максимізувати ефективність реагування на наслідки ворожих ударів по критичній інфраструктурі. По-друге, це інформаційна симетрія та протидія когнітивним загрозам. Прозора, оперативна та зрозуміла комунікація військових структур із населенням є головною зброєю проти ворожих інформаційно-психологічних операцій, які мають на меті посіяти паніку та недовіру.

Особливого значення набуває роль підрозділів Національної гвардії України (НГУ) та інших військових формувань з правоохоронними функціями у системі ЦВВ. Специфіка завдань НГУ полягає в тому, що її військовослужбовці діють на стику військового та цивільного середовищ.

Практичний досвід доводить, що ефективна взаємодія безпосередньо впливає на рівень довіри населення до державних інституцій загалом.

На деокупованих територіях та в зонах проведення активних бойових дій військовослужбовці першими вступають у контакт із місцевим населенням. Завдання ЦВВ у таких умовах виходять далеко за межі суто безпекових. Вони включають:

1. участь в евакуаційних заходах та створенні гуманітарних коридорів;
2. супровід і забезпечення безпеки розподілу гуманітарної допомоги;
3. відновлення функціонування критичної інфраструктури (розмінування, інженерні роботи);
4. стабілізаційні дії, що включають не лише контрдиверсійну роботу, а й відновлення правопорядку, що повертає громадянам базове відчуття безпеки.

У цих складних умовах кожен командир і офіцер виступає не лише як військовий фахівець, але і як комунікатор та антикризовий лідер. Від його здатності налагодити контакт із місцевими адміністраціями, лідерами думок у громадах та звичайними громадянами залежить не лише успіх виконання поточного завдання, але й довгострокова лояльність та стійкість регіону. Емпатія, повага до прав людини та високий рівень морально-психологічної підготовки особового складу стають критично важливими компетенціями у сфері ЦВВ.

Попри значні практичні здобутки, система цивільно-військової взаємодії в Україні стикається з низкою викликів, які потребують глибокого наукового вивчення та нормативно-доктринального врегулювання. До основних проблем варто віднести:

- *Недостатню інституціоналізацію процесів взаємодії на низовому рівні.* Часто ефективність ЦВВ залежить від особистісних якостей та ініціативи конкретних командирів на місцях, а не від чітко прописаних уніфікованих алгоритмів.
- *Розбіжності в організаційних культурах.* Військові структури мають жорстку ієрархію та сфокусовані на виконанні наказу, тоді як цивільні актори (особливо волонтерські та громадські організації) є децентралізованими та гнучкими. Поєднання цих підходів вимагає вироблення специфічних протоколів взаємодії.
- *Психологічне навантаження.* Робота з цивільним населенням, яке перебуває у стані гострого стресу, вимагає від військовослужбовців спеціальної підготовки, якої часто бракує в умовах інтенсивних бойових дій.
- *Правові прогалини* щодо визначення статусу, прав та обов'язків цивільних осіб і військових у так званих "сірих зонах" та під час проведення стабілізаційних заходів.

**Висновки.** Цивільно-військова взаємодія є не просто супутнім елементом збройного конфлікту, а критично важливим інструментом трансформації оборонного потенціалу держави у загальнонаціональну стійкість. В умовах затяжної війни з екзистенційним ворогом, здатність військових та цивільних

інституцій діяти як єдиний, злагоджений механізм є запорукою виживання нації.

Впровадження ефективних моделей ЦВВ вимагає переходу від ситуативного, інтуїтивного реагування до системної, інституціоналізованої та доктринально закріпленої співпраці. Удосконалення механізмів такої взаємодії, з обов'язковим урахуванням специфіки завдань різних складових сектору безпеки і оборони, зокрема Національної гвардії України, формує широке та вкрай актуальне поле для подальших науково-дослідних робіт (НДР). Результати цих досліджень мають лягти в основу оновлених національних доктринальних документів, програм підготовки офіцерських кадрів та алгоритмів практичної діяльності військ, забезпечивши тим самим безперервність та монолітність національного спротиву.

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2. Про рішення Ради національної безпеки і оборони України від 20 серпня 2021 року «Про запровадження національної системи стійкості»: Указ Президента України від 27.09.2021 № 479/2021. URL: <https://zakon.rada.gov.ua/laws/show/479/2021#Text>

3. Доктрина цивільно-військового співробітництва Збройних Сил України (ВКД 9-00(01).01). Затверджена Головнокомандувачем Збройних Сил України 2020 року. Київ: Управління ЦВС ЗСУ.

4. NATO Standard AJP-3.19. Allied Joint Doctrine for Civil-Military Cooperation (Edition A Version 1). NATO Standardization Office (NSO), 2018.

5. Національна стійкість в умовах зміни безпекового середовища: монографія / за заг. ред. О. В. Богомолова. Київ: Національний інститут стратегічних досліджень, 2022. 524 с.

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## **ПОЛІТИКА МОВНОГО ПРАВА ТА ІНКЛЮЗИВНІСТЬ**

Сучасна мовна політика в Україні формує правові рамки для забезпечення мовних прав громадян і мовної інклюзивності на підставі низки законодавчих актів. Зокрема, Закон України «Про засади державної мовної політики» визначає поняття «рідної мови» та «мов національних меншин», окреслює завдання держави щодо розвитку та вживання державної, регіональних мов або мов меншин у суспільному житті та захист конституційних прав громадян у цій сфері. Ці положення повинні слугувати фундаментом для розроблення інклюзивних освітніх та соціальних стратегій, однак на практиці їх реалізація ускладнена необхідністю узгодження захисту

державної мови з гарантіями прав мовних меншин у різних сферах суспільного життя.

Незважаючи на наявність правових гарантій, моніторингові дані Уповноваженого Верховної Ради України з прав людини вказують на недостатню поінформованість представників національних меншин щодо своїх прав, зокрема щодо можливостей створення і діяльності мовних центрів чи освітніх програм мовою меншини. Такий дефіцит інформації та практичних механізмів інклюзивності може призводити до формальних гарантій без реального доступу до прав, передбачених законодавством.

Україна бере участь у міжнародних механізмах захисту мовних прав, зокрема ратифікувала Європейську хартію регіональних мов або мов меншин Ради Європи, яка передбачає не лише визнання регіональних мов та мов меншин як культурного багатства, а й активні зобов'язання щодо сприяння їх використанню у освіті, публічних службах, культурному житті й суспільному спілкуванні. Хартія, як міжнародний договір, закликає держави-учасниці до розроблення конкретних заходів, що можуть істотно впливати на ефективність національної мовної політики.

Збереження мовної спадщини, особливо мов, що перебувають під загрозою витіснення чи зникнення, потребує не лише законодавчого визнання, а й системної освітньої підтримки. Міжнародні документи, включно з рекомендаціями ЮНЕСКО щодо прав на навчання мовами, передбачають можливість навчання мовою меншини на всіх рівнях освіти за бажанням спільнот, але їх впровадження часто залишається неповним. Відтак проблема полягає в тому, що без відповідних освітніх програм і ресурсів навіть формальні гарантії можуть не забезпечувати реального функціонального використання мов у суспільному житті, що чинить тиск на культурну ідентичність мовних спільнот.

Одним із головних пріоритетів у мовній політиці є створення і вдосконалення комплексу правових засад, які гарантують конституційне право кожного громадянина на використання рідної мови й одночасно забезпечують функціонування державної мови на всій території країни. Закон України «Про засади державної мовної політики» встановлює ключові принципи, які передбачають всебічний розвиток української мови як державної й гарантування вільного розвитку регіональних мов або мов меншин. Ці принципи повинні бути основою для державних програм і нормативних актів, які регулюють застосування мов у різних сферах суспільного життя.

Удосконалення системи освіти з урахуванням мовної інклюзивності передбачає розроблення і впровадження освітніх заходів, що сприяють реалізації права на навчання рідною мовою, водночас забезпечуючи рівний доступ до якісної освіти державною або іншими мовами. Так, відповідно до Закону України «Про освіту», особам, які належать до корінних народів, гарантовано право здобувати дошкільну та загальну середню освіту мовою відповідного корінного народу паралельно з державною мовою. Це підсилює



мовну інклюзивність у системі освіти та сприяє збереженню мовної спадщини спільнот.

Важливим пріоритетом є приведення національного законодавства і практики у відповідність до міжнародних стандартів захисту мовних прав, таких як Європейська хартія регіональних мов або мов меншин Ради Європи та Рамкова конвенція про захист національних меншин. Ці документи закладають правову основу для підтримки і розвитку мов меншин у сферах освіти, медіа, адміністрації та культури та сприяють збереженню мовної спадщини та міжетнічної злагоди. Гармонізація національного законодавства з цими стандартами є необхідною умовою для ефективної мовної політики, яка враховує потреби всіх мовних спільнот.

Ще одним пріоритетом є посилення інституційної спроможності органів, відповідальних за реалізацію мовної політики, а також запровадження ефективних механізмів моніторингу й оцінювання виконання законодавчих та освітніх заходів. На національному рівні уповноважені органи, такі як Уповноважений із захисту державної мови, виконують функції з контролю за дотриманням вимог законодавства про мову та розгляду звернень щодо порушень мовних прав. Посилення таких механізмів забезпечить системне відстеження реального впливу мовної політики на суспільство та оперативне реагування на виклики.

Комунікаційні науки, зокрема медіазнавство та медіалінгвістика, відіграють ключову роль у вивченні того, як мовну політику реалізують та відображають в сучасному медіапросторі. Наукові дослідження зосереджують увагу на аналізі медіатекстів, виявленні мовних стратегій, які використовують засоби масової комунікації для формування і трансляції соціальних уявлень та стереотипів, зокрема щодо мовних меншин і рідної мови в суспільстві. Такі підходи дозволяють оцінювати не лише формальне законотворення, а й фактичне представлення мовних груп у контенті медіа.

Важливою складовою медіадосліджень є вивчення того, як засоби масової інформації артикуляють мовну різноманітність і як це впливає на мовну ідентичність різних груп суспільства. Дослідження з медіалінгвістики визначають мовну реальність у цифровому комунікаційному середовищі як багатогранне явище, сформоване жанрами, стилістикою та структурою медіатекстів, які несуть цінності, норми й уявлення про культурну й мовну ідентичність. Це дає змогу проаналізувати, наскільки ефективно медіа підтримують чи, навпаки, маргіналізують мовні меншини в суспільних дискурсах.

Комунікативні студії розглядають масмедіа не як пасивний канал передавання офіційного дискурсу, а як динамічне середовище соціального конструювання мовної політики, що визначає норми та вектори її розвитку через медійні практики. Це стосується вибору лексичних і стилістичних засобів, формування тематичних наративів, репрезентації мовних спільнот, які можуть сприяти або перешкоджати мовній інклюзії. Аналіз таких мовних стратегій у публічних повідомленнях, новинах, соціальних мережах і аудіовізуальному

контенті дозволяє зробити висновки про вплив медіа на суспільні настрої щодо мовних меншин і державної мови як інструмента соціальної інтеграції.

Комунікаційні дисципліни також важливі для оцінювання освітніх заходів, спрямованих на медіаграмотність та міжкультурну комунікацію. Курси й дослідження з теорії масової комунікації, медіакритики та соціокультурної комунікації готують фахівців, здатних аналізувати мовну політику в контексті медіа, розвивати критичне мислення споживачів інформації й підтримувати практики інклюзивної комунікації у ЗМІ. Це, водночас, сприяє формуванню більш чутливого й відповідального медіапростору для мовних спільнот.

Перспективи розвитку політики мовного права і мовної інклюзивності пов'язані з удосконаленням законодавства, адаптацією освітніх програм до потреб мовних спільнот, впровадженням систем моніторингу та підвищенням медіаграмотності населення. Реалізація цих пріоритетів сприятиме збереженню мовної спадщини, розвитку культурної самобутності спільнот, зміцненню соціальної інтеграції та підвищенню рівня міжкультурної взаємодії в суспільстві. Таким чином, мовна політика і мовна інклюзивність є ключовими чинниками формування стійкої, культурно багатой і соціально згуртованої держави.

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