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International legal framework for the use of unmanned systems in military policing

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Abstract. The rapid development of unmanned systems in the security and defence sector has highlighted the need for a legal framework governing their use in military policing, particularly in the context of Ukraine's Euro-Atlantic integration. The aim of this article was to examine the international legal framework governing the use of unmanned systems by the military police of NATO member states in order to develop proposals for adapting it to the reform of the Military Law and Order Service of the Armed Forces of Ukraine (hereinafter – the Law and Order Service). The study employed formal legal, comparative legal, systemic-structural, functional, doctrinal, and prognostic research methods, as well as an analysis of practice. A comprehensive analysis of the regulatory frameworks of NATO member states and national practices, conducted using comparative and doctrinal methods, identified significant gaps in interoperability and in ensuring the evidential value of digital data. It examined the legal frameworks and organisational models governing drone use in NATO member states, including Poland and Estonia, where the AJP-3.2.3.3 and STANAG 4671 (AJP-3.3.7) standards ensure a balance between operational effectiveness and respect for human rights. The study identified the fragmented nature of Ukrainian regulation, particularly the absence of unified digital forensic procedures within the Law and Order Service, which reduces the evidential value of information compared with NATO practices. It also identified the principal risks associated with the post-war dissemination of combat experience, including the uncontrolled circulation of components, and proposed mechanisms for mitigating these risks through licensing and the establishment of an operator register. The functional role of drones in performing the tasks of the Law and Order Service, including monitoring, protection, and documentation, was analysed with due regard to the principles of proportionality and data protection. The study further identified the potential of an interagency cooperation model to enhance operational interoperability with allied forces. The findings may be used by Ukraine's security and defence institutions, particularly the Ministry of Defence of Ukraine and the Law and Order Service, to reform the regulatory framework, as well as by NATO partners during joint missions and training exercises

Keywords: NATO standards; unmanned systems; interagency cooperation; military police; Military Law and Order Service of the Armed Forces of Ukraine

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Introduction

The rapid development of unmanned systems (hereinafter also referred to as drones) between 2022 and 2025 has significantly changed approaches to security, the maintenance of law and order, and the performance of defence-sector tasks. Experience gained during the Russia-Ukraine war has demonstrated that unmanned platforms can be used not only for combat missions but also for situational monitoring, facility protection, the documentation of offences, search operations, and the collection of digital information. At the same time, the broader use of such technologies has raised questions concerning the legal regulation of their use, the protection of human rights, the evidential value of the materials obtained, and the allocation of responsibility among the entities using them. These issues are particularly significant in the context of the transformation of the Law and Order Service and Ukraine's course towards Euro-Atlantic integration. The absence of a comprehensive regulatory framework governing the use of unmanned systems in military and police operations may adversely affect the effectiveness of interagency cooperation, the standardisation of documentation procedures, and the level of operational interoperability with NATO member states. In this context, research into the international legal framework governing the use of unmanned systems in military policing operations is of both academic and practical significance.

The legal regulation of unmanned systems has become an important subject of research among both international and Ukrainian scholars. A. Konert & T. Balcerzak (2021) examined the legal and ethical implications of deploying autonomous unmanned systems in military and law enforcement activities. They concluded that the development of autonomous technologies is outpacing the evolution of regulatory frameworks, thereby necessitating the harmonisation of national legislation with international standards of responsibility and accountability. V.V. Tyshchuk (2024) examined the legal aspects of the use of unmanned systems in the fields of national security and border protection in Ukraine. The study concluded that the existing regulatory framework is fragmented and requires adaptation to contemporary security challenges. V. Nikiforenko (2024) analysed the legal framework governing the use of unmanned aerial vehicles by security institutions. The author found that further technological development requires improvements in state oversight and interagency coordination mechanisms. E.Ö. Kurtpınar (2024) examined the use of unmanned systems by law enforcement agencies from the perspective of balancing security needs with the protection of human rights. The study demonstrated the need to combine technological effectiveness with legal safeguards for privacy and oversight of surveillance activities. D. Lee (2022) investigated the organisational and legal mechanisms governing the use of unmanned aerial vehicles in the civilian and law enforcement sectors. The study substantiated the importance of establishing a comprehensive regulatory framework and a system of state oversight for the deployment of such technologies.

K.K. Shenoy (2022) examined the impact of the proliferation of unmanned technologies on the public security system. The author concluded that the effective use of drones for monitoring and incident response must be accompanied by appropriate legal safeguards for the protection of citizens' rights. K. Kowalczewska (2024) analysed the legal aspects of the use of unmanned systems in armed conflicts and concluded that their deployment must comply with the principles of international humanitarian law, particularly the principles of distinction, proportionality, and responsibility. S. Miller (2025) examined responsibility for the use of lethal autonomous weapon systems through the concept of meaningful human control. The author argued in favour of an institutional approach to responsibility, whereby accountability is distributed among developers, operators, commanders, and regulatory authorities. At the same time, the scholarly literature indicates that the adaptation of international experience in the use of unmanned systems by the military police of NATO member states to the ongoing reform of the Military Law and Order Service remains insufficiently explored.

A review of the scholarly literature demonstrates a gradual shift from examining individual technical, ethical, and legal aspects of unmanned systems towards a comprehensive assessment of their role in security and law enforcement. Nevertheless, significant gaps remain regarding the adaptation of the experience of the military police of NATO member states to the Ukrainian security and legal context, particularly with respect to operational interoperability, digital forensics, interagency cooperation, and the regulatory framework governing the use of unmanned systems by the Law and Order Service. The present study is therefore intended to address these shortcomings. The aim of the study was to develop proposals for adapting the legal framework governing the use of unmanned systems to the needs of reforming Ukraine's law enforcement agencies, based on a comprehensive analysis of the international legal framework governing the use of unmanned systems by the military police forces of NATO member states. To achieve this aim, the following research objectives were defined: to examine the international and national legal frameworks governing the use of unmanned systems in military policing; to conduct a comparative analysis of the practices of NATO member states and Ukraine; and to formulate proposals for improving the legal and regulatory framework governing the use of unmanned systems by the Law and Order Service.

Materials and methods

The empirical and theoretical basis of this study comprised international legal instruments and doctrinal documents, including Allied Joint Doctrine for Military Police (AJP-3.2.3.3, 2009), Allied Joint Doctrine for Unmanned Aircraft Systems (AJP-3.3.7, 2014), Unmanned Aircraft Systems Airworthiness Requirements (STANAG 4671/AJP-3.3.7, 2014), and the Berkeley Protocol on Digital Open Source Investigations (2022), as well as Ukrainian legislation, including Law of Ukraine No. 3099-III (2002). The theoretical framework was further supported by analytical materials produced by international organisations and research institutions, including reports by NATO Allied Command Transformation (2021), publications by the Royal United Services Institute (RUSI) (2024), the Geneva Academy of International Humanitarian Law and Human Rights (Geneva Academy) (2024), and Green Book Lab (2024).

To achieve the research aim and accomplish the specified tasks, the study employed a combination of general research and specialised legal methods. The formal legal method was applied to analyse the existing norms of international

and national law, together with NATO doctrinal documents. The comparative legal method was used to compare the legal frameworks governing the use of unmanned systems in military policing in NATO member states and Ukraine. The systemic-structural method was employed to examine the place of unmanned systems within the overall system of military law enforcement, digital forensics, and interagency cooperation. Functional analysis was used to determine the role of unmanned systems in carrying out the tasks of the Military Law and Order Service of the Armed Forces of Ukraine, particularly in the areas of discipline enforcement, facility protection, documentation of offences, and participation in international missions. Doctrinal analysis was applied to examine NATO's conceptual approaches to the use of unmanned and partially autonomous systems. The analysis of practical experience enabled the generalisation of experience in the use of unmanned systems by Ukraine's law enforcement and military institutions. The prognostic method was employed to formulate recommendations concerning the transformation of the Law and Order Service into a military police organisation and the further development of the regulatory framework in response to future security challenges. Long-term risks were assessed through expert forecasting based on the analysis of academic publications and international analytical reports, together with a synthesis of practical experience gained from the use of unmanned systems during the Russia-Ukraine war.

Results and discussion

The legal regulation of unmanned systems in military policing is characterised by the uneven development of regulatory frameworks. NATO member states have established a relatively mature system of doctrinal and technical standards, whereas countries pursuing Euro-Atlantic integration, including Ukraine, continue to rely on fragmented and predominantly tactically oriented approaches (Dyndal *et al.*, 2017; Ivannikova & Ayrapetyan, 2021; Kowalczewska, 2024). This creates theoretical and practical asymmetries that complicate the achievement of operational interoperability and the mutual recognition of digital evidence in multinational environments.

Whereas NATO doctrine regards unmanned systems as an integral component of military law enforcement, with clearly defined responsibilities assigned to commanders and operators, Ukrainian practice continues to treat them primarily as operational tools without sufficient legal formalisation of the procedures governing the collection, processing, and use of data (AJP-3.2.3.3, 2009; AJP-3.3.7, 2014). This reflects a broader challenge: the insufficient institutional adaptation of international standards to the national context of hybrid conflict, in which drones simultaneously perform intelligence-gathering, evidential, and preventive functions.

However, the assertion that the Ukrainian approach is substantially incompatible with NATO standards requires further qualification. The use of unmanned systems by the Law and Order Service already demonstrates certain elements of interoperability, including the use of drones for situational monitoring, the documentation of offences, the protection of military facilities, the collection of digital information, and support for real-time decision-making. Moreover, the Law and Order Service has gradually begun to introduce practices related to the digital recording of events, the preservation of electronic materials, and interagency information exchange. Nevertheless, these practices have not yet been systematised or supported by a unified regulatory framework, thereby reducing their evidential value in legal proceedings. It is therefore reasonable to conclude that the principal obstacle to achieving full interoperability is not the technical capability of the platforms themselves but the absence of unified procedures for digital forensics, documentation, and the preservation of digital evidence in accordance with international standards.

A comparative analysis of the practices of NATO member states (Poland, Estonia, and Lithuania) and Ukraine demonstrates differences in the regulation of unmanned aerial vehicles in law enforcement and military policing (Lee, 2022; Kurtpınar, 2024). In Poland, for example, the use of unmanned systems by law enforcement agencies is integrated into the overall airspace management system and is accompanied by mandatory operator training, flight-mission documentation, and clearly defined procedures for storing the data collected. In Estonia and Lithuania, considerable emphasis is placed on the digitalisation of information collection and processing, ensuring the traceability of digital materials and facilitating their use as evidence in internal investigations and judicial proceedings. Furthermore, these countries apply standardised risk-assessment procedures before flight operations, as well as internal oversight mechanisms to ensure compliance with data protection and privacy requirements.

In Ukraine, unmanned systems are actively employed for situational monitoring, the documentation of offences, search operations, and the protection of military facilities. At the same time, the legal and doctrinal framework governing their use by the Law and Order Service is still being developed. This is reflected in the absence of unified approaches to documenting the results of aerial surveillance, storing digital materials, and transferring them between units. Compared with the practices of Poland, Estonia, and Lithuania, further standardisation is required in relation to operator certification, the maintenance of electronic flight logs, an unbroken chain of custody for digital evidence, and audits of the use of collected information. At the same time, it should be recognised that the experience gained in Ukraine through the combat use of unmanned systems from 2022 to 2025 constitutes a unique body of operational experience that has not yet been adequately conceptualised from a theoretical perspective. Unlike Western studies, which primarily focus on the ethical and legal constraints associated with autonomous systems (Enemark, 2021; Miller, 2025; Blanchard & Bruun, 2025), the Ukrainian context demonstrates the predominance of a pragmatic approach, which may provide a basis for developing a hybrid regulatory model combining NATO standards with the experience of actual armed conflict (Yefimenko, 2022; Napora, 2025). However, such integration cannot be mechanical. The direct adoption of the AJP-3.3.7 (2014) standards without taking into account the specific characteristics of hybrid warfare would reduce operational flexibility, whereas their complete rejection would result in isolation from allied procedures. Thus, one of the key theoretical challenges is not the replication of international standards but their adaptive interpretation in light of local security realities, which requires the development of a transitional regulatory model.

Finally, the analysis of long-term risks indicates that the proliferation of unmanned-system technologies following the end of the active phase of the conflict may give rise to a range of security challenges. These risks include the uncontrolled circulation of individual components of unmanned platforms, the use of technical skills acquired during the war for unlawful purposes, increased threats to critical infrastructure, unlawful interference with the operation of public authorities and defence facilities, and the use of drones for smuggling, unauthorised information gathering, or the commission of other criminal offences. An additional challenge is the absence of unified mechanisms for registering operators and controlling the transfer of specialised knowledge and technologies. Under such circumstances, the growing technological capabilities of the security sector are accompanied by a corresponding increase in potential risks to public and national security, necessitating the introduction of preventive legal, organisational, and oversight mechanisms. In particular, the RUSI (2024) report highlights the risks associated with the proliferation of military technologies and emphasises the need to strengthen state control over their circulation following the end of armed conflicts. The Geneva Academy (2024) study focuses primarily on the legal and humanitarian aspects of emerging military technologies, stressing the need to adapt accountability and oversight mechanisms. By contrast, N. Wang *et al.* (2023) analyse technological trends in the development of unmanned systems and point to the growing risk of their use by non-state actors as these technologies become increasingly accessible. Thus, the analysis demonstrates the need to move from a fragmented to a systematic approach to regulating the use of unmanned systems by the Law and Order Service. On the basis of a comprehensive theoretical assessment of existing approaches and the identified regulatory gaps, it is possible to develop a new model of military law enforcement that combines operational effectiveness, legal certainty, and interoperability with NATO standards.

The hybrid nature of contemporary threats and the extensive digitalisation of warfare likewise require a reassessment of traditional approaches to the activities of police and military police organisations. Under these conditions, unmanned systems are gradually evolving from auxiliary technical tools into an integral component of the institutional capacity of security organisations. They are increasingly being integrated into the security structures of NATO member states, where they perform a wide range of functions, including reconnaissance, monitoring, facility protection, the collection of evidential information, the recording of incidents, and the documentation of offences in accordance with the standards of digital forensics and the law of evidence.

In the member states of the European Union and NATO (including Poland, the Czech Republic, Estonia, Lithuania, and Romania), the use of drones is regulated by a comprehensive body of civil, military, and interagency legal instruments that ensure an appropriate balance between operational effectiveness, flight safety, and the protection of human rights. The AJP-3.2.3.3 (2009), and STANAG 4671 (AJP-3.3.7, 2014) standards establish requirements for certification, registration, command and control, technical reliability, and cooperation between military and civilian organisations in the operation of unmanned platforms, while also defining the respective responsibilities of commanders and operators (Dyndal *et al.*, 2017; Truxal, 2024).

For Ukraine, a key priority is not only to adapt international experience regarding the use of unmanned systems by law enforcement agencies but also to systematically analyse and institutionalise its own experience of drone use gained during the Russia-Ukraine war. This experience must be integrated into the national law enforcement and defence systems, taking into account the requirements of international law and NATO standards. At present, the legal framework governing the use of drones by the Law and Order Service is still being developed, which complicates coordination, the harmonisation of procedures, and the standardisation of data exchange between law enforcement agencies, and also reduces the evidential value of the information obtained (Green Book Lab, 2024).

Mitigating the long-term risks outlined above, particularly the transfer of wartime expertise to civilian, commercial, or criminal circles (RUSI, 2024), requires a balanced and systematic approach to the recruitment, training, and supervision of future specialists in drone operations. This involves a combination of rigorous personnel procedures, multistage selection based on professional and ethical criteria, long-term integrity checks, and the introduction of a restricted licensing model governing access to critical technologies and software (Geneva Academy, 2024; Blanchard & Bruun, 2025).

One practical mechanism for minimising these risks could be stronger legal regulation of the circulation of components and materials used to manufacture explosive devices and drone combat modules. This could include controlling the movement of explosive substances, restricting access to specific technical components, and introducing a licensing regime for their use and storage (United Nations, 2023). Such organisational and legal measures, combined with internal security policies – such as regular checks, monitoring of professional conduct, and differentiated access to critical systems – can help reduce the risk that experience gained during hostilities may be misused in peacetime (Scharre & Horowitz, 2019).

In the context of the responsibilities of the Law and Order Service, it is important to emphasise that the functional role of drones is not limited to combat or purely technical applications. Their principal areas of use include conducting inspections and internal investigations, protecting military facilities and places of detention (including guardhouses, disciplinary battalions, and facilities for prisoners of war), and supporting road safety during the movement of military equipment and units. In these areas, drones may be effectively employed for perimeter monitoring, documenting violations, responding rapidly to incidents, and collecting digital evidence, provided that digital forensic procedures, personal data protection requirements, and the principle of proportionality are strictly observed.

Within the scope of the Law and Order Service's functions, there is a particularly pressing need to provide military command with timely information regarding the actual situation at inspection sites or during the investigation of offences. This requires the use of modern technologies to collect, process, and transmit data in real time, thereby ensuring objective, complete, and timely command decision-making while also enhancing coordination between

units and the leadership of the Law and Order Service (NATO Allied Command Transformation, 2021).

Accordingly, the integration of international experience and Ukraine's interagency practice into the reform of the Law and Order Service requires a comprehensive approach combining the following elements: legal regulation and standardisation (including national regulations, doctrines, and procedures compatible with NATO standards); organisational measures relating to the training, certification, and supervision of personnel; mechanisms for the prevention, detection, and counteraction of offences involving unmanned systems; situational analysis of the use of UAVs in criminal and other offences to identify key threats and risks (including sabotage activities, threats to military facilities, critical-infrastructure protection, incidents in public places, and criminal and administrative proceedings); technical and administrative mechanisms for controlling the circulation of critical components, including the establishment of a register of operators (instructors and pilots), together with restrictions on the circulation of explosive substances; and an effective model of interagency cooperation to ensure operational efficiency, interoperability, and the preservation of the evidential value of digital data.

These elements are essential for developing a balanced state policy governing the introduction of drones into the activities of the Law and Order Service, enabling the technological advantages of such systems in maintaining law and order to be realised while simultaneously minimising long-term security risks. A necessary next step in reforming the Law and Order Service is therefore to create and adapt a comprehensive regulatory framework governing the use of unmanned systems throughout its activities. In the context of large-scale armed conflict, as well as Ukraine's active participation in multinational operations and cooperation frameworks with NATO, the deployment of such systems is not merely desirable but has become a critical factor in enhancing the effectiveness of law enforcement, improving the transparency of management processes, and ensuring operational interoperability with partner states (Green Book Lab, 2024).

Reforming the regulatory framework of the Law and Order Service requires a comprehensive assessment of the existing regulatory gaps governing the use of unmanned systems within the Service, together with the development or revision of the necessary legal acts, departmental regulations, and technical instructions. Particular attention should be given to introducing digital procedures for the collection, storage, and transfer of evidence in accordance with international standards of digital forensics and the requirements of the law of evidence. At the same time, it may be appropriate to develop a phased roadmap for transforming the Law and Order Service into a Military Police organisation capable of operating at both the institutional and operational levels alongside NATO partner states.

Thus, a unified and coherent regulatory framework should be regarded as one of the key elements in ensuring the effective, secure, and lawful use of drones by the Law and Order Service. Its alignment with NATO standards will ensure technical interoperability and the mutual recognition of procedures and will enhance Ukraine's capacity to participate in joint operations, missions, and exercises with NATO member states in accordance with Law of Ukraine No. 3099-III (2002). At the same time, the implementation of updated regulatory instruments will facilitate the institutional transformation of the Law and Order Service into a modern Military Police organisation within the Ministry of Defence of Ukraine. Such an organisation would combine technological competence, clearly defined legal responsibility, and compliance with humanitarian standards governing the use of force (NATO Parliamentary Assembly, 2025).

Table 1 below systematises the principal directions and priorities for reforming the regulatory framework of the Law and Order Service with regard to the use of drones. It brings together internal military regulations, NATO standards, international legal requirements, and digital forensic procedures in accordance with the Berkeley Protocol (Berkeley Protocol, 2022), thereby providing a comprehensive basis for the systematic transformation of the Law and Order Service into a Military Police organisation based on Euro-Atlantic standards.

Table 1. Integrated table of directions and priorities for reforming the regulatory framework governing the use of drones by the Law and Order Service

Key documents (existing or requiring development)	Compliance with NATO standards/international norms	Objective and expected outcome
Regulatory area 1. Internal military regulatory framework		
Doctrine of the Military Law Enforcement Service of the Armed Forces of Ukraine (Ministry of Defence of Ukraine, 2020); Order of the Ministry of Defence of Ukraine No. 282 (2025); Order of the Ministry of Defence of Ukraine No. 661 (2016) (includes aspects of recording data from UAVs for evidential purposes); Law of Ukraine No. 3099-III (2002); Order of the Ministry of Defence of Ukraine No. 608 (2014) (regulates the powers of the Law and Order Service with regard to inspections, investigations, and internal inquiries).	Unmanned aircraft systems airworthiness requirements (Edition A, Version 1) (AJP-3.3.7, 2014); Allied Joint Doctrine for Military Police. AJP-3.2.3.3 (2009).	Standardising procedures for drone use by the Law and Order Service; ensuring discipline and security.
Regulatory area 2. Harmonisation with international legal standards		
Law of Ukraine No. 1932-XII (1991); Decree of the President of Ukraine No. 348/2021 (2021) (the principal document containing the communication plan for NATO integration); Legal acts governing participation in joint missions (Law of Ukraine No. 1518-III, 2000).	NATO Strategic Concept (2022); NATO Allied Command Transformation (2021), Allied Joint Doctrine on the Conduct of Operations (AJP-3, 2010); Allied Joint Doctrine for Peace Support Operations (AJP-3.4, 2019).	Ensuring compliance with international humanitarian law and NATO standards; establishing a legal framework for international operations.

Table 1, Continued

Key documents (existing or requiring development)	Compliance with NATO standards/international norms	Objective and expected outcome
Regulatory area 3. Technical regulation and certification		
Technical regulation on the use of drones for military purposes – Order of the Ministry of Defence of Ukraine No. 401 (2018); Technical Safety Instructions – Order of the Ministry of Defence of Ukraine No. 661 (2016); Equipment calibration and verification protocols – require development.	Allied Joint Doctrine for Unmanned Aircraft Systems (AJP-3.3.7, 2014); UA1518-III System Airworthiness Requirements (AJP-3.3.7, 2014); UAS Operational Airworthiness (AEP-83, 2014).	Establishing unified standards for the operation, maintenance, and transmission of data.
Regulatory area 4. Digital forensics and evidential framework		
Instruction on the collection of digital evidence in military justice based on the Berkeley Protocol (2022) (an international standard applied in Ukraine) – requires development; Order of the Ministry of Defence of Ukraine No. 282 (2025) (includes aspects relating to data recording); Regulations on the storage and processing of drone data – require development; Procedure for access to video recordings – requires development.	Berkeley Protocol (2022); Battlefield Digital Forensics (Braccini *et al.*, 2018, NATO CCD COE); NATO Information Management Policy (North Atlantic Council, 2007).	Introducing procedures for the collection and analysis of digital evidence in accordance with international standards.
Regulatory area 5. Interagency cooperation and integration		
Framework for cooperation between the Law and Order Service, the National Police of Ukraine, the State Border Guard Service of Ukraine, and the Security Service of Ukraine – requires development; Agreement on the joint use of drones – requires development; Memorandum on data exchange – requires development.	NATO Civil-Military Cooperation (CIMIC) Doctrine AJP-3.19 (2018).	Enhancing the effectiveness of coordination among Ukraine's security and law enforcement agencies; establishing a system of joint response.

Source: compiled by the authors

Table 2 illustrates the potential interaction of the reformed Law and Order Service and the future Military Police of the Ministry of Defence of Ukraine with other state bodies and international partners. The table presents areas of coordination, information exchange, the use of unmanned systems, and the integration of digital forensics to ensure the effective maintenance of law and order and participation in international missions.

Table 2. Possible frameworks for cooperation between the reformed Law and Order Service/future Military Police and other institutions and international partners

Institution	Role in cooperation	Forms of cooperation	Information exchange	Objective/Outcome
Law and Order Service/Future Military Police	Coordination of the deployment of unmanned systems, collection and analysis of digital evidence, compliance with NATO standards	Operational command, development of internal procedures, personnel training	Armed Forces of Ukraine Information and Analytical System, internal databases	Enhanced effectiveness of law enforcement and military justice, standardisation of procedures
Ministry of Internal Affairs of Ukraine	Coordination of law enforcement policy, provision of legal and organisational support	Joint meetings, development of regulatory documents, systems integration	Exchange of data on offences, shared analytical information	Coordinated security policy, legislative support for the implementation of innovations
National Police of Ukraine	Operational use of drones in civilian and specialised operations	Joint training exercises, exchange of technologies and methodologies	Transmission of data and analytical information in real time	Improved effectiveness of investigations and maintenance of law and order
Security Service of Ukraine	Counter-intelligence and analytical support	Coordination meetings, exchange of experience	Classified information, threat assessment	Protection of critical infrastructure, information security
International partners/NATO	Transfer of expertise, standardisation of procedures, participation in joint operations	Training programmes, exchanges, consultations	Shared data exchange platforms, standardised formats	Adaptation to international standards, preparation for international missions
Digital forensics and information-analytical units (cross-agency)	Technical collection, processing, and analysis of digital evidence	Development of protocols, integration into the Armed Forces of Ukraine Information and Analytical System	Centralised databases, interagency access	Enhanced transparency of investigations, monitoring compliance with international humanitarian law

Source: compiled by the authors

Thus, the effective integration of advanced technologies is closely linked to the establishment of a unified regulatory framework harmonised with NATO standards and international legal norms, as well as close coordination with

Ukraine's other security and law enforcement institutions, including the National Police of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine, and international partners. Such an approach makes it possible to standardise information collection and analysis, ensure compliance with international humanitarian law and the law of armed conflict, and promote the professionalisation and modernisation of the Law and Order Service, thereby bringing it closer to NATO standards and international best practice.

First and foremost, it would be appropriate to update the doctrinal and regulatory documents governing the activities of the Law and Order Service to reflect contemporary approaches to the use of unmanned systems, NATO standards, the norms of international humanitarian law, and the requirements of digital forensics. Equally important is the establishment of mechanisms for interagency coordination between the Law and Order Service, the National Police of Ukraine, the Security Service of Ukraine, the State Border Guard Service of Ukraine, and other entities within the security and defence sector. Such cooperation may be based on unified protocols for the exchange of information and digital evidence, standardised procedures for documenting operations, and a system for assessing the effectiveness of the use of unmanned systems. It would also be advisable to develop proposals for addressing issues related to the prevention, detection, and counteraction of offences involving unmanned systems, as well as for improving mechanisms for controlling the circulation of critical components, explosive materials, and autonomous platforms. The implementation of these measures would contribute to the development of a phased strategy for integrating police drones into the operations of the Law and Order Service, ensure an appropriate legal and regulatory framework for their use, enhance interoperability with NATO member states, and strengthen capabilities for maintaining law and order in the face of contemporary security challenges.

A comparison of the findings of this study with those of other scholars who have examined similar issues reveals both similarities and significant differences. For example, A. Konert & T. Balcerzak (2021) emphasise the transition from fantasy to reality in the use of autonomous drones, highlighting the legal and ethical implications for military organisations and concluding that national regulations should be harmonised with international standards in order to ensure accountability. These conclusions are consistent with the present findings regarding the need for clearly defined responsibilities for commanders and operators, as provided for in NATO standards. This position is supported by the present findings, since, in the Ukrainian context, such harmonisation could eliminate the fragmented nature of the regulatory framework governing the Law and Order Service.

However, the present analysis demonstrates a different picture of practical implementation. Whereas A. Konert & T. Balcerzak (2021) focus on theoretical and ethical challenges, operational experience from the Russia-Ukraine war points to additional risks associated with the proliferation of relevant technologies after the end of the conflict, thereby limiting the applicability of their conclusions to conditions characterised by hybrid threats. Similarly, K. Kowalczewska (2024), in her study of the legal aspects of unmanned warfare, analyses the classification of drones as weapons, focusing on the Law of Armed Conflict (LOAC) and the European perspective, and concludes that legal review prior to deployment is necessary to avoid ethical dilemmas. This position is consistent with the present findings regarding the need to strike a balance between operational effectiveness and the protection of human rights. Within the NATO framework, such review constitutes a standard requirement (AJP-3.3.7, 2014) that could be adapted for the Law and Order Service.

The author's arguments concerning autonomy appear open to debate. K. Kowalczewska (2024) emphasises the distinction between drones and fully autonomous systems, whereas the present findings do not fully support this distinction. In the context of hybrid conflicts, the boundary between remotely controlled and autonomous systems becomes increasingly blurred due to the real risks of technological proliferation, thereby necessitating a broader legal framework than that proposed by the author, particularly in view of the specific characteristics of Ukraine's post-conflict environment. V.V. Tyshchuk (2024) examines the legal regulation of unmanned aerial vehicles for border protection, identifies the influence of global technological developments on national legislation, and concludes that the Ukrainian regulatory framework is fragmented. This finding directly corresponds with the present results concerning the regulatory gaps affecting the Law and Order Service, and this convergence helps explain the divergence between the Ukrainian approach and NATO standards, namely the absence of unified protocols, which reduces the evidential value of the information collected. However, V. Nikiforenko (2024), in analysing the conceptual framework for state border protection, places particular emphasis on technical interoperability, a position that remains open to discussion. Whereas the author focuses primarily on operational aspects, the present findings refine this approach by highlighting the importance of legal constraints. Accordingly, these conclusions may be supported only in part, as they tend to underestimate the ethical risks arising from the specific nature of hybrid warfare.

S. Miller (2025) examines the ethical challenges associated with lethal autonomous systems and concludes that legal review is necessary to ensure compliance with the principle of proportionality. This position is consistent with the present findings concerning the need to maintain an appropriate regulatory balance; however, the current study further refines this approach. Whereas the researcher limits the analysis to autonomous systems, the conclusions presented here extend these considerations to remotely operated drones used in a policing context. The author's position is therefore supported, subject to adjustments reflecting the Ukrainian experience, in which the realities of armed conflict and hybrid threats intensify such ethical dilemmas.

A comparison of the present findings with those of other researchers demonstrates both common conclusions and significant differences, particularly regarding the practical use of autonomous and remotely operated drones. The findings confirm the need for clearly defined responsibilities for commanders and operators while also highlighting the additional risks associated with hybrid warfare. The analysis indicates that the existing gaps in the national regulatory framework are exacerbated by the specific characteristics of the post-conflict environment and by emerging ethical challenges. At the same time, although the existing

conceptual models emphasise the importance of technical interoperability and proportionality, the present conclusions extend these approaches to the Ukrainian context, where hybrid threats fundamentally alter the risks associated with the use of such technologies.

Conclusions

The study analysed NATO legal frameworks and doctrinal documents, the principles of digital forensics, and the norms of international humanitarian law. The analysis established that, in NATO member states, the use of unmanned systems in military policing is clearly regulated by a comprehensive set of standards that ensure a balance between operational effectiveness and the protection of human rights. An analysis of Ukrainian legislation and practice demonstrated that the regulatory framework governing the use of drones by the Law and Order Service remains fragmented and lacks unified digital forensic procedures and mechanisms for interagency coordination. The absence of harmonisation with NATO standards reduces the evidential value of digital materials and complicates participation in multinational operations. The study also found that the operational experience accumulated through the use of unmanned systems during the war constitutes a unique body of practice-based evidence that requires both theoretical interpretation and institutional adaptation. The principal obstacle lies not in technical incapacity but in the absence of a systematic legal framework governing the collection, processing, and use of data. A comparative analysis of the practices of NATO member states and Ukraine revealed a substantial difference in approaches to balancing operational effectiveness with legal constraints. The long-term risks associated with the proliferation of technologies in the post-conflict period require preventive legal measures. An adaptive interpretation of international legal norms, taking into account the realities of hybrid warfare, may constitute one of the prerequisites for developing a new model of military law enforcement. Overall, the findings indicate that the transition from fragmented to systematic regulation may be regarded as an important step towards enhancing the operational interoperability and institutional capacity of the Law and Order Service.

Taken together, these findings contribute to a deeper understanding of the challenges associated with the use of unmanned systems in military policing in countries pursuing Euro-Atlantic integration. Conceptually, they demonstrate the need to move beyond an instrumental approach towards a comprehensive legal framework in which international standards are adapted to the local context of hybrid conflict rather than adopted mechanically. The results broaden the theoretical understanding of the subject by addressing a gap in the analysis of the adaptation of NATO standards to the institutional realities of states undergoing Euro-Atlantic integration and further develop existing scholarly approaches by proposing a hybrid regulatory model that combines operational flexibility with legal certainty. A limitation of the study is that it is based primarily on an analysis of publicly available sources and doctrinal documents, without access to the internal departmental instructions or operational reports of the Law and Order Service.

Promising directions for future research include an empirical assessment of the effectiveness of the proposed model of interagency cooperation, an analysis of the impact of increasing drone autonomy on the principles of legal responsibility within the Ukrainian legal framework, and the development of specific digital forensic protocols for military policing operations conducted in the context of hybrid conflicts.

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Міжнародно-правові засади застосування безпілотних систем у військовій поліції

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Анотація. Стрімкий розвиток безпілотних систем у сфері безпеки та оборони актуалізує необхідність їхнього правового регулювання в діяльності військових поліцій, особливо в контексті євроатлантичної інтеграції України. Аналіз нормативних режимів країн НАТО та національних практик за допомогою порівняльного й доктринального методів виявив суттєві прогалини в сумісності та доказовій базі цифрових даних. Метою статті було вивчення міжнародно-правових засад застосування безпілотних систем у військових поліціях країн-членів НАТО з метою розробки пропозицій щодо їхньої адаптації в українській системі реформування Військової служби правопорядку у Збройних Силах України (далі – Служба правопорядку). У дослідженні використано формально-юридичний, порівняльно-правовий, системно-структурний, функціональний, доктринальний і прогностичний методи, а також аналіз практики. Було досліджено правові режими та організаційні моделі використання дронів у держав НАТО, таких як Польща та Естонія, де стандарти AJP-3.2.3.3 та STANAG 4671 (AJP-3.3.7) забезпечують баланс ефективності й дотримання прав людини. Виявлено фрагментарність українського регулювання, зокрема відсутність єдиних процедур цифрової криміналістики у Службі правопорядку, що знижує доказову цінність інформації порівняно з практиками НАТО. Встановлено ключові ризики поширення бойового досвіду після війни, включаючи неконтрольований обіг компонентів, та запропоновано механізми їхньої мінімізації через ліцензування й реєстр операторів. Було проаналізовано функціональну роль дронів у завданнях Служби правопорядку, таких як моніторинг, охорона та документування, з урахуванням принципів пропорційності та захисту даних. Виявлено потенціал моделі міжвідомчої взаємодії для підвищення оперативної сумісності з союзниками. Отримані результати можуть бути використані органами сектору безпеки та оборони України, зокрема Міністерством оборони та Службою правопорядку, для реформування нормативної бази, а також міжнародними партнерами НАТО в спільних місіях і навчаннях

Ключові слова: стандарти НАТО; безпілотні системи; міжвідомча взаємодія; військова поліція; Військова служба правопорядку у Збройних Силах України

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Dual citizenship, multiple nationality, and the implications of Ukraine's 2025 nationality law reform: A comparative constitutional analysis

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Abstract. Ukraine's multiple citizenship reform constituted the most significant transformation of Ukrainian nationality law since the foundational citizenship statute of 2001. The purpose of this article was to provide the comparative constitutional analysis of Ukraine's 2025 nationality law reform. This scholarship examined whether the reform was compatible with Article 4 of the Constitution of Ukraine; compared its design against the next countries' frameworks: German, French, Estonia, Latvia, Lithuania; identified the four structural constitutional tensions it created, and proposed concrete legislative and judicial reform pathways. Ukraine had, until this reform, maintained one of the most rigid single-citizenship doctrines among European post-Soviet states, a formal prohibition that remained almost entirely unenforced in practice given the absence of any systematic verification mechanism and the growing reality of millions of Ukrainians holding dual passports abroad. Applying comparative constitutional law methodology and European Court of Human Rights proportionality standards, it was found that the reform, while operationally coherent, created four structural tensions between its statutory design and Ukraine's existing constitutional and international obligations. Four structural constitutional tensions were identified, and a legislative and judicial reform pathway was proposed. The article concluded that Ukraine's reform, while pragmatically necessary and demographically urgent, was constitutionally incompleted: without either a formal constitutional amendment to Article 4 or an authoritative Constitutional Court ruling limiting its scope, the reform risked judicial invalidation and cannot fully achieved its core diaspora-engagement and demographic stabilisation objectives

Keywords: concurrent citizenship; plural nationality; immigration law; diaspora; demographic crisis; comparative constitutional law

Introduction

The relevance of this research arises from the acute tension between Ukraine's wartime demographic imperatives and the constitutional constraints it inherited from its post-Soviet legal framework. This tension is closely tied to Ukraine's EU accession trajectory. Having held candidate status since June 2022, Ukraine is obliged to bring its constitutional and legislative framework into line with EU standards, including the principles of free movement of persons and non-discrimination that govern citizenship. The scholarly literature directly relevant to this analysis spanned several areas. R. Bauböck & M. Haller (2021) argued that constitutional constraints on multiple nationality in post-socialist states reflected a historical moment, whose rationale had been overtaken by demographic change, and that evolutionary constitutional interpretation was preferable to formal amendment. D. Kochenov & D. de Groot (2022) established the limits of state discretion over nationality within the EU constitutional order, demonstrating that the Court of Justice prohibited effective deprivation of EU citizenship through nationality swaps. R. Pougnet (2023) examined citizenship deprivation jurisprudence in France and the United Kingdom, mapping the constitutional structures that determined the intensity of judicial review under Article 8 ECHR (European Court of Human Rights). The author S. Mantu (2015) traced the evolution of ECHR proportionality standards in nationality decisions, arguing that states' margin of appreciation in citizenship matters was progressively narrowing. H. Askola (2022) demonstrated that blanket restrictions on dual nationals in public service, applied without individualised risk assessment, constituted impermissible discrimination under international human rights law. Taken together, these studies established that the constitutional and human-rights constraints on nationality regulation were tightening across Europe, yet none addresses the specific configuration of a permitted-state model layered onto an unamended single-citizenship constitution. This gap was

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precisely, where Ukraine's 2025 reform sat, and it framed the constitutional questions.

At the same time, P. Järve & V.Poleshchuk (2019) provided a comparative analysis of Estonian and Latvian citizenship regimes in the context of Soviet-era legacy and EU membership obligations, identifying structural parallels with Ukraine's post-independence framework, in 1991. J.L. Schulze & J. Pupcenoks (2025) addressed the evolution of Latvian citizenship policy in the context of russian aggression and passportisation threats, providing a direct comparative baseline for Ukraine's security-oriented design of the reform. A. Paparusso & C. Wihtol de Wenden (2025) analysed, how international migration had shifted the traditional understanding of citizenship, including the progressive disconnection of nationality from civic rights in EU member states. This strand of scholarship confirmed that the Baltic states offered the closest comparative reference points for Ukraine, since it shared both the post-Soviet constitutional inheritance and the security concern of hostile-state passportisation.

Other esteemed academics, namely, F. Peters & M. Vink (2023) demonstrated through quasi-experimental evidence from Europe that liberalising dual citizenship requirements produced measurable increases in naturalisation rates, directly supporting the demographic rationale behind Ukraine's reform. M. Vink *et al.* (2025) introduced a global dyadic dataset of dual citizenship acceptance, confirming that bilateral permitted-state arrangements of the type Ukraine had adopted were the dominant policy modality among states that have liberalised multiple nationality. Researchers E. Libanova & O. Pozniak (2023) evaluated the scale and consequences of the war-driven wave of Ukrainian emigration to Europe, providing the demographic evidence base, upon which the reform's diaspora-engagement rationale rested. T. Panchenko (2021) analysed dual citizenship from the perspective of Ukrainian migrants' interests, demonstrating that the inconvenience of renunciation requirements was the principal obstacle to naturalisation among Ukrainians abroad and that legalising multiple nationality was a prerequisite for maintaining meaningful diaspora ties. Collectively, this empirical and Ukrainian-authored scholarship substantiated the demographic and social necessity of the reform, yet it treated the policy overwhelmingly as a question of migration management rather than constitutional law.

Materials and methods

This Article employed a comparative constitutional law methodology. The research drawn on three categories of primary sources, each selected for a specific analytical purpose. The first category comprised constitutional and legislative texts. The Constitution of Ukraine (1996) and Law of Ukraine No. 2235-III (2001) were selected to trace the historical evolution of the single-citizenship doctrine and establish the baseline, against which the 2025 reform was measured. Law of Ukraine No. 4502-IX (2025) constituted the principal subject of the present analysis. European Convention on Nationality (1997) and Germany's Act on the Modernisation of Citizenship Law (StARModG) No. 104 (2024) were selected as the primary comparative baseline because Germany represented a directly analogous recent reform and the European Convention on Nationality (1997) was the binding multilateral instrument governing multiple nationality in Europe. The analysis further examined the citizenship frameworks of France (Code Civil, 2026), Estonia (Citizenship Act, 1995), Latvia (Citizenship Law, 1994), and Lithuania (The Constitution of the Republic of Lithuania, 1992). These countries were selected because each offered a distinct and instructive point of comparison: France exemplified a long-standing permissive model unconstrained by any constitutional single-citizenship rule; Estonia and Latvia shared Ukraine's post-Soviet constitutional inheritance and its security concern with Russia's practice of mass conferral of its citizenship on residents of neighbouring states' territories, as seen in the systematic issuance of Russian passports in occupied Ukrainian territories; and Lithuania presented the closest constitutional parallel, as its Constitution restricted multiple citizenship in terms structurally analogous to Article 4 of the Constitution of Ukraine (1996). International Law Commission (2006) were included specifically to analyse the third-state consular protection gap created by Law of Ukraine No. 4502-IX (2025) sole-nationality rule.

The second category comprises official governmental and institutional materials. The opinion of the Verkhovna Rada's Chief Scientific and Expert Department on the draft law and the constitutional submission referring Law of Ukraine No. 4502-IX (2025) to the Constitutional Court of Ukraine were used to identify the legislative intent and the contested constitutional questions. The Federal Ministry of the Interior's (n.d.) official guidance on the Act to Modernise Nationality Law and the Council of Europe's Explanatory Report to the European Convention on Nationality (1997) were used to verify the comparative legal context. The third category comprised ECHR judicial decisions. Case of Genovese v. Malta (2011) was selected because it established the foundational principle that denial of citizenship fell within the scope of Article 8 as part of a person's social identity, providing the doctrinal basis for the ECHR proportionality framework applied throughout this analysis. Case of Hashemi and Others v. Azerbaijan (2022) was selected because it applied the proportionality methodology to collective denaturalisation in a post-Soviet context directly comparable to the expanded grounds for citizenship loss introduced by Law of Ukraine No. 4502-IX (2025). Case of El Aroud and B.S. v. Belgium (2024) was selected because it represented the most recent Grand Chamber ruling on citizenship deprivation under Article 8 ECHR and directly informed the proportionality analysis of Law of Ukraine No. 4502-IX (2025) expanded grounds for citizenship loss. The comparative method followed the functional approach recommended by K. Zweigert & H. Kotz (1998): rather than formal comparison of constitutional text alone, the analysis examines how different legal systems achieve comparable functional outcomes (integration of diaspora, demographic stabilisation, constitutional legitimation of multiple nationality) through different legal mechanisms. This approach revealed structural differences that purely textual comparison would miss. The historical-evolutionary method is used to trace the doctrinal development of Ukraineєs single-citizenship principle from 1991 to 2026. The normative-critical method was used to evaluate the identified constitutional tensions against applicable standards and to propose reforms.

Results and discussion

Evolution and comparative constitutional analysis of multiple citizenship regulation: from Ukraine's single-citizenship doctrine to European frameworks

Ukraine's single-citizenship principle had deep constitutional roots. Declaration of State Sovereignty of Ukraine No. 55-XII (1990) and the subsequent Law of Ukraine No. 2235-III (2001) first established Ukrainian citizenship as a distinct legal status, separate from Soviet citizenship. Constitution of Ukraine (1996) entrenched this approach in Article 4: "In Ukraine, there is single citizenship. The grounds for acquiring and terminating Ukrainian citizenship are determined by law". Law of Ukraine 2235-III (2001) operationalised this constitutional command. Under Article 19 of that law, voluntary acquisition of foreign citizenship constituted a ground for loss of Ukrainian citizenship. The law did recognise limited dual nationality exceptions for children acquiring dual nationality at birth, and for Ukrainians gaining foreign citizenship automatically through marriage or adoption, in compliance with Ukraine's 2001 ratification of the European Convention on Nationality (1997). In practice, the single-citizenship doctrine was almost entirely unenforced. Ukraine ratified the European Convention on Nationality, but made reservations to certain provisions on multiple nationality (Council of Europe, 2021). The State Migration Service lacked any systematic mechanism for identifying Ukrainians, who had acquired foreign passports. The enforcement gap was substantial: official data showed that between 2005 and mid-2017, citizenship loss proceedings were initiated against a minimal number of individuals, while tens of thousands voluntarily renounced Ukrainian citizenship or lost it through bilateral facilitated procedures during the same period (Civil Network OPORA, 2025). The 2022 russian invasion fundamentally changed the political calculus. As millions of Ukrainians acquired citizenship in host countries, particularly Germany, Poland, the Czech Republic, the United States, and Canada, the formal prohibition placed them in an increasingly untenable legal position (Malynovska, 2023). The government's response, under the institutional umbrella of the new Ministry of National Unity established in December 2024, was Law of Ukraine No. 4502-IX (2025). This law introduced a new Article 5-1 to the Law of Ukraine No. 2235-III (2001), defining the legal framework for multiple citizenship recognition (Shpodareva, 2026).

The law rested on four pillars. First, the permitted-state model. The law created a two-tier system rather than universally permitting dual nationality. Ukrainian citizens, who acquired citizenship of a state on a Cabinet of Ministers-approved list do not lose their Ukrainian citizenship. Foreigners from permitted stated, who naturalised as Ukrainians may do so through a declaration of recognition as a citizen of Ukraine, without renouncing their existing nationality. As of November 2025, the Cabinet approved five states: the United States, Canada, Germany, Poland, and the Czech Republic. President of Ukraine Volodymyr Zelensky indicated that EU member states and G7 members would eventually be included, but the initial list reflected political considerations, specifically which states had most actively supported Ukraine militarily and financially (Horbatiuk, 2026; Shkayev, 2026). Second, the territorial sole-nationality rule. Regardless of the number of passports held, a person, who had naturalised as a Ukrainian citizen was recognised exclusively as a Ukrainian citizen within Ukraine's territory (Syroid, 2025). This meant foreign consular protection was unavailable within Ukraine; the dual national must fulfil all obligations as a Ukrainian citizen, including military service obligations during martial law; and Ukrainian authorities treated the foreign passport as legally irrelevant. This rule drawn on the dominant nationality doctrine in international law, codified in Article 7 of the International Law Commission (2006), but applied it in a maximalist form.

Third, categorical exclusions. Civil servants and judges were absolutely barred from holding dual citizenship; discovery of a civil servant's foreign nationality required dismissal within three days. Citizens of the russian federation and states not recognising Ukraine's territorial integrity were explicitly excluded from all multiple citizenship provisions. The law also specified expanded grounds for loss of Ukrainian citizenship: participation in foreign military service of the russian federation or other aggressor states, participation in armed aggression against Ukraine, and conviction for specified crimes (Yakoviuk, 2024). Fourth, forced passportisation protection. Persons, who acquired russian or other aggressor state citizenship under duress in temporarily occupied territories were explicitly protected: such acquisition was not a ground for loss of Ukrainian citizenship (Civil Network OPORA, 2025). This provision directly responded to russia's systematic practice of issuing russian passports to residents of occupied Ukrainian territories as a tool of annexation. The law also introduced transitional provisions for specific categories: foreign military personnel, who acquired Ukrainian citizenship since 1 January 2018, but cannot fulfil renunciation obligations have a transitional period until 16 July 2026; wartime contract soldiers and humanitarian volunteers received a two-year deferral from examination requirements (Shpodareva, 2026).

Germany's Act on the Modernisation of Citizenship Law (StARModG) No. 104 (2024) entered into force on 27 June 2024, published in the Federal Law Gazette on 26 March 2024, following Bundestag approval on 19 January 2024 by a margin of 382 to 234. The reform was the most significant transformation of German nationality law since the abolition of the Optionspflicht in 2014 (Second Act Amending the Nationality Act No. 52, 2014) and was directly relevant to Ukraine's reform for three reasons. First, Germany was one of Ukraine's five permitted states, meaning German nationals may now acquire Ukrainian citizenship without renouncing German nationality, and Ukrainian nationals in Germany may naturalise without losing Ukrainian citizenship. The legal frameworks of the two countries thus operated in complementarity. Second, Germany itself underwent a politically contentious abandonment of its own longstanding single-citizenship principle: before June 2024, dual nationality was permitted only for EU and Swiss nationals and in narrow exception categories (Federal Foreign Office, 2024). The StARModG removed the requirement to renounce existing nationality from Section 10 StAG entirely (Nationality Act, 1913). Third, Basic Law for the Federal Republic of Germany (2025) provided a constitutional baseline for comparison: Article 116 defined, who was a German national, while Article 16(1) prohibited arbitrary deprivation of citizenship. The Grundgesetz contained no provision equivalent to Article 4 of the Constitution of Ukraine (1996). There was no constitutional text that says "there is single citizenship in

Germany". The reform required statutory changes only, not constitutional amendment.

This structural difference was analytically central. Germany's dual citizenship reform was constitutionally unproblematic because German constitutional text did not prohibit it. Ukraine's reform created friction because Article 4 was state a single-citizenship principle. The German comparator highlighted, what Ukraine's reform lacked: constitutional textual alignment. It also confirmed that the substantive policy goals of demographic attraction, diaspora integration, and skilled worker recruitment were achievable through dual citizenship reform. Germany's Federal Ministry of the Interior noted that the pre-2024 naturalisation rate of 1.1% was below the EU average of 2.0%, and expected the reform to produce a significant increase in naturalisation applications (Gesley, 2023). France had maintained one of Europe's most permissive citizenship frameworks since the reform of its nationality code in 1945. Code Civil (2026) contained no prohibition on dual or multiple citizenship, and France had never required nationals to renounce foreign nationality upon naturalisation or vice versa. France signed but did not ratify the European Convention on Nationality (1997), principally because its reservations to certain provisions on multiple citizenship were incompatible with the European Convention on Nationality's (1997) framework. The French model was instructive for Ukraine in one specific respect: France's constitutional framework had always been silent on the number of citizenships a French national may hold. The concept of "single citizenship" had never appeared in any French constitutional text, making the permissive statutory approach constitutionally uncontroversial. Ukraine's situation was the inverse: the constitutional text was restrictive, while the practical reality and policy imperative were permissive. France demonstrated that multiple citizenship was entirely compatible with democratic constitutionalism. It cannot, however, showed Ukraine, how to bridge the gap between an explicitly restrictive constitutional text and permissive statutory law.

Estonia, Latvia, and Lithuania offered the most directly comparable strategic context for Ukraine's reform. All three states experienced wartime displacement, and the challenge of maintaining national identity across a large diaspora, have faced demographic pressures from emigration and low birth rates, and have used dual citizenship strategically as a diaspora engagement instrument. Estonia's Citizenship Act (1995) permited dual nationality in limited circumstances, most notably for Estonian citizens, who acquired foreign citizenship automatically through marriage or birth, and for former citizens, who lost citizenship during Soviet period. The ethnic dimension of Estonian citizenship policy, used to maintain ties with the diaspora in Sweden, Finland, and the United States, parallels Ukraine's intent to maintain ties with its own diaspora. Estonia required military service of all citizens regardless of second nationality, a policy that directly addressed the conscription-evasion concern raised by the Verkhovna Rada's Chief Scientific and Expert Department regarding Ukraine's reform (Civil Network OPORA, 2025). Latvia's citizenship framework was more complex, shaped by its specific Soviet-era passportisation history and the large russian-speaking minority. Latvia permited dual citizenship for Latvian nationals, who acquired foreign nationality before 1 January 1991 and for those, who naturalised in specific states, primarily EU and NATO member states and others (Citizenship Law, 1994). The analogy to Ukraine's permitted-state model was strong: both systems restricted dual nationality to specific state combinations rather than allowing it universally. This comparative parallel was reinforced by O. Spodynskyi (2021), whose constitutional-comparative analysis of citizenship acquisition and termination in Ukraine and the EU concluded that the Latvian model permitting dual citizenship with EU member states and states bound by bilateral treaty, while offered the most instructive template for Ukraine, provided a coherent doctrine of multiple citizenship was first established.

Lithuania presented the most instructive constitutional parallel to Ukraine's introduction of statutory multiple citizenship without amending the constitutional single-citizenship principle in Article 4. At the same time, Article 12 of The Constitution of the Republic of Lithuania (1992) provided that, with the exception of individual cases established by law, no person may simultaneously be a citizen of Lithuania and another state. This prohibition was structurally analogous to Article 4 of the Constitution of Ukraine (1996). The Lithuanian Constitutional Court had held that broad dual citizenship can only be introduced through a constitutional amendment adopted by referendum. Lithuania had attempted twice to make that amendment. In 2019, the referendum received 73% support from participating voters, but failed to achieve the absolute majority of all eligible voters required under Lithuanian constitutional law. In May 2024, the referendum was held again alongside the presidential election: 1,026,408 votes (74.13% of those voting) were cast in favour, but the required threshold of 1,192,617 votes (more than 50% of all 2,385,234 eligible voters) was not reached (LRT.lt, 2024). The constitutional prohibition therefore remained in force. This experience was directly instructive for Ukraine: where a constitutional text explicitly prohibited dual citizenship, ordinary statutory reform without constitutional amendment was legally insufficient, as the Lithuanian Constitutional Court's doctrine confirmed. Ukraine's Law of Ukraine No. 4502-IX (2025) faced the same structural vulnerability. The following comparative analysis examined how three established democratic frameworks have addressed the constitutional, civil service, military, and diplomatic dimensions of multiple citizenship. Germany, France, Estonia, Latvia and Lithuania were selected as comparators because they represented three distinct constitutional models: recent statutory reform enacted in the absence of any constitutional prohibition, long-standing permissive constitutional silence, and restricted diaspora-oriented frameworks respectively. Each framework illuminated a different dimension of the challenges created by Law of Ukraine No. 4502-IX (2025). Table 1 summarised the key comparative parameters. Taken together, the comparative parameters in Table 1 reveal a clear structural pattern. The states that permit multiple citizenship without constitutional friction, namely Germany and France, share the absence of any explicit constitutional single-citizenship rule, which allowed reform to proceed through ordinary legislation alone. By contrast, Ukraine and Lithuania occupy the opposite position, where an express constitutional restriction stands in tension with a statutory framework that seeks to accommodate multiple citizenship. Estonia and Latvia occupy an intermediate position, combining restricted, diaspora-oriented statutory models with

security-driven limitations that closely resemble Ukraine's own concerns. This comparison confirms that the central obstacle facing Ukraine's reform is not the policy design of its permitted-state model, which finds workable analogues across Europe, but the unresolved gap between that model and the constitutional text of Article 4.

Table 1. Comparative constitutional framework on multiple citizenship

Criterion	Ukraine	Germany	France (Nationality Code)	Estonia, Latvia & Lithuania
Constitutional basis	Article 4 (single citizenship) unamended; constitutionality pending	Article 116 of the Basic Law for the Federal Republic of Germany; no amendment needed; StARModG statutory reform	No constitutional prohibition; Nationality Code framework	Statutory frameworks; no constitutional barriers
Dual citizenship model	Permitted-state model: 5 approved states only	Universal: no restriction by origin state since 27 June 2024	Universal: no restriction; long-standing permissive framework	Restricted: limited exceptions; diaspora-oriented rules
Civil servant prohibition	Absolute: dismissal within 3 days of discovery	None: most civil servants may hold dual nationality	None: security clearance may restrict sensitive positions	Security-sensitive positions only
Sole-nationality rule on territory	Yes: treated exclusively as Ukrainian citizen within Ukraine	No: both nationalities recognised within Germany	No: both nationalities recognised	Partial: limited restrictions for certain state functions
Military obligation	Full wartime obligation; 2-year deferral for volunteers and soldiers only	Service waiver possible for diaspora-born Germans abroad	French citizenship duty only	Mandatory service regardless of second nationality (Estonia)
Forced passportisation protection	Explicit: occupied territory duress exception codified	Not applicable	Not applicable	Limited: related to Soviet-era citizenship in Estonia and Latvia
European Convention on Nationality	Ratified; reservations to multiple nationality provisions	Ratified; full compliance post-2024 reform	Signed but not ratified; generally, ECN-compliant	Ratified with reservations; generally compliant

Note: ECN – European Convention on Nationality
Source: Citizenship Law (1994), Citizenship Act (1995), Constitution of Ukraine (1996), European Convention on Nationality (1997), Act on the Modernisation of Citizenship Law (StARModG) No. 104 (2024), Law of Ukraine No. 4502-IX (2025), Basic Law for the Federal Republic of Germany (2025), Code Civil (2026)

European Convention on Nationality Framework and ECHR jurisprudence on citizenship rights

Ukraine ratified the Explanatory Report to the European Convention on Nationality (1997), one of only 21 states that have done so as of 2024. The ECN does not require states to permit multiple nationality. Article 14 required states to permit multiple nationality in cases of automatic acquisition by children with two different national parents and in cases of automatic acquisition by marriage. Article 18 addressed nationality in cases of state succession. The Convention's framework was therefore permissive rather than prescriptive on multiple nationality. Ukraine's pre-2025 recognition of limited dual nationality exceptions for birth, marriage, and adoption was already ECN-compliant. Law of Ukraine No. 4502-IX (2025) moved Ukraine significantly beyond ECN minimum requirements, but potentially created tensions in one respect: Article 17 of the ECN provided that in cases of multiple nationality, each State Party shall recognise the nationality of its own State with regard to the other State Party. This provision, which codified the dominant nationality principle, was reflected in Law of Ukraine No. 4502-IX (2025) sole-nationality rule. However, the ECN's recognition of the other nationality in relations between third states was more nuanced than Ukraine's absolute exclusion of foreign consular protection on Ukrainian territory. ECHR jurisprudence on nationality had developed substantially between 2011 and 2024. Three judgments were directly relevant to the constitutional analysis of Law of Ukraine No. 4502-IX (2025). First, in Case of Genovese v. Malta (2011), the applicant was a child born out of wedlock to a Maltese father and a British mother. After paternity was judicially established, his mother requested Maltese citizenship for him, but the application was refused on the basis that Maltese law at the time only conferred nationality on illegitimate children through the mother. The legal question before the Court was whether this refusal engaged Article 8 ECHR. The Court held, that while there was no European Convention on Nationality (1997) right to acquire a specific nationality, the denial of citizenship had a sufficient impact on a person's social identity – which formed part of private life under Article 8 – to bring it within the scope of that provision. The evaluation criteria were: impact on the applicant's social identity and the absence of objective and reasonable justification for the differential treatment. A violation of Article 14 in conjunction with Article 8 was found. For Law of Ukraine No. 4502-IX (2025), this case established the foundational principle that citizenship decisions that arbitrarily affected an individual's social identity engage Article 8, and that expanded grounds for citizenship loss introduced by the law must be applied in a non-discriminatory and individually justified manner.

Second, in Case of Hashemi and Others v. Azerbaijan (2022), the applicants were Afghan and Pakistani nationals, who had settled in Azerbaijan as UNHCR-registered refugees. Their children, born in Azerbaijan before 30 May 2014, when domestic law applied the jus soli principle (the

acquisition of citizenship by virtue of birth on a state's territory, regardless of the parents' nationality), were refused identity cards and denied Azerbaijani citizenship by administrative decision. The legal question was whether the refusal to recognise citizenship that was vested under the law then in force violated Article 8 ECHR (Bysaga *et al.*, 2023). The Court held that the refusal was tantamount to a denial of nationality, that it had considerable negative consequences for the children's private life, and that the decision was arbitrary and lacked adequate procedural safeguards, in violation of Article 8.

The evaluation criteria were: arbitrariness of the administrative decision, its consequences for private life, and the absence of procedural guarantees. For Law of Ukraine No. 4502-IX (2025), this case confirmed that the expanded grounds for citizenship loss – participation in armed aggression, conviction for specified crimes – must be applied through individual proceedings with adequate procedural safeguards, not through automatic administrative determinations. Third, in Case of El Aroud and B.S. v. Belgium (2024), the applicants were two dual nationals – a Moroccan-Belgian and a Tunisian-Belgian – who had acquired Belgian citizenship by declaration in 2000 and 2001 respectively. Both were convicted at final instance of terrorism-related offences: the first for leading a jihadist recruitment cell linked to al-Qaeda, the second for similar activities. Belgian authorities subsequently revoked their citizenship. The legal question was whether this deprivation violated Article 8 ECHR. The Court held unanimously that there had been no violation (Key theme…, 2026). The evaluation criteria were: the gravity of the terrorism-related conduct, the finality of the criminal conviction, the availability of judicial review, and the proportionality of the measure to the legitimate aim of protecting national security and the values of the European Convention on Nationality (1997). For Law of Ukraine No. 4502-IX (2025), this judgment supported the constitutionality of citizenship loss upon conviction for participation in armed aggression against Ukraine, provided the mechanism was individual judicial proceedings – not administrative orders – with proportionality assessment available at each stage.

Structural constitutional tensions and remedies

The comparative analysis revealed four structural constitutional tensions in Law of Ukraine No. 4502-IX (2025) that required legislative or judicial resolution. First, the Article 4 incompatibility. Law of Ukraine No. 4502-IX (2025) operationally permited dual nationality, while Article 4 of the Constitution of Ukraine (1996) stated "there is single citizenship in Ukraine". The Verkhovna Rada's referral to the Constitutional Court acknowledges this tension. Three interpretive positions were available. The strict interpretation, advanced by the Batkivshchyna (All-Ukrainian Union) political party and the Verkhovna Rada's Chief Scientific and Expert Department, held that Article 4 categorically prohibited dual nationality and the law was unconstitutional ab initio (Jędrysiak, 2025). At the same time, O. Tomkina (2024) argued that the constitutional principle of single citizenship in Article 4 was rooted primarily in the constitutional foundation of unitarism, and concluded, that while Ukraine does not recognise the legal consequences of multiple citizenship, it does not prohibit it outright – an interpretation that directly supported the purposivist reading of Article 4 advanced below. The purposivist interpretation, implicitly adopted by the law's drafters, held that Article 4 expresses Ukraine's recognition of only one citizenship in legal relations on Ukrainian territory, not a prohibition on Ukrainian nationals holding foreign passports; on this reading, the law was constitutional because Ukraine continued to treat dual nationals exclusively as Ukrainian citizens. The evolutionary interpretation held that Article 4 must be read consistently with Ukraine's EU accession obligations, ECN commitments, and the ECHR, all of which supported a modern, flexible approach to nationality; the Constitutional Court had discretion to interpret Article 4 in a manner consistent with European constitutional norms. The evolutionary interpretation offered the strongest scholarly argument for constitutionality without amendment.

Second, the civil servant prohibition's proportionality. The absolute dismissal requirement for civil servants, including technical and support staff, who held dual citizenship was disproportionate relative to the underlying security interest. Germany, France, Estonia, and Latvia all permitted civil servants to hold dual nationality in non-security-sensitive positions. The applicable ECHR standard (Case of El Aroud and B.S. v. Belgium, 2024) required proportionality between the restriction and the legitimate aim pursued. A tiered approach distinguishing security-sensitive positions from general civil service role would satisfy this standard, while preserving legitimate security interests. Third, the diplomatic protection gap. The sole-nationality rule on Ukrainian territory created a situation, not yet resolved in Ukrainian legislation, where a dual national detained in a third country may face uncertainty about which state's consular protection to invoke. Article 7 of the International Law Commission (2006) codified the dominant nationality doctrine: in cases of dual nationality, a state may exercise diplomatic protection against a third state on behalf of its national, if that state's nationality was dominant. Law of Ukraine No. 4502-IX (2025) rule that dual nationals were treated exclusively as Ukrainian citizens on Ukrainian territory does not resolve the third-state scenario. Ukraine should develop implementing regulations addressing the diplomatic protection question to avoid gaps in consular protection for its citizens abroad. Fourth, the conscription and military obligation uncertainty. During martial law, male Ukrainian citizens of draft age present in Ukraine are subject to military service obligations. Law of Ukraine No. 4502-IX (2025) sole-nationality rule theoretically subjects dual nationals to these obligations, when present in Ukraine. However, no implementing regulation addressed the scenario of diaspora Ukrainian-Americans or Ukrainian-Germans, who travelled to Ukraine and find themselves subject to conscription.

The Estonian model, under which all citizens served regardless of second nationality, provided the clearest solution, but required explicit legislative codification in Ukraine's military service legislation rather than reliance on the implied consequence of the sole-nationality rule. O. Korentsov (2025) similarly emphasised that, under the legal regime of martial law, the relationship between citizenship status and the duties it imposed, including military-service obligations, required clearer statutory articulation to reconcile the Law of Ukraine No. 2235-III (2001) with the

constitutional framework. The findings of this comparative constitutional analysis engaged several strands of scholarly literature. P.J. Spiro (2016) documented that post-socialist constitutional courts have progressively relaxed restrictive citizenship provisions through interpretive methods without formal amendment, providing direct doctrinal precedent for the evolutionary interpretation of Article 4 of Ukrainian Constitution. F. Peters & M. Vink (2023) demonstrated through quasi-experimental analysis of dual citizenship reforms in Sweden and the Netherlands that liberalising multiple nationality requirements produced a statistically significant increase in naturalisation rates, especially by 6.7% points in Sweden after its 2001 reform. This finding directly validated the demographic rationale of Ukraine's permitted-state model: if the reform achieved legal stability, it can be expected to produce measurable increases in the number of diaspora Ukrainians maintaining formal ties with Ukraine through citizenship. M. Vink *et al.* (2025) confirmed through a global panel dataset that bilateral permitted-state arrangements were the dominant liberalisation modality among states that have moved away from single-citizenship rules, demonstrating that Ukraine's design choice reflected a well-established global pattern rather than an exceptional approach.

M. Pentikäinen (2022) demonstrated through a Finnish case study that blanket restrictions on dual nationals in public service, applied without individualised risk assessment, constitute impermissible nationality-based discrimination under international human rights law. This finding directly supported the conclusion that Ukraine's absolute civil servant prohibition was disproportionate under the ECHR proportionality standard established in Case of Genovese v. Malta (2011) and Case of El Aroud and B.S. v. Belgium (2024). R. Pougnet (2023) demonstrated that states treating citizenship as a fundamental status attracted stricter proportionality review than those treating it as a contractual status subject to forfeiture, a distinction directly relevant to how Ukrainian courts should approach the expanded grounds for citizenship loss introduced by Law of Ukraine No. 4502-IX (2025). Scientists T. Faist & P. Kivisto (2007) established that diaspora populations maintained strong civic ties regardless of dual nationality status, countering the dual-loyalty concern underlying both the civil servant prohibition and the military service uncertainty identified above. J.L. Schulze & J. Pupcenoks (2025) demonstrated that Latvia's restricted permitted-state model had proved constitutionally stable and operationally effective in maintaining diaspora engagement without enabling hostile-state instrumentalisation, directly validating the feasibility of Ukraine's analogous design, provided the constitutional text was brought into alignment. A. Paparusso & C. Wihtol de Wenden (2025) observed that EU member states were progressively disconnecting nationality from civic rights as a feature of European integration, a trajectory that reinforced the argument that Ukraine's EU accession path required a permissive approach to multiple citizenship consistent with the direction of Law of Ukraine No. 4502-IX (2025), but not with its constitutional incompleteness.

Conclusions

A comparative constitutional analysis of the 2025 multiple citizenship reform in Ukraine, and its consequences analysed through the prism of four structural constitutional contradictions, revealed that the reform was historically significant and demographically necessary: faced with large-scale displacement during the war and a long-term reduction of the domestic population, Ukraine cannot afford to consider dual citizenship as a prohibited status. The reform represented a fundamental reorientation from formal prohibition to pragmatic recognition, aligning Ukraine with the practice of the majority of Council of Europe member states. This reorientation was closely tied to Ukraine's European integration trajectory: as a candidate state, Ukraine is required to align its constitutional and legislative framework with European Union standards, and the reform marked a significant step in that direction, even as its constitutional incompleteness risked impeding rather than advancing that process.

The analysis had shown that Ukraine's multiple citizenship reform was politically and legally significant, yet it remained dependent on further constitutional clarification. The main challenge lain in the need to reconcile the new legislative approach with the constitutional principle of single citizenship. The central unresolved question was whether the reform was compatible with Article 4 of the Constitution of Ukraine, which continues to affirm that there is single citizenship in Ukraine. Until this issue was resolved either through constitutional amendment or authoritative judicial interpretation, the reform may remain vulnerable to legal uncertainty.

The study also indicated that the practical implementation of the reform required a balanced approach. Particular attention should be paid to issues related to public service, military obligations, consular protection and the selective application of the permitted-state model. These areas should be regulated in a way that protected national security, while avoiding disproportionate restrictions on citizens' rights. Overall, the reform represented an important step towards aligning Ukraine's citizenship policy with broader European practice. However, its long-term effectiveness will depend on the establishment of a clearer constitutional and legal framework capable of ensuring stability, legal certainty and consistency with Ukraine's European integration objectives. The 2025 nationality reform was necessary, but it required the constitutional foundation that only a formal amendment to the single-citizenship clause or an authoritative Constitutional Court ruling can provide. Prospects for further research include empirical assessment of the reform's demographic impact and monitoring of the Constitutional Court's eventual ruling.

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Подвійне громадянство, множинне громадянство та наслідки реформи законодавства України про громадянство 2025 року: порівняльно-конституційний аналіз

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Анотація. Реформа множинного громадянства в Україні стала найістотнішою трансформацією українського законодавства про громадянство з часу ухвалення основоположного Закону України «Про громадянство України» 2001 року. Метою цієї статті було здійснити порівняльно-конституційний аналіз реформи законодавства України про громадянство 2025 року. У дослідженні визначено, чи відповідає реформа статті 4 Конституції України; її модель порівняно з правовими системами Німеччини, Франції, Естонії, Латвії та Литви; виявлено чотири спричинені нею структурні конституційні суперечності, а також запропоновано конкретні напрями законодавчого та судового врегулювання. До проведення цієї реформи Україна дотримувалася однієї з найжорсткіших доктрин єдиного громадянства серед європейських пострадянських держав. Водночас формальна заборона фактично майже не застосовувалася через відсутність системного механізму перевірки та з огляду на дедалі поширенішу практику, за якої мільйони українців за кордоном мають паспорти двох держав. За допомогою методології порівняльного конституційного права та критеріїв пропорційності Європейського суду з прав людини встановлено, що реформа, попри її функціональну узгодженість, спричинила чотири структурні суперечності між її законодавчою моделлю та чинними конституційними й міжнародними зобов'язаннями України. Визначено чотири структурні конституційні суперечності та запропоновано напрями їх законодавчого й судового врегулювання. Зроблено висновок, що реформа в Україні, попри її прагматичну необхідність і демографічну нагальність, залишається незавершеною з конституційного погляду: без офіційного внесення змін до статті 4 Конституції України або авторитетного рішення Конституційного Суду України, яке визначить межі її застосування, реформа може бути визнана неконституційною в судовому порядку та не зможе повною мірою забезпечити досягнення своїх основних цілей щодо залучення діаспори й демографічної стабілізації

Ключові слова: одночасне громадянство; множинне громадянство; імміграційне право; діаспора; демографічна криза; порівняльне конституційне право

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Transformation of Ukraine's criminal procedure legislation under martial law: Balancing national security and human rights guarantees

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Abstract. The relevance of the study is conditioned by the need to improve the criminal procedure legislation of Ukraine under martial law and adapt the mechanisms of criminal proceedings to today's security challenges. The purpose of the study was to determine the main areas of transformation of the criminal procedure legislation of Ukraine to ensure the effective functioning of the criminal justice system in the context of armed aggression. To achieve the stated objective, the study employed the system and structural, comparative legal, and formal legal methods, analysis of judicial practice, empirical generalisation, and content analysis, supplemented by elements of data-driven and risk-based approaches. Special attention was paid to the analysis of amendments to the Criminal Procedural Code of Ukraine, primarily the provisions of Article 615 of the Criminal Procedural Code of Ukraine, which established a special procedure for conducting pre-trial investigation and judicial proceedings under martial law. The features of the implementation of the procedural powers of the investigator, prosecutor, and investigating judge, and mechanisms for ensuring the continuity of criminal proceedings in conditions of limited access to courts, temporary occupation of certain territories, active military operations, and threats to the life and safety of participants in criminal proceedings were investigated. A comparative legal analysis of models of criminal proceedings in armed conflicts was carried out considering the experience of Israel, the former Yugoslavia, and the Baltic states. The specific features of investigative (search) and covert investigative (search) actions, and the procedures for recording, collecting, and using evidentiary information obtained under martial law, were analysed. Special attention was paid to the issues of ensuring procedural guarantees of human rights, in particular the right to protection, access to justice, implementation of the principle of adversarial parties, effective judicial control and compliance with the requirements of a fair trial. Based on the results of the study, the main trends and problems of the development of criminal procedural legislation of Ukraine during the period of martial law were identified, promising areas for further improvement of criminal procedure regulation were identified based on the need to ensure a proper balance between the interests of national security and human rights guarantees. The practical significance of the study lies in the potential use of its findings in law-making, judicial practice, and the work of pre-trial investigation bodies and prosecutorial authorities in criminal proceedings under martial law

Keywords: criminal process; pre-trial investigation; criminal proceedings; admissibility of evidence; human rights; Supreme Court; judicial practice

Introduction

The full-scale armed aggression of the Russian Federation against Ukraine and the introduction of martial law have made it necessary to adapt the mechanisms of criminal proceedings to new socio-political conditions. Ensuring effective investigation of criminal offences, in particular war crimes, requires the use of special procedural tools that allow maintaining the functioning of the justice system even amid active hostilities. Furthermore, any changes in the criminal process must comply with the requirements of the rule of law and ensure an appropriate balance between the interests of national security and the guarantees of human rights.

At the global level, the experience of Ukraine is now considered as a unique example of the functioning of the criminal justice system in a large-scale war and simultaneously approaching the standards of the European Union and international humanitarian law. International practice demonstrates that contemporary armed conflicts generate unprecedented volumes of evidentiary information, a substantial proportion of which is digital in nature, including video recordings, satellite data, social media content, and OSINT sources. This necessitates the development of new procedural approaches to collecting, verifying, and

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evaluating evidence in criminal proceedings. Of particular importance is the standardisation of digital evidence and its compatibility with the requirements of national courts and international criminal tribunals (Pohoretsky, 2025).

The scale of war crimes presents an additional challenge. As of June 2026, the law enforcement agencies of Ukraine registered more than 200 thousand criminal proceedings on the facts of possible commission of war crimes under Article 438 Criminal Code of Ukraine (2001), which requires new organisational models of investigation and broad international cooperation (Crimes committed by the Russian…, 2026; Mettraux, 2026).

An analysis of contemporary research indicates a clear global trend towards adapting criminal justice systems to the conditions of armed conflict through the introduction of special procedural mechanisms, the digitalisation of evidence-gathering, and enhanced international cooperation. However, the dominant scientific position remains the need to observe the rule of law even under martial law. Leading researchers emphasise that the effectiveness of investigating war crimes should be combined with ensuring the right to a fair trial, the right to defence, and other fundamental guarantees of human rights. It is the search for an optimal balance between the interests of national security and human rights that is a key area of contemporary scientific discussions in the field of criminal procedure law.

In particular, I.V. Hloviuk (2023) examined the specifics of criminal proceedings on war crimes committed in the context of armed aggression against Ukraine, analysed approaches to defining the concept of war crimes and problematic aspects of their investigation through the prism of national legislation and law enforcement practice. The study by T.O. Loskutov (2023) noted that under martial law, when the criminal procedural legislation undergoes dynamic changes and contains certain gaps, the basis of reasonableness as a reference point for law enforcement and procedural decision-making is of particular importance. O.M. Mykolenko (2023) focused on the problems of ensuring the rights and legitimate interests of participants in criminal proceedings under martial law, in particular, in the context of permissible restrictions on constitutional human rights and freedoms. A significant contribution to the study of the problems of documenting international crimes was made by M.A. Pohoretsky (2025), who comprehensively analysed the features of collecting, recording, preserving, and evaluating evidence of international crimes, considering the requirements of international criminal justice, forensic approaches, and contemporary digital standards of evidence. The study by O.V. Pchelina & Ya.I. Tymchuk (2025) examined the impact of martial law on the functioning of the criminal justice system of Ukraine, and analysed the main legislative innovations introduced after the beginning of the full-scale armed aggression of the Russian Federation against Ukraine. T.Yu. Tkachuk & V.H. Onishchenko (2025) explored the challenges of ensuring the reliability of digital proof in documenting and investigating war crimes. The authors pay special attention to threats related to the use of counter-forensics technologies aimed at concealing, modifying, or destroying digital information, which may negatively affect its evidentiary value. M.S. Tsutskiridze (2026) concluded that the improvement of the methodology for investigating illegal seizure of industrial and agricultural enterprises under martial law should be based on a comprehensive combination of forensic, procedural, and evidentiary components. V.V. Topchii (2024) noted that the conduct of military operations and the temporary occupation of certain territories of Ukraine significantly complicate the implementation of procedural measures related to the investigation of criminal offences, the collection and recording of evidence, and the proper documentation of procedural actions.

Thus, the scientific literature thoroughly covered certain aspects of the implementation of criminal proceedings under martial law, in particular, the investigation of war crimes, ensuring the rights of participants in the process, the use of special procedural mechanisms, the use of digital evidence, and international cooperation. However, the dynamic development of criminal procedure legislation, the development of new judicial practice and the need to adapt the national criminal process to the challenges of wartime determine the need for further comprehensive scientific research on this issue.

The purpose of the study was to determine the main areas of transformation of criminal procedure institutions and the application of special procedural norms under martial law, and assess their impact on the effectiveness of criminal proceedings while preserving procedural guarantees of human rights. To achieve the stated objective, the following tasks were identified: to determine the specific features of the exercise of the procedural powers of investigators, prosecutors, and investigating judges under the legal regime of martial law; to analyse the procedures for recording, collecting, and using evidentiary information, and problematic aspects of the admissibility of evidence obtained under the special conditions of martial law; to identify the main trends in the development of Ukraine's criminal procedure legislation during the period of martial law and outline prospects for its further improvement considering the need to maintain a balance between national security interests and human rights guarantees.

Materials and methods

The material basis of the study comprised the provisions of the current legislation of Ukraine regulating criminal proceedings, the use of materials obtained through operational and investigative activities, the conduct of covert investigative (search) actions, and the specific features of the legal regime of martial law. The regulatory framework was supplemented by bylaws that define the organisation of activities of pre-trial investigation bodies and the procedure for their interaction with other subjects of criminal proceedings. The theoretical basis of the research was the theories of evidence and investigative activities, which covered the methodology of investigation of criminal offences, the specifics of the evidentiary process, the admissibility of evidence, the use of materials of operational and investigative activities, the results of secret investigative (search) actions, and the problems of using digital evidence and exercising judicial control under martial law. The empirical basis of the study consisted of data from departmental statistical reporting (Crimes committed by the Russian..., 2026), materials summarising investigative and judicial practice, official reports, and analytical references (Supreme Court, 2022; 2023; 2024a; 2024b; 2026) devoted to the investigation of criminal offences under martial law, and materials reflecting contemporary

approaches to documenting such offences, in particular, with the use of special knowledge and digital technologies.

The methodological basis of the research was a complex of general scientific and special legal methods of cognition. System and structural methods were used to identify relationships between procedural, forensic, and international legal components of proof in criminal proceedings. The comparative legal method was used to contrast national approaches to determining the admissibility of evidence with the provisions of international criminal law, the practice of the International Criminal Court and the European Court of Human Rights. The formal legal method allowed interpreting the norms of the criminal procedure legislation of Ukraine and international legal instruments governing the collection, verification, and assessment of evidence. The method of analysing judicial practice was used to identify and generalise the criteria for the admissibility of evidence formed in national and international law enforcement practice. Methods of empirical generalisation, content analysis, and data-oriented analysis elements were used in the study of the practice of documenting, preserving and using digital evidence in cases of war crimes. Elements of the risk-based approach were used to assess the impact of modern digital technologies on human rights, compliance with procedural guarantees, and maintaining a balance between the effectiveness of criminal prosecution and the requirements of a fair trial.

Results and discussion

The introduction of martial law in Ukraine has become one of the key factors in the transformation of criminal procedure legislation and the practice of its application (Pysmenskyy, 2025; Sasko, 2025). The legal nature of martial law provides for the possibility of temporary restriction of certain human and civil rights and freedoms to ensure national security, defence of the state, and protection of its sovereignty and territorial integrity. However, such restrictions must comply with the principles of legality, necessity, and proportionality consolidated in both national legislation and international legal acts in the field of human rights protection (Babikov *et al.*, 2025; Romanchenko *et al.*, 2026). As noted by O. Dufeniuk (2022), the main challenges of the investigation of war crimes in Ukraine include limited access to crime sites, the need to establish effective international cooperation, the widespread use of digital evidence, and the need to formulate common standards for documenting such offences. These circumstances necessitate the introduction of special procedural mechanisms for conducting pre-trial investigations under martial law.

The pre-trial investigation stage has undergone significant changes in the conditions of martial law. In order to ensure the continuous functioning of the criminal justice system, the legislator has introduced a number of special procedural mechanisms that allow criminal proceedings to be conducted in conditions of limited access to certain territories, critical infrastructure facilities, sources of evidentiary information, or participants in criminal proceedings. The legal basis for these changes is Article 615 of the Criminal Procedural Code of Ukraine (2012), which sets out the specific features of pre-trial investigation and judicial proceedings under martial law (Law of Ukraine No. 2201-IX, 2022; Supreme Court, 2022). The provisions of this Article provide for the possibility of derogation from the general procedure for conducting certain procedural actions in the presence of objective circumstances that allow complying with the established procedures. In particular, it is allowed to conduct a search without the participation of witnesses in the event of a threat to their security or inability to ensure their presence, provides for remote participation of a defence lawyer in certain procedural actions, and also simplifies the procedure for making certain procedural decisions (Law of Ukraine No. 2201-IX, 2022).

The analysis of the Supreme Court's practice showed that the application of such exceptions is not automatic and requires proper justification of the reasons for derogation from the general procedural rules. An important guarantee of respect for the rights and freedoms of participants in criminal proceedings, even under martial law, remains further judicial control over the legality and validity of relevant procedural actions and decisions (Supreme Court, 2023).

Ensuring the rights of suspects and accused persons is of particular importance under martial law. Armed conflict objectively complicates the implementation of certain procedural guarantees, in particular, timely access to legal aid, unhindered communication with the defender, and the exercise of the right to a fair trial. According to I. Hanenko (2025), even in war conditions, the state is obliged to ensure compliance with basic procedural guarantees. Furthermore, the decision on the permissibility of restricting human rights during a pre-trial investigation should be made based on the methodology of a three-part test, which provides: the existence of a legislative basis for interference, the legitimacy of its purpose, and the need for such interference in a democratic society.

Under these conditions, the standards formed by the practice of the European Court of Human Rights (Prytyka & Zahrebelna, 2026) become particularly relevant. According to them, even during emergencies, the state is obliged to ensure compliance with fundamental procedural guarantees, and any restrictions on human rights must comply with the requirements of legality, necessity, and proportionality (European Court of Human Rights, 2025). In this context, V. Stratonov (2025) focused on the need for further harmonisation of national legislation with international standards in the field of human rights protection. In particular, the results of a comprehensive analysis of legislation, judicial practice, and international reports (Council of Europe, Eurostat, UNODC, OECD) show that Ukraine is gradually approaching European standards, but key structural problems remain: limited access of defence lawyers to the case materials, an imbalance in resources between the parties, and insufficient oversight of prosecutorial activities (Krasnytskyi *et al.*, 2026).

One of the key challenges for pre-trial investigation bodies under martial law is to ensure a proper evidentiary process. In accordance with Article 84 of the Criminal Procedural Code of Ukraine (2012), evidence in criminal proceedings is recognised as factual data obtained in accordance with the procedure established by law, based on which circumstances relevant to criminal proceedings are established. According to Article 86 of the Criminal Procedural Code of Ukraine (2012), evidence is considered permissible only if it is obtained in the manner provided for by the criminal procedure legislation (Hloviuk *et al.*, 2022).

The provisions of Article 99 of the Criminal Procedural Code of Ukraine (2012) are also important for the evidentiary process, according to which documents as sources of evidence can be material media containing recorded information, in particular, electronic documents, photo, video, and audio recordings (Supreme Court, 2026). The investigation of war crimes is characterised by the fact that a substantial proportion of such criminal offences are committed in temporarily occupied territories or areas of active hostilities, where conventional investigative (search) actions are significantly impeded or impossible. Destruction of infrastructure facilities, mine hazards, threats to the life and health of law enforcement officers, and the lack of timely access to the sites of events significantly limit the ability to conduct inspections, seize material evidence, and interrogate witnesses and victims.

In this context, A. Shulzhenko (2022) drew attention to the difficulties of recording evidentiary information in areas of combat operations, the problems of ensuring the admissibility and reliability of evidence, and the procedural risks that arise during the investigation of war crimes. M. Korniyenko *et al.* (2025) also focused on the need to adapt investigative (search) actions to the conditions of armed conflict and limited access to sources of evidentiary information.

Under such conditions, digital sources of information are of particular importance, which often act as the main, and sometimes the only means of fixing the circumstances of a criminal offence and forming an evidence base (Tsermolonsky, 2022). Consequently, under martial law, the role of digital evidence is significantly increasing, including photo and video recording materials, satellite images, recordings from unmanned aerial vehicles, video surveillance cameras, and information obtained from open sources (OSINT).

The experience of states that have conducted criminal proceedings under conditions of armed conflict, terrorist threats, or exceptional legal regimes demonstrates a common trend: legislators seek to ensure the continuity of criminal justice while preserving the fundamental guarantees of the right to a fair trial. Each state has developed its own model for adapting the criminal process to the conditions of security challenges. The most significant in this context is the experience of Israel, the former Yugoslavia, and the Baltic states.

In particular, Israel is one of the few states whose criminal justice system has been operating for decades under a constant military and terrorist threat. A special feature of the Israeli model is to ensure the continuity of the functioning of the judicial system. Even during military operations, the courts do not stop the administration of justice, although they can work in a reduced mode or use a remote format of judicial proceedings. The analysis confirmed that Criminal Procedure Law of Israel (1982) provides for the possibility of increasing the terms of administrative detention, limiting certain procedural rights of persons suspected of committing terrorist crimes, and postponing meetings with a defender in exceptional cases (Counter-Terrorism Law of Israel, 2016). In addition, it is allowed to use classified materials if their disclosure may pose a threat to national security. It can be stated that an important feature of the Israeli model is the widespread use of digital technologies, remote participation of participants in criminal proceedings and electronic document management. Even in a state of emergency, decisions restricting procedural rights are subject to judicial review, which provides additional guarantees of respect for the rule of law (Basic Law: Human Dignity and Liberty of Israel, 1992; Basic Law: the Government of Israel, 2001).

The International Criminal Tribunal for the former Yugoslavia (ICTY) was a United Nations special judicial body established to deal with the most serious violations of international humanitarian law committed during armed conflicts in the former Yugoslavia since 1991. A special feature of the ICTY model was the combination of international criminal justice mechanisms with the reform of national criminal justice systems, namely: specialised units of prosecutors were introduced; special procedures for working with witnesses; programmes for the protection of victims and witnesses; extensive use of digital evidence; remote questioning of witnesses; mechanisms of international legal assistance. Following the completion of the tribunal's activities, the procedural standards developed by the tribunal were implemented in the criminal legislation of Bosnia and Herzegovina, Croatia, and Serbia, in particular, through the establishment of specialised judicial chambers and prosecutors' offices authorised to carry out criminal proceedings in cases of war crimes (Del Ponte, 2006).

Since the beginning of the Russian aggression against Ukraine in 2014, and especially after the full-scale invasion in 2022, the Baltic states (Estonia, Latvia, and Lithuania) have stepped up the reform of criminal justice and related legislation to increase the resilience of judicial and law enforcement institutions to military and hybrid threats. The reform was carried out in compliance with the standards of the rule of law and procedural guarantees of human rights. The key areas of the reform were ensuring the continuity of criminal proceedings by expanding the possibilities of remote court sessions, introducing electronic document management, using video communication during the interrogation of participants in criminal proceedings, and wider use of digital evidence. It can be stated that the legislation of the Baltic states was adapted for the operational use of secret investigative (search) actions, electronic surveillance tools, mechanisms for the international exchange of evidence, and special procedural tools for countering sabotage activities. The legislator paid special attention to improving the legal regulation of handling information constituting a state secret and ensuring the protection of personal data. The experience of the Baltic states shows the active use of international cooperation mechanisms in the field of criminal justice, in particular, the European Arrest Warrant, Eurojust instruments, Joint Investigation Teams, and digital platforms for the exchange of evidentiary information. Unlike the Israeli model, the approach of the Baltic states is based primarily on the digital transformation of criminal proceedings, improving the effectiveness of international cooperation, and maintaining the proper level of procedural guarantees for participants in criminal proceedings (Nevera *et al.*, 2022; Ernits *et al.*, 2022; Buciunas, 2024).

The comparative legal analysis of models of criminal proceedings under conditions of armed conflict and other exceptional legal regimes demonstrates that, despite differences in legal systems and the nature of security threats, states have developed a common approach to the administration of criminal proceedings during armed conflict. Its

essence is to ensure the continuity of criminal proceedings by adapting procedural mechanisms to emergency conditions without giving up the fundamental guarantees of the right to a fair trial. This goal is achieved through digitalisation of criminal proceedings, expansion of opportunities for remote participation in procedural actions, improvement of the procedure for using electronic and secret evidence, development of international cooperation, and strengthening of judicial control over the restriction of the rights of participants in criminal proceedings.

Israel's experience confirms the effectiveness of criminal justice in the face of constant military and terrorist threats, provided that effective judicial control is maintained. The practice of ICTY demonstrates the importance of specialised mechanisms for documenting international crimes, protecting witnesses, and digitally managing evidence. In contrast, the Baltic states have formed a model focused on digital transformation of criminal proceedings, strengthening international cooperation, and ensuring the resilience of criminal justice to contemporary hybrid threats (Table 1).

Table 1. Comparative analysis of models of criminal proceedings in conditions of military conflicts or other emergency legal regimes

Criteria	Israel	Former Yugoslavia states	Baltic states	Ukraine
Main threat	Terrorism, war	Armed conflict, war crimes	Hybrid threats, potential aggression	War, war crimes
Main goal of the reforms	Continuity of legal proceedings	Investigation of international crimes	Improvement of the sustainability of criminal justice	Continuity of legal proceedings
Remote proceedings	Yes	Partially	Widely used	Partially
Special evidentiary procedures	Classified materials, special evidence	Witness protection, international evidence	Digital evidence	Digital evidence
Judicial control	Very high	High	High	High
International cooperation	Limited by security specifics	Maximally developed	Integrated with EU mechanisms	Developed

Source: compiled by the author

In this regard, the comprehensive application of these approaches is of particular value for Ukraine, including the statutory consolidation of the principle of continuity of criminal proceedings under martial law, further development of remote procedural forms, improvement of the legal framework governing digital evidence, special procedures for the protection of participants in criminal proceedings, and international cooperation mechanisms for the investigation of war crimes and the crime of aggression. The implementation of these areas will contribute to the improvement of the effectiveness of the criminal procedure legislation of Ukraine and its harmonisation with current European and international standards.

The international practice of documenting war crimes demonstrates the increasing use of digital evidence in the activities of international criminal justice bodies. Although the Rome Statute of the International Criminal Court contains no specific provisions on digital evidence, such evidence may be used provided that the relevance, authenticity, and reliability of the information concerned are established, as follows from the general principles governing the collection, examination, and assessment of evidence (Rome Statute of the International Criminal Court, 1998; Supreme Court, 2024b). The development of digital technologies and their active introduction into the practice of investigating criminal offences create additional opportunities for effective documentation of crimes committed under martial law and actualising the issues of ensuring the ownership, admissibility and reliability of digital evidence (Tsutskiridze, 2026).

An important international benchmark in the use of digital evidence is the Berkeley Protocol on Digital Open Source Investigations (2022), which sets standards for the collection, verification, storage, and presentation of digital information as evidence. The protocol focuses on the need to properly document the origin of materials, preserve metadata, ensure a continuous chain of custody, and implement their geolocation and chronological verification. The practical significance of these approaches is confirmed by the activities of the International Criminal Court to investigate crimes committed on the territory of Ukraine. The Office of the Prosecutor of the ICC actively uses digital materials and information from open sources to build its evidentiary case, emphasising the need to comply with contemporary standards for handling digital evidence (Pohoretskyi, 2025).

The use of digital evidence is accompanied by a number of challenges related to the possibility of falsification, modification of metadata, the use of artificial intelligence technologies to create manipulative content, and the spread of misinformation. In this regard, the need for further improvement of the criminal procedure legislation of Ukraine regarding the procedure for obtaining, verifying, and evaluating digital evidence in accordance with national and international evidentiary standards is being updated.

Special attention should be paid to the admissibility of evidence obtained during a pre-trial investigation under martial law. According to Part 11 of Article 615 of the Criminal Procedural Code of Ukraine (2012), testimony can be used as evidence only if the procedural action is properly videotaped, and during the interrogation of a suspect – with the mandatory participation of a defence lawyer. Such procedural guarantees are aimed at ensuring the right to defence, preventing violations of the rights of participants in criminal proceedings and compliance with the minimum standards of fair trial (Office of the Prosecutor & International Criminal Court, 2023).

Thus, the development of digital technologies and their widespread use in criminal proceedings open up new opportunities for documenting and investigating crimes committed under martial law. The effectiveness of using digital evidence directly depends on compliance with established procedural guarantees, international evidentiary standards, and proper verification of the accuracy of the information received.

Specific features of the application of Article 615 of the Criminal Procedural Code of Ukraine (2012) are also revealed during searches. The legislation allows conducting a search without the participation of witnesses, provided that the relevant procedural action is continuously recorded. The Supreme Court emphasises that derogation from the general procedure for conducting a search must be properly justified, and the legality of such derogation is subject to further judicial review (Tsermolonsky, 2022; Supreme Court, 2024a).

The analysis of judicial practice shows that the assessment of the admissibility of evidence under martial law is carried out not formally, but considering the nature, essence, and consequences of the procedural violations committed. Thus, the Judgment of the Criminal Cassation Court of the Supreme Court of Ukraine in Case No. 164/431/20 (2024) states that the absence of video recording of the search is not in itself an unconditional basis for declaring the evidence obtained inadmissible. It is crucial to establish whether such a violation affected the reliability of the evidentiary information obtained and whether it led to restrictions on the procedural rights of participants in criminal proceedings (Tsermolonsky, 2022; Judgment of the Criminal Cassation Court of the Supreme Court of Ukraine in Case No. 164/431/20, 2024). Thus, the practice of the Supreme Court testifies to the development of an approach according to which the admissibility of evidence is assessed not only from the standpoint of formal compliance with procedural requirements, but primarily through the prism of the materiality of the procedural violations committed and their impact on ensuring the fairness of criminal proceedings and respect for the rights of its participants.

The use of institutions of detention and preventive measures also has its own characteristics under martial law. Despite the fact that the provisions of articles 207-209 of the Criminal Procedural Code of Ukraine (2012) continue to operate in the general order, their practical implementation is carried out considering the specifics of wartime. In particular, detention without a decision of the investigating judge is allowed as an urgent measure in cases provided for by law, and the period of detention is calculated from the moment of actual restriction of a person's freedom. However, in criminal proceedings concerning crimes against the foundations of national security of Ukraine, the legislator actually gives priority to the use of detention as a preventive measure. In its Judgment of the Criminal Cassation Court of the Supreme Court of Ukraine in case No. 497/2392/22 (2026) confirmed the legality of detaining a person without prior judicial permission in the presence of urgent circumstances. The court also noted that the absence of a defence lawyer directly during detention does not automatically indicate a violation of the right to defence, unless procedural actions related to obtaining statements or other information from the detained person were carried out during that period.

An important tool for ensuring the continuity of criminal proceedings under martial law has become the electronic form of procedural documents and remote participation of a defence lawyer in conducting certain procedural actions. The introduction of such mechanisms contributes to maintaining the proper level of effectiveness of criminal proceedings even in conditions of active military operations, limited transport accessibility, and the impossibility of personal presence of individual participants in the process (Judgment of the Criminal Cassation Court of the Supreme Court of Ukraine in case No. 318/2921/18, 2020). In general, the specific features of the application of institutions of detention, preventive measures, and remote procedural mechanisms during martial law reflect the desire of the legislator to ensure the effectiveness of criminal proceedings in emergency conditions, while maintaining the necessary level of guarantees of human rights and judicial control over the restriction of constitutional rights and freedoms.

This approach is based on the provisions of the Constitution of Ukraine, first of all on the principle of the rule of law and the constitutional requirement that even under martial law, human rights, and freedoms can be restricted only to the extent necessary to achieve a legitimate goal, but cannot be arbitrarily revoked. In this regard, special provisions of the Criminal Procedural Code of Ukraine are aimed at ensuring the continuous functioning of the criminal justice system in war conditions without levelling its fundamental procedural guarantees. The full-scale armed aggression of the Russian Federation against Ukraine has led to a significant expansion of international cooperation in the field of documentation and investigation of war crimes and crimes against humanity. Ukraine's interaction with the International Criminal Court, Eurojust, Europol, the European Union Advisory Mission in Ukraine, and law enforcement agencies of partner states plays an important role in this process.

Such cooperation contributes to the introduction of contemporary standards for collecting, recording, and evaluating evidence, improving mechanisms for international legal assistance, and expanding the practice of using digital evidence in the investigation of international crimes. In addition, Ukraine's participation in international criminal justice mechanisms encourages the harmonisation of national criminal procedure legislation with international and European standards. Under current conditions, such harmonisation is an important prerequisite for improving the efficiency of criminal proceedings, ensuring proper documentation of international crimes, strengthening the protection of human rights, and implementing the principle of the inevitability of criminal liability for the most serious violations of international humanitarian law and international criminal law.

The analysis of criminal procedural legislation, judicial practice, and scientific sources gives grounds to highlight the following main trends in the development of criminal proceedings under martial law: ensuring procedural flexibility while maintaining effective judicial control; reorienting approaches to assessing evidence from formal compliance with procedural requirements to establishing the impact of violations on the rights of participants in proceedings and the fairness of judicial proceedings; strengthening the role of technical fixation of procedural actions as an important guarantee of the admissibility and reliability of evidence; expanding the use of electronic documents, digital evidence, and remote procedural mechanisms; increasing the importance of judicial practice as a tool for ensuring a balance between the interests of national security and the protection of human rights; intensifying international cooperation in the field of documentation, investigation, and prosecution of war crimes and crimes against humanity; gradual harmonisation of Ukraine's criminal procedure legislation with international and European criminal justice standards.

Conclusions

The results of the study showed that the introduction of martial law led to the establishment of a special procedural regime of criminal proceedings in Ukraine, which is exclusive and temporary in nature. Legislative changes, primarily provided for in Article 615 of the Criminal Procedural Code of Ukraine, are aimed at ensuring the continuity of pre-trial investigation and judicial proceedings in the context of armed aggression, while their application should be carried out in compliance with judicial control and procedural guarantees of human rights.

The study showed that special procedural mechanisms allow conducting criminal proceedings in conditions of limited access to certain territories, critical infrastructure facilities, sources of evidentiary information, and participants in the process. According to the practice of the European Court of Human Rights, even in extraordinary circumstances, any restrictions on human rights must comply with the principles of legality, necessity, and proportionality.

The analysis of legislation, judicial practice, and international reports has shown Ukraine's gradual alignment with European standards of criminal justice. However, the problems of ensuring equality of the parties, timely access of the defence to the materials of criminal proceedings, and effective control over the procedural activities of the prosecutor's office remain relevant. Generalisation of the international experience of states that functioned in conditions of armed conflicts and emergency legal regimes indicates the expediency of further development of remote procedural forms, improvement of legal regulation of digital evidence, mechanisms of international cooperation, and special procedures for the protection of participants in criminal proceedings. An important international reference point in the use of digital evidence is the Berkeley Protocol on Digital Open Source Investigations, whose standards are already finding practical application in the investigation of international crimes, in particular by the International Criminal Court.

The analysis of judicial practice showed that the admissibility of evidence obtained under martial law is assessed considering the nature of the procedural violations committed, their impact on the reliability of evidentiary information, and ensuring the procedural rights of participants in criminal proceedings. The specific features of the application of detention and preventive measures, the use of electronic procedural documents, and the remote participation of defence counsel as instruments for ensuring the continuity of criminal proceedings were also established.

The results obtained give grounds to assert that the contemporary criminal process of Ukraine demonstrates a high level of adaptability to the conditions of martial law. Its further development should be based on the principles of the rule of law, legality, proportionality, and fair trial. Priority areas for improving the legislation remain the settlement of issues of admissibility of evidence obtained under special conditions, strengthening procedural guarantees of the right to defence, ensuring real adversarial nature of the parties, effective judicial control, and the development of international cooperation. The implementation of these tasks will contribute to achieving an appropriate balance between the interests of national security, the protection of human rights, and the effectiveness of criminal justice.

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Трансформація кримінального процесуального законодавства України в умовах воєнного стану: баланс між національною безпекою та гарантіями прав людини

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Анотація. Актуальність дослідження зумовлена необхідністю вдосконалення кримінального процесуального законодавства України в умовах воєнного стану та адаптації механізмів кримінального провадження до сучасних безпекових викликів. Метою статті є визначення основних напрямів трансформації кримінального процесуального законодавства України для забезпечення ефективного функціонування системи кримінальної юстиції в умовах збройної агресії. Для досягнення поставленої мети було використано системно-структурний, порівняльно-правовий, формально-юридичний методи, аналіз судової практики, емпіричного узагальнення, контент-аналізу, а також елементи даних- та ризик-орієнтованого підходів. Особливу увагу було приділено аналізу змін до Кримінального процесуального кодексу України, насамперед положень статті 615 Кримінального процесуального кодексу України, що встановлюють спеціальний порядок здійснення досудового розслідування та судового провадження в умовах воєнного стану. Було досліджено особливості реалізації процесуальних повноважень слідчого, прокурора та слідчого судді, а також механізми забезпечення безперервності кримінального провадження в умовах обмеженого доступу до судів, тимчасової окупації окремих територій, активних бойових дій і загроз життю та безпеці учасників кримінального провадження. Було проведено порівняльно-правовий аналіз моделей здійснення кримінального провадження в умовах збройних конфліктів з урахуванням досвіду Ізраїлю, держав колишньої Югославії та країн Балтії. Було проаналізовано специфіку проведення слідчих (розшукових) і негласних слідчих (розшукових) дій, порядок фіксації, збирання та використання доказової інформації, отриманих в умовах воєнного стану. Окрему увагу було приділено питанням забезпечення процесуальних гарантій прав людини, зокрема права на захист, доступу до правосуддя, реалізації принципу змагальності сторін, здійснення ефективного судового контролю та дотримання вимог справедливого судового розгляду. За результатами дослідження було визначено основні тенденції та проблеми розвитку кримінального процесуального законодавства України в період дії воєнного стану, окреслено перспективні напрями подальшого вдосконалення кримінального процесуального регулювання з урахуванням необхідності забезпечення належного балансу між інтересами національної безпеки та гарантіями прав людини. Практичне значення дослідження полягає в можливості використання його висновків у нормотворчій діяльності, судовій практиці та роботі органів досудового розслідування і прокуратури під час кримінального провадження в умовах воєнного стану

Ключові слова: кримінальний процес; досудове розслідування; кримінальне провадження; допустимість доказів; права людини; Верховний Суд; судова практика

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Statute as a socio-normative sign: A multidimensional semiotic model

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Abstract. From a semiotic perspective, a statute is not merely a normative text but also a sign of legal reality whose meaning varies across social actors. This makes semiotics relevant to examining how statutes function within legal communication and acquire meanings extending beyond their formal legal content. This study aimed to conceptualise the statute as a multidimensional semiotic sign functioning within legal reality and socio-cultural space. The statute was examined as a normative legal act and a textual and semiotic object, illustrated through specific Ukrainian statutes and distinguished within the framework of the law as the broader system of legal norms, principles, institutions, and relations. The results of the study showed that the application of a semiotic approach to the consideration of the statute as a socio-normative sign allows demonstrating in a new way its effectiveness in normative, communicative, axiological, cultural, political, civilisational, and symbolic dimensions; to show the functionality of related processes (such as legal understanding, law-making, legal realisation, legal communication, legal practice, etc.). Such a multidimensional semiotic typology of the statute has not yet been systematically considered in Ukrainian legal science, which demonstrates scientific originality and reveals the practical significance of this study, because through the mutual agreement of all significant dimensions of the statute, the state can not only provide a mechanism for legal regulation, but also construct new meanings of legal reality, and therefore, contribute to the development of appropriate values and a proper level of legal awareness in society. The combination of semiotics with the structural and functional method shows the statute through the legal text, legal sign, social interpretation, media reflection, political rethinking, collective legal awareness, and legal effectiveness. Collectively, this is another multi-level model for building a stable semantic integrity of legal reality in the context of dynamic development of the socio-cultural space

Keywords: statute; law; legal reality; normativity; legal communication; social interpretation; legal awareness

Introduction

The statute has outgrown the level of the source and form of law and has become a multidimensional socio-cultural sign that simultaneously functions in normative, communicative, axiological, cultural, political, civilisational, and symbolic dimensions. And this quite openly demonstrates the prioritisation of the statute not only as a regulator of public relations, but also as a producer of new social meanings. If the classical theory of law explains what the law prescribes, then semiotics of law adds a further dimension by examining what the law signifies for the state and society. It is this shift in focus (from the normative prescription through social interpretations to the construction of legal meaning) that actualises the semiotic methodological turn in the reading of the statute. Since in the conditions of war, global communication, digitalisation, European integration, and the value transformation of law, the statute increasingly functions as a complex semiotic construct, the semiotic reading of the statute acquires not only theoretical, but also practical significance for understanding contemporary mechanisms of law-making, law-realisation, and law-thinking.

The semiotic reading of the statute is gaining a new wave of relevance. If back in 2010-2015 the semiotic approach to understanding law was perceived mainly as one of the humanitarian methodologies, then further it is increasingly used as an applied tool for explaining contemporary legal phenomena and processes. Thus, O. Bandura *et al.* (2022) in the collective study, describing the current state of legal semiotics, demonstrated it as a method of studying legal practice and see its applied significance in the interpretation of legislation, the development of legal symbols, the assessment of the quality of legal communication, and the analysis of the effectiveness of the functioning of legal institutions. V. Nevidomyi & O. Pavlyshyn (2022) described the possibility of applying semiotics in the analysis of court decisions, the legal status of citizens, the activities of government bodies, administrative procedures, etc. A.L. Harold (2021) showed how semiotics can be applied in legal argumentation, in the writing of court documents, in the interpretation of statutes in legal education, and most importantly – moving from classical semiotics to the practice of a lawyer. D. Wright & I. Picornell (2024) demonstrated the use of semiotics to analyse evidence and witness statements, in the field of expert linguistics and forensic science. P. Blandino (2026) was one of the first to use semiotics to analyse digital law, big

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databases, blockchains, artificial intelligence, etc. A. Lopo Martinez (2026) revealed a completely new area and created a model for semiotic analysis of digital evidence, establishing the digital authenticity of electronic documents.

The main approaches used in this study were semiotics and structural functionalism, which together explain how legal signs (in particular, the statute) shape social stability. In particular, semiotics regards statute as a signifier within the context of legal reality as the signified, whereas structural functionalism analyses statute as a component of the social system that performs normative, communicative, integrative, and symbolic functions. The research was based on the analysis of scientific sources (papers, monographs) published in a certain period and selected according to the criteria of thematic relevance, authority, and scientific value.

Basic principles of semiotics methodology and its role in the study of law

Before proceeding to the description of the semiotic model of the statute, it is worth briefly outlining the existing theoretical and methodological foundations of such an understanding. Here it is worth mentioning that the issues of defining social reality by means of language were mainly studied by structuralists and post-structuralists, ranging from classical linguists to semiologists. F. de Saussure (2013) received the greatest recognition for the idea of dividing the phenomenon of language into an abstract language system (a structured system of signs) and individual utterances, or speech proper (a concrete application of an abstract system); moreover, he applied a structural principle to an individual sign (word), dividing it into a sound image (a material substance that he called a signifier) and its concept (or signified). According to this concept, the statute is an image, the legal reality is the signified. The linguistic and structuralist approach was also applied to new subjects of study in this context by the French anthropologist C. Lévi-Strauss (1963). He studied the components of behaviour of representatives of different cultures as linguistic phenomena. The specific codes that Lévi-Strauss identified as mediators of the exchange of similarities and differences between nature and culture, and between social groups, can be used as a basis for a semiotic analysis of the legal behaviour of social subjects. Danish linguist H.L. Trolle (1969) divided language into "system" and "process"; clarified two aspects of the Saussurean language sign by distributing two fundamental levels of language – "expression plan" and "content plan"; advanced the idea of a semiological function, which he defined as the relationship between two aspects of the act of meaning production (signification) – between the signifier and the signified, or between expression and content; ultimately, he extended his semiological research to non-verbal information systems (traffic lights, clocks, etc.). According to this approach, the "act of producing meaning" of a statute occurs in the process of its implementation, in particular, through the interpretation of the content.

French theorist of semiotics R. Barthes (1967) distinguished five codes of perception for the analysis of cultural phenomena: hermeneutical, proeretic, symbolic, semic, and referential. The first two concern "structural poetics", whereas the remaining three demonstrate the connotative (expressive-Author's note) aspect and, consequently, the stereotypical nature of culture. Such stereotypes are, for example, certain sociolects – types of socio-ideological "writing", including the language of law. The concept of the Italian scholar U. Eco (1979) revealed the general principles of semiological analysis. His ideas are so universal that they can be applied not only to the phenomena that he offers for consideration (architecture, cinema, painting, music, advertising, etc.); general problems of semiology can be suitable for analysing both non-verbal and verbal signs and their systems.

The essential distinction between the terms "semiotics" and "semiology" became particularly widespread in the 1970s at the Paris School of Semiotics, founded by the French scientist A.J. Greimas (1989). His theory of structural semantics is regarded as analytical and applicable across all fields, as virtually anything can be regarded as a text conveying information and therefore as containing signs or constituting signs itself It is this theory that is called the "basic semiotic theory" in France and it can be considered a clear division between the study of the process of emergence, generation of production of meaning, or designation (semiotics) and the study of the functioning of sign systems, including language signs (semiology). Representatives of the Lviv-Warsaw School of Philosophy also expressed support for the semiotic method, developing concepts of the world of language, the philosophy of names, the philosophy of sentences, and the formalisation of language. The significant role of the Polish School of Semiotics should be noted, which developed in the middle of the 20th century. In Germany, the so-called semiotics work platform was created at the Technical University of Berlin in 1974. This is the only research centre in Germany that deals with semiotic problems. In particular, this publication applies semiotics in the fields of cuisine, sports, communication, medicine, and even burial sites. The practical application of semiotic analysis was demonstrated in the study of various types of motorists, which helped to further stimulate their behaviour when testing technical means used in road traffic.

Contemporary science distinguishes several approaches to understanding the concepts of "semiotics" and "semiology". The first treats semiotics as a theory of signification, the creation of new meanings; while semiology presents it as the science of sign systems and their functioning. That is, semiotics studies the ways in which values are formed, and semiology studies the effect of these values. The second approach presents semiotics as the concept of signs in general, and semiology as only linguistic signs. However, some scientific schools identify semiotics and semiology within the framework of structuralism.

There are tendencies to distinguish the so-called "third tradition", which emphasises the special role of the person and their consciousness in the formation and development of sign systems and semantic structures; this refers the so-called "deep semiotics" as the "expansion of the traditional theory of sign systems (semiotics) due to the metaphysical and personological dimension of comprehension and meaning formation". This approach is similar to the transition in physics from kinematics, which traces the trajectory of motion, to dynamics, which considers the forces that give rise to this motion; therefore, this allows discussing "semiodynamics". In addition, despite the three-part division of semiotics into semantics, syntactics, and pragmatics, there is another section that deals with the study of methods for

creating new signs – semionics, and the concept of "semiurgy" refers to the activity of creating such signs and introducing them into the language. Science also recognises significs (significo – "I signify, express"), which studies the meaning of words in language as a process of communication, with particular emphasis on the psychological aspect, and other related approaches.

Establishment of legal semiotics in Ukrainian science

For the first time, the semiotic approach as such was mentioned in Ukrainian studies in the late 1970s and also in the context of jurisprudence (Rabinovych & Nakonechna, 2022; Rabinovych, 2023), which, through the application of axiological and anthropological approaches, demonstrated that the rule of law acquires social significance only in the context of social values and human needs), and then – at the turn of the 1980-90s, but exclusively in the philological context. Initially, it was only about certain areas of semiotics, in particular the structure of lexical and grammatical semantics (Rusnivskyi, 1988), which was used even in the study of the specifics of legal texts, for example, through structural and semantic analysis of legal documents (Saienko, 1990). Further, this area began to be included in the curriculum in the humanities. In particular, I. Khomenko (2004) revealed the semiotic nature of logic, proposing this aspect as one of the sections of the textbook on logic for lawyers.

The study by J. Deely (2000) first proposed to the Ukrainian public a systematic and holistic concept in the field of sign systems. Subsequently, A. Karas' (2003) published a monograph, where in the section "Contours of semiotic interpretation" he attempted to highlight the development of civil society as a semiotic and discursive process, in particular, considering specific features of Ukrainian social and cultural development. Dissertations of a philosophical and applied nature, in particular in the field of legal understanding, were defended. These include research by S. Zarkhina (2005), where the reconstruction of the historical development of ideas concerning the philosophical understanding of the language of law and legal semiotics was carried out; P. Baltadzhi (2008), who used the methodology of semiotics to identify patterns and features of the language of acts of application of law and determine its dependence on the level of professionalism, language training, general and legal culture of law enforcement subjects; A. Tokarska (2008), who carried out a comprehensive scientific and theoretical analysis and investigated key areas of optimisation of regulation of legal communication activities, and their comprehensive philosophical and legal substantiation based on hermeneutics, axiology, and semiotics. T. Podorozhna (2009) separately considered the symbolic function among the main functions of legislative definitions. A. Berniukov (2009), supplemented the universal method of interpretation with structural and semiotic analysis, which helped to investigate legal hermeneutics as a methodology for the administration of justice.

A study related to the semiotics of law, particularly examining the relationship between law and symbolic reality and their interaction and mutual influence, is the monograph by V. Rechytskyi (2007), who analysed the concept, functions, and properties of symbolic reality, including legal reality. T. Dudash (2010) successfully conducted a general theoretical study of the semiotic nature of law, addressing, in particular, the semiotic foundations of legal signification and the symbolisation of mononormativity. In doing so, she distinguished between legal signification and legal naming, placing these issues within the context of the hermeneutic aspects of the process and outcome of legal understanding and their influence on the official interpretation of legal norms.

Legal semiotics was analysed by O. Merezhko (2010), who emphasised that law and all legal phenomena should be considered from two main standpoints: psychological (or internal, which is done by legal psychology) and symbolic (or external, which is the subject of legal semiotics). In particular, the researcher suggests that "without the semiotics of law, social communication would be impossible... this is obviously the function of legal semiotics – ensuring legal communication in the process of distributing rights and obligations in society".

All these studies were useful for developing the author's position on the conceptual foundations of semiotics and semiology of law as a philosophical and legal paradigm by O. Balynska (2013). This idea was developed by O. Pavlyshyn (2017), taking only semiotics as the basis for research on law and legal relations, without mentioning semiology. The most applied application of semiotics in the field of jurisprudence was found by D. Bocharov (2012), who used this method to investigate crimes, in particular the examination of physical evidence.

Thus, the semiotic approach in the Ukrainian scientific tradition was formed gradually: from the first references in legal and philological studies of the late 1970s-early 1990s to its systematic understanding as a methodology of humanitarian knowledge. At the initial stage, semiotic ideas were applied mainly to the analysis of the language, text and structure of legal documents, and later were integrated into the study of logic, philosophy of law, legal hermeneutics, and legal communication. In the 2000s, the problem expanded significantly: researchers turned to the symbolic nature of law, symbolic reality, legal designation, symbolic function of legislative definitions, and semiotic aspects of legal understanding. Further, semiotics began to be considered not only as a tool for analysing legal texts, but also as a means of explaining the functioning of law in the field of social communication and interaction of legal and cultural meanings. The result of this development was the establishment of the concept of semiotics and semiology of law as an independent philosophical and legal paradigm and its further application to theoretical and applied problems, in particular, legal understanding, law enforcement, and investigation of crimes.

Statute as a normative text and socio-cultural sign

Despite the fact that the semiotic approach is being actively applied in the study of legal practice (law-making, official interpretation, criminalistics, legal proceedings, etc.), the concept of understanding the statute in the context of semiotics of law remains insufficiently investigated. The transition from the legal content of the statute to its socio-cultural significance involves a number of points. First, the statute as a normative text contains formally defined norms and rules, rights and obligations, permits and prohibitions, clear

procedures, and sanctions. A statute becomes a legal sign when its content correlates with the social context (the concepts given in it have real correspondences – objects, values, expectations, behaviour patterns, etc.). Then the meaning of the statute ceases to depend only on the legislator, and constructs new legal meanings within the framework of interpretation and application of this normative legal act. The statute can simultaneously perform regulatory, communicative, value, identification, political, and legitimation functions. This gives grounds to distinguish between the legal content of the statute, and official interpretation, professional legal reading, media representation, and public perception of its text, where all elements of legal reality are indicated.

Regardless of how the process of signification is understood, whether as arbitrary or dynamic, the semiosis of statute, as the process of creating and interpreting legal signs, is possible only when users of legal signs (citizens and social actors) already possess some prior understanding of the objects represented by the signs they perceive. As a rule, such a preliminary representation is formed throughout the entire socialisation of the subject, their cognitive activity, the acquisition of life experience, etc. B. Cassin (2013) in this case emphasises the importance of "meaningful use" (the term borrowed from L. Wittgenstein) of signs, when their content (symbolism) is actually manifested. In particular, she writes: "It is a mistake to assume that where the same sign exists, there is the same symbol – despite the significant differences written in the word life, and despite the "tangible" reality of the symbol. Thus, the limit of meaning and nonsense is not determined either by "empirical content", or by some transcendental guide that delineates the boundaries of thought, or by the reality with which our language must be consistent in its structure. But this limit is determined by usage". Therefore, this refers to different perceptions of the statute.

In general, in the legal context, denotation occurs primarily in the process of law-making: modelling signs that would exhaustively mean objects, facts or events from real life involves directly naming the signified phenomena with maximum reproduction of their content. Moreover, the statute as a sign should not only indicate, but also in a certain way meaningfully characterise the signified from legal reality to which it points; this gives grounds to consider the statute as a sign means of cognition and understanding of legal reality. Thus, denotation (which involves one sign referring to a single object) applies when dealing with a specific legal case; when referring to a normative legal sign (statute as the result of generalisation), it should be understood that this sign is the result of designation (the semiotic representation of a generic concept, i.e., an entire class of homogeneous

Law can be imagined as a sheet of paper with what is permitted, encouraged, and rewarded in society written on one side, and what is prohibited, rejected, and condemned written on the other; the edge of the sheet represents the demarcation line between good and evil (what is permitted and prohibited), and any attempt to divide it would be absurd, because this line is as thin as the thickness of the paper. Accordingly, the statute as a legal message is a semiotic pointer, a vector that stands at a crossroads and demonstrates what to expect by turning in one direction or another.

The same position is described in the concept of understanding law and in the papers by the American philosopher R.M. Cover (1995), who rejected the traditional view of legal positivism and proposed a cultural, narrative, and deeply ethical approach to law that combines nomos, jurisprudence, and the connection to violence. Here, law is not only a rule of behaviour, but the whole world, living space, culture, and the system of their interpretations. Each rule of statute is a separate story (narrative); without stories about origin, values, and the future, the law becomes meaningless. But the law acts as a kind of "bridge" from the current social reality to the imaginary ideal future. R.M. Cover introduced two fundamental concepts: "jurisgenesis" (the creation of law, i.e., the emergence of legal meanings within communities, religious groups, ideological movements, and minorities that develop their own narratives and construct their own understanding of law) and "jurispathy" (the death of legal meanings within state courts, which resolve conflicts between different normative "universes" of communities by choosing one narrative and neutralising another; courts are the "pathos" (killers) of alternative law). Abstracting from the perception by most philosophers of the judicial process as a rational and purely linguistic discussion, R.M. Cover (1986) focused on the material nature of statute. It describes the violent nature of justice (a judge's decision is not just a text, but a command to action, the execution of which deprives the offender of property, funds, freedom or life) and institutional violence (to implement a judge's decision, one needs a complex system of institutions with certain powers – the police, prosecution service, lawyers, correctional labour institutions, etc.).

British jurist B.S. Jackson (1985) proposed a synthesis of structural semiotics and Anglo-American jurisprudence. His concept shifts the focus from the simple logic of legal norms to the deep meaning hidden in the text of the statute; he treats the statute not as a static set of commands, but as a dynamic discourse in which meaning is born through the social context, the culture of the people and the interpretation of citizens.

Therefore, the text of the statute as a properly organised form of communication, as a message, contains units, means, signals, etc., that are sufficient and necessary to build a correct and meaningful model based on it. Therefore, the statute can be considered an ideal abstract information model (because it models behaviour in an abstract situation without defining the subject) of specific social relations and legal facts. Read more: the statute is a socio-legal sign model that reflects the essential features of an object, phenomenon or process of legal reality, embodied in a generalised form in a legal norm; it is one of the communicative models of the socio-cultural space, which describes an ordered type of relations of social subjects within this space. Given this, the statute can be considered an active socio-cultural sign.

Author's multidimensional semiotic model of the statute

The statute as a sign of the socio-cultural space has seven interdependent dimensions. It is worth noting that the measurement of the statute should be understood as a relatively independent aspect of its functioning, revealing its specific symbolic purpose and showing the totality of certain socially significant symbols. The first (main) dimension is normative; at this level, the statute performs traditional legal functions: it establishes a model of behaviour, defines rights and obligations, and formalises legal prescriptions. The second is

communicative; this dimension reveals the statute as a command of the state, addressed not only to individuals (citizens here and now, and to those who will be born), but also to institutions (national – authorities, courts, institutions and organisations, etc.; international – to other states, interstate associations, etc.). The third is axiological; here the statute encodes an understanding of the basic principles of society as social values, such as freedom, equality, justice, dignity, the rule of law, etc. The fourth is cultural; this dimension corresponds to the manifestation of the statute as a means of reproduction and a way of preserving collective memory, covering the state language, style of education, attitude to science and innovation, cultural heritage, faith and religion, customs and traditions, worldview, and universal values. The fifth is political; in this dimension, the statute appears as a symbol of the state vector of development, such as statutes on national security and defence, joining the European Union, anti-corruption policy, reforming public administration and maintaining sustainability, etc., which is of great symbolic importance for the entire state. The sixth (derived from the previous one) is civilisational; this dimension is the most significant, because it demonstrates how Ukraine positions itself in the global context; here the statute becomes a sign of civilisational affiliation (priority of democracy and the rule of law, final departure from the post-Soviet heritage, strategic course for unification in profitable economic, military and other alliances with the preservation of national identity). The seventh (most significant) is a symbolic resource of legitimacy; in this dimension, the statute is perceived as a means of building trust in the authorities, recognition and support from society, establishing the authority of the state, projecting expectations, and establishing justice.

This multidimensional nature of the statute is constantly increasing with the dynamic development of society and the state. This is especially facilitated by the latest conditions. Thus, during a large-scale war, the statute is transformed into a means of mobilising society and a symbol of national unity. Almost total digitalisation encourages the statute to shift the focus from the official text to its media translations, emphasising the intensity of social networks that show operational short videos, memes, and other content of bloggers, which forces legal institutions to adapt to the media space. The tendency of artificial intelligence to dominate in many areas where subject-subject relations (in particular, legal relations) previously prevailed causes a crisis of confidence in the law and a loss of normativity of the statute. And only in the aggregate do all dimensions form a complete symbolic foundation of the statute.

Not only the multidimensional nature of the statute gives grounds for different reading of its text. Its interpretation also depends on the subject of "reading": a citizen, a foreigner, a journalist, a police officer, a prosecutor, a lawyer, a judge, a civil servant, a people's deputy, a foreign expert, etc. In fact, this refers to the probability of the emergence of several "meanings" of the same statute. It involves not only the semiotics of the statute, but also about the semiotics of the operation of the statute in the state. Considering the symbolic nature of law, the effectiveness of legal myths, the symbolism of legal communication and legal practice in general, it becomes clear that the statute acquires social significance after its adoption. This concerns not so much the text of the statute as its "social life". The statute shifts its functional and semantic load from normativity towards social interpretation and construction of legal meanings.

One example is Law of Ukraine No. 2704-VIII (2019). Legally, this document regulates the functioning and use of the Ukrainian language as the only state language in Ukraine. In a semiotic context, a socio-cultural reading of this statute possible as one of the symbols of independence and national identity of the state, as a tool for decolonisation of society and a mechanism for preserving culture, as a means of protecting the rights of Ukrainians and limiting possible encroachments of foreigners, as a political marker, and a basic system-forming element of the Ukrainian nation.

Law of Ukraine No. 317-VIII (2015), from the document regulating the procedures for renaming and dismantling symbols, becomes the leading sign of the civilisational choice of the state. This involves "recoding" collective memory, changing state narratives, and eventually replacing the Soviet system of symbols with the Ukrainian one. The statute performs the function of "semiotic purification" of the socio-cultural space of the state; it regulates not only the behaviour of social subjects, but also the semantic load of symbols.

Law of Ukraine No. 3543-XII (1993) demonstrated a departure from the traditional mobilisation legislation, which in peacetime establishes a legal mechanism for recruiting troops, and in times of war it becomes a sign of civic responsibility, belonging of a person to a political nation, and collective self-preservation of the people. Ideally, this statute symbolises the priority of the existence of the state, builds a new balance between human freedom and the security of the entire people, and forces citizens to rethink the concept of constitutional rights and obligations. In a society exhausted by war, such a statute for some turns into a means of direct state coercion, which leads to internal conflicts.

Law of Ukraine No. 2108-IX (2022) is special in that it not only criminalises certain actions, but simultaneously constructs the boundaries of the political community, defines the normative understanding of loyalty, creates new legal symbols of trust in the authorities, forms the concept of "friends" and "strangers", which symbolises a moral assessment of a person's behaviour. If earlier criminal law mainly described actions (or omissions), then this statute "works" with the social meaning of behaviour. Therefore, its semiotic load is much higher. In other words, a single statute can produce several meanings: from a normative sign – through media and political interpretation and public reading – to the development of new legal symbols.

The semiotic mechanism of transformation of the statute reveals another multi-level model, but with a functional and active emphasis: 1) legal text, 2) legal sign, 3) social interpretation, 4) media reflection, 5) political rethinking, 6) mass legal awareness, 7) legal efficiency. This mechanism demonstrates the Statute as a multi-level social sign, the content of which is not identical to the social meaning, because social interpretations affect the final pragmatic effect of the statute. In addition, semiotic analysis allows explaining the reasons for different perceptions of the same regulatory requirements.

Conclusions

The statute has not always been the focus of semiotics as the science of signs and sign structures. The analysis of the

basic principles of this methodological approach and its role in the study of law gives grounds to assert that almost until the end of the 20th century, legal semiotics only gained momentum, and Ukrainian science also actualises the use of the semiotic method for studying subjects of various branches of knowledge. Focusing on the statute within the framework of the latest legal discourse with a semiotic reading, it can be interpreted as a separate landmark phenomenon in which the state generalises and most clearly crystallises its will, social values, and political orientations.

The latest social changes demonstrate that one normative text can cause different models of legal behaviour depending on the "reading" and this creates a crisis of normativity of law, when the analysis of the normative content of the statute alone is no longer enough. In addition, the Russian-Ukrainian war has exacerbated social transformations in the semiotic reading of law, the statute itself begins to produce social symbols (for example, the statute on decommunisation is a tool for rethinking national historical memory; the statute on mobilisation is not only a mechanism for recruiting the armed forces, but also a means of translating society and the economy into functioning under martial law; the statute on collaboration is a symbolic division into "friends" and "strangers"; the statute on the state language is an attempt to preserve national identity and sustainability, the blatant public disregard of which has repeatedly led to negative consequences on a national scale, etc.).

Almost total dynamic digitalisation creates a specific information space in which citizens, for ease of perception, get acquainted with the statute no longer through the official text, but rather through news feeds, messages in social networks, various videos, memes, and comments of bloggers – and together all this forms a complex circle of circulation of legal meanings, symbols and signs (a specific socio-legislative semiosis is being created). In general, the functionality of the statute is increasingly shifting the focus from regulatory to communicative, because many statutes (especially those adopted during the war) have a strong declarative character and are designed to unite society and build a collective national identity through demonstrating the values of the state, outlining the political course, and forming the international image of the country (that is, the role of symbolic power of the statute increases).

Therefore, the statute ceases to be a static text, but acquires the properties of a dynamic sign, the meaning of which is formed in a continuous interpretation by various subjects: from individual citizens, public associations, scientists, journalists – to the Supreme and Constitutional Courts and international institutions. And considering the European integration trends, many statutes are adopted with the aim of introducing European standards and relevant institutional changes, so the meaning of the contemporary national statute demonstrates, despite its regulatory capacity, also the civilisational choice of the state with an emphasis on Ukraine's integration into the European space, in particular the legal one.

Therefore, the statute should be understood in a multidimensional way: as a normative sign (that is, as a carrier of legal prescriptions), a communicative sign (as a way of interaction between the state and citizens), an axiological sign (as a reproduction of socio-legal values), a cultural sign (as a component of historical memory and an element of legal tradition), a political sign (as a marker of domestic and foreign state policy), a civilisational sign (as an indicator of belonging to a certain socio-cultural space with the prospect of its expansion – for Ukraine, considering European integration), a symbolic sign (as a means of forming citizens' trust in the law and recognition of symbolic violence of state power). Highlighting such a variety of manifestations of the statute as a sign allows analysing all the processes that accompany the statute – law-making, legal understanding, law enforcement, legal communication, legal interpretation, legalisation of symbolic violence of law, etc.

A promising area of research on this issue should be the study of the possibilities of mutual agreement and interaction of these dimensions of the statute, which actually ensures its ability not only to regulate social relations, but also to reproduce the value foundations of society, to form legal consciousness and legal worldview, to construct legal meanings, and therefore legal reality.

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Закон як соціонормативний знак: багатовимірна семіотична модель

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Анотація. Із позицій семіотики закон є не лише нормативним текстом, а й знаком правової дійсності, значення якого по-різному сприймають різні соціальні суб'єкти. Це зумовлює актуальність застосування семіотичного підходу для дослідження функціонування законів у правовій комунікації та набуття ними значень, що виходять за межі їхнього формально-юридичного змісту. Метою дослідження була концептуалізація закону як багатовимірного семіотичного знаку, що функціонує у правовій дійсності та соціокультурному просторі. Закон розглядався як нормативно-правовий акт, а також як текстовий і семіотичний об'єкт; цей підхід конкретизований на прикладах окремих законів України та вирізняє закон у межах права як ширшої системи правових норм, принципів, інститутів і відносин. Результати дослідження продемонстрували, що застосування семіотичного підходу до розгляду закону як соціонормативного знаку дає змогу по-новому продемонструвати його дієвість у нормативному, комунікативному, аксіологічному, культурному, політичному, цивілізаційному та символічному вимірах, а також показати функціональність супутніх процесів (таких як праворозуміння, правотворчість, правореалізація, правова комунікація, правова практика тощо). Така багатоаспектна семіотична типологія закону досі системно не розглядалася в українській юридичній науці, що демонструє наукову новизну і розкриває практичну цінність цього дослідження Адже через взаємоузгодження всіх знакових вимірів закону держава здатна не тільки забезпечувати механізм правового регулювання, а й конструювати нові смисли правової дійсності, а отже, сприяти формуванню в суспільстві відповідних цінностей і належного рівня правосвідомості. Поєднання семіотики зі структурно-функціональним методом показує закон через юридичний текст, правовий знак, соціальну інтерпретацію, медійне відображення, політичне переосмислення, колективну правосвідомість і юридичну ефективність. Сукупно це ще одна багаторівнева модель побудови стабільної смислової цілісності правової дійсності в умовах динамічного розвитку соціокультурного простору

Ключові слова: закон; право; правова дійсність; нормативність; правова комунікація; соціальна інтерпретація; правосвідомість

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Municipal law-making in Ukraine: Subjects, competence and procedural safeguards

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Abstract. The relevance of this study stems from the reform of local self-government mechanisms, the development of a unified model of law-making in Ukraine, and the need to ensure the legality of local regulation in the context of decentralisation and martial law. The aim of this study was to identify the system of subjects involved in municipal law-making, the limits of their powers, and the procedural safeguards for the drafting, adoption, publication and subsequent evaluation of local self-government regulatory acts. The study employed formal-legal, systemic-structural, functional and comparative-legal methods, as well as methods of interpretation, analysis and synthesis. It has been established that the central body of local regulatory activity is the local council, whilst the executive committee and officials may issue regulatory provisions only within the limits of their own or delegated powers, as expressly defined by law, and in compliance with the prescribed form of the act. A distinction has been drawn between the bodies responsible for adopting regulatory acts and those involved in drafting proposals: standing committees, councillors, starostas, legal services, working groups and residents influence the content of a draft but do not replace the competent authority. It was argued that the regulatory nature of a local act is determined by its content, the scope of its addressees (whether undefined or defined by general characteristics) and the frequency of its application, rather than by the title of the document. A three-tier model of actors and participants in the municipal law-making process was proposed, along with an algorithm for assessing the quality of an act, covering competence, normative nature, due process, factual and analytical justification taking into account public participation, and legal monitoring. It is argued that public participation strengthens procedural legitimacy but did not transfer to the public the authority to adopt a legislative act. The relationship between the general provisions of legislation on law-making and the current specific rules on local self-government, regulatory policy and administrative procedure, as well as the regulation of public consultations, has been clarified. It has been established that martial law affects the timeframes and procedure for the preparation of regulatory legal acts only within the limits provided for by law and does not create new powers. The practical value of the findings lies in the possibility for councils, executive bodies and legal services to apply the proposed provisions to prevent conflicts of competence, the unlawful or informal delegation of powers, procedural defects and the accumulation of outdated local regulations

Keywords: territorial community; representative mandate; regulatory legal act; public consultation; legal monitoring; regulatory coherence; decentralisation

Introduction

Local self-government is not limited to the management of municipal property or the provision of public services. It also establishes general rules governing access to local resources, participation in community affairs, the functioning of representative and executive bodies, and the implementation of national legislation within the relevant territory. This law-making dimension has taken on particular significance in Ukraine, as decentralisation has expanded the practical responsibilities of local communities, whilst the full-scale war has necessitated the prompt local regulation of issues relating to civil protection, social support, reconstruction and the continuity of service provision. H. Arends *et al.* (2023) found that decentralisation in Ukraine was linked to changes in the level of trust in the authorities. M. Rabinovych *et al.* (2024) demonstrated that the capacity of local governance was one of the factors contributing to Ukraine's resilience in the face of a full-scale invasion. D. Zayats (2024) analysed the achievements of decentralisation and the prospects for its implementation in a wartime context. In particular, she highlighted the capacity of territorial communities to adapt to new challenges. Thus, the quality of local governance is a matter not only of legal and technical legitimacy, but also of democratic resilience.

In the international academic literature, public participation, the responsiveness of public authorities and procedural justice are increasingly viewed as factors underpinning

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trust in local institutions. In a systematic review, A. Abas *et al.* (2023) found that the effectiveness of participation in local planning depended on institutional structure, access to information, representativeness and the genuine consideration of the proposals received. T. Moysan & F. Ródenas-Rigla (2024) demonstrated the diversity of forms and stages of participation in public policy-making and emphasised the need to integrate it into the decision-making process. S. Goldfinch *et al.* (2023) distinguished between participation, effectiveness and the quality of the process as independent factors influencing trust in local authorities. K. Hofer *et al.* (2024) found that citizens' support for participatory mechanisms depended on their design and the distribution of decision-making powers. Public engagement must therefore be considered in conjunction with competence, accountability and the legal form of the final decision.

Law of Ukraine No. 3354-IX (2023) has come into force; however, the bulk of its provisions will come into effect one year after the termination or repeal of martial law, whilst the procedures for preparing local decisions are currently governed by a combination of special laws and local regulations. The specific provisions of Law of Ukraine No. 280/97-VR (1997) regarding the exclusive powers of councils, the adoption of decisions at plenary sessions, the activities of executive bodies, and the publication and binding nature of acts within the relevant territory remain directly applicable. This combination gives rise to a number of unresolved issues. It is not always clear which municipal bodies have independent law-making powers and which merely participate in the drafting process. A decision may be termed a programme, a procedure, an instruction or an order, even though it contains general rules intended for repeated application. Conversely, a formally generalised document may relate solely to an individual administrative case. Local legal practice must also reconcile general requirements for law-making with specific procedures applicable to regulatory acts, public consultations, administrative acts, the budget, land relations, municipal property, social programmes and other areas. Under the pressure of wartime urgency, the drive for organisational speed may further encourage the replacement of collegial decisions with orders, the use of unpublished internal instructions, or the postponement of consultations and legal scrutiny beyond the limits permitted by law.

O.V. Rohovenko (2023) examined municipal law-making as a component of decentralised public authority and explored its institutional and functional aspects. V.V. Atamaniuk (2024) classified local self-government acts according to the adopting body, legal basis, procedure, territorial and temporal scope, and content. R. Kelman & Y. Rudnytskyi (2025) analysed municipal law-making in the context of Law of Ukraine No. 3354-IX (2023) and emphasised the need to align general standards of law-making with the specific nature of local self-government. Previous works separately examine the nature of local regulatory acts, procedural participation and legal monitoring; however, they do not propose a single criteria-based algorithm for reviewing an act throughout the entire process of its preparation, adoption, implementation and revision. The scientific novelty of this study lies in the development of a three-tier model of actors and participants in the municipal law-making process, as well as an algorithm for quality control that combines competence, normative character, due process, factual and analytical justification, whilst taking into account public participation and post-adoption monitoring. Under this approach, legal monitoring is viewed not as an optional final check, but as a component of the ongoing responsibility of the body that established the relevant regulation.

The aim of the study was to identify the institutional framework for municipal law-making in Ukraine and to formulate procedural safeguards capable of preventing conflicts of competence and flawed local regulation. To achieve this aim, the following objectives were set: to identify the constitutional and European foundations of local law-making; to distinguish between bodies authorised to adopt regulatory acts and those involved in drafting and consultation; to establish the criteria for the regulatory nature of a local act; to define the relationship between general and specific procedures; and to propose a replicable model for legal review and monitoring. The analysis covered territorial communities, local councils, district and regional councils, executive committees, chairpersons, officials, standing committees, councillors, starostas, legal services and residents as participants performing various functions in the law-making process.

Materials and methods

The methodological basis of the study was a doctrinal and legal analysis of the organisational and procedural structure of municipal law-making. The legal framework for the study was provided by Law of Ukraine No. 280/97-VR (1997), which sets out the principles governing the organisation and operation of local self-government, as well as legislation regulating legislative, regulatory and administrative activities: Law of Ukraine No. 3354-IX (2023) and Law of Ukraine No. 1160-IV (2003). Separate consideration was given to the provisions of Law of Ukraine No. 2073-IX (2022), which establish the general principles of administrative procedure. Legislation in the areas of corruption prevention, local democracy and the conduct of public consultations was also analysed: Law of Ukraine No. 1700-VII (2014), Law of Ukraine No. 3703-IX (2024) and Law of Ukraine No. 3841-IX (2024). The legislation was analysed as at 12 August 2026; provisions of laws which had not yet entered into force or been brought into effect as of that date were considered separately. Law of Ukraine No. 3354-IX (2023) was examined as a prospective general model, as the bulk of its provisions have not yet been brought into force; Law of Ukraine No. 3841-IX (2024) was examined as a future general procedural framework that has not yet entered into force. Other legislative acts have been analysed in accordance with their current status and subject matter. Taken together, these sources have made it possible to determine the origins of local government, the distribution of powers, the distinction between regulatory and individual decisions, the transparency of procedures, and the obligations arising following the adoption of a legislative act.

The analysis was conducted in four stages. At the first stage, through the interpretation of the provisions of the Constitution of Ukraine (1996) concerning popular sovereignty, the principle of legality and the foundations of local self-government, as well as the provisions of the Council of Europe (1985) concerning the concept, scope of competence and conditions for the exercise of local self-government, the legal source and democratic purpose of local normative

authority were determined. In the second stage, legislative powers were categorised by entity: the territorial community; village, settlement and town councils; district and regional councils; the executive committee; the chairperson; an official; a standing committee; a councillor; starostas; a structural unit; and a resident. The criterion was the existence of an expressly defined statutory power, whether own or delegated, the substance of which permits the establishment of general rules in the relevant form of an act, as distinct from powers relating to initiating, drafting, reviewing, discussing, implementing or monitoring such acts. In the third stage, the procedural requirements throughout the process of preparing, adopting and implementing a local act were outlined: identification of the regulatory issue, planning, drafting, legal and financial justification, public participation, adoption by a collegial body or an individual, signing, publication, entry into force, record-keeping, monitoring, amendment and repeal. At the fourth stage, typical legal risks were categorised as defects of competence, form, procedure, content, publication and implementation. Defects of competence included exceeding the powers established by the Constitution of Ukraine (1996) and Law of Ukraine No. 280/97-VR (1997). Defects of form encompassed the failure of the legal nature of a document to correspond to the characteristics of a normative or individual act, as defined by the Code of Administrative Proceedings of Ukraine No. 2747-IV (2005) and Law of Ukraine No. 2073-IX (2022). Procedural defects and defects in publication included breaches of the specific requirements of the Law of Ukraine No. 280/97-VR (1997). Risks relating to content and subsequent implementation were assessed taking into account the requirements for regulatory acts under the Law of Ukraine No. 1160-IV (2003) and the prospective provisions of the Law of Ukraine No. 3354-IX (2023).

A formal-legal interpretation was applied to establish the literal and systematic relationship between general and specific legislative rules. The systemic-structural method made it possible to determine the place of each entity within the municipal institutional architecture and to distinguish between authorisation and participation. The functional method was used to classify documents according to the legal consequences of their provisions, rather than by their titles. The comparative legal analysis was limited to the provisions of the Council of Europe (1985) and the latest international research on local participation, trust and accountability; it was used to assess the broader democratic significance of the Ukrainian procedural model, rather than to mechanically adopt foreign institutional forms. Methods of analysis and synthesis were applied to develop a three-tier model of actors and participants in the municipal law-making process and a quality control algorithm.

The search for international academic publications covered mainly works from 2023 to 2025. The search was conducted using Crossref's open bibliographic metadata and via academic search engines, with verification of DOIs and bibliographic details on publishers' websites. The sample included peer-reviewed studies on local governance, public participation, procedural legitimacy, trust in public authorities, and law-making and regulatory procedures; these were used to compare the democratic and procedural characteristics of the proposed model, rather than to mechanically transpose foreign institutional solutions.

The criterion used to identify the three functional levels was the role of the relevant entity or participant in the law-making process: the adoption or promulgation of a binding act; the initiation, preparation, expert review, consultation and implementation of an act without independent authority to adopt it; and oversight, judicial review and monitoring. The classification of entities and participants into each level was verified by comparing their functions with the provisions of the Constitution of Ukraine (1996), Law of Ukraine No. 280/97-VR (1997) and Law of Ukraine No. 2073-IX (2022). In addition, the specific requirements of the Law of Ukraine No. 1160-IV (2003) and the forward-looking provisions of the Law of Ukraine No. 3354-IX (2023) were taken into account. The classification is formulated as an open one, as a single entity may perform different functions at different stages of the law-making process.

The study was theoretical in nature and did not involve a quantitative assessment of the frequency of defects across all local authorities in Ukraine. The reproducibility of the methodology was ensured by the consistent application of defined legal criteria to the authority's remit, the nature of the act, the procedure for its adoption, the justification, public participation and subsequent implementation. The methodology also provided for the possibility of further empirical testing using samples of council decisions, acts of executive committees, orders of chairpersons, consultation reports and local registers. A methodological limitation was that the study did not cover a representative sample of municipal acts in Ukraine; furthermore, the deferred entry into force of Law of Ukraine No. 3354-IX (2023), the future entry into force of Law of Ukraine No. 3841-IX (2024) and the differences between community charters and council regulations limited the possibility of a definitive assessment of the practical application of the proposed criteria.

Results

Constitutional and institutional framework

The constitutional basis for municipal law-making lies in the recognition and guarantee of local self-government as the right of a territorial community to resolve matters of local importance independently, either directly or through bodies established by it (Constitution of Ukraine, 1996). The Council of Europe (1985) supplements this basis with the requirement of a genuine capacity to regulate a substantial share of public affairs and to manage them under its own responsibility and in the interests of the local population. The use of the verb "regulate" confirms that local self-government encompasses the establishment of generally binding local rules. At the same time, local autonomy is exercised within the framework of law. It does not imply primary sovereign competence comparable to that of a legislative body: every municipal normative intervention must concern an area of local responsibility recognised by the Constitution and legislation.

The territorial community is the primary holder of the right to local self-government. It forms a council and elects a village, settlement or city head, whilst residents may make use of local initiatives, public hearings, general assemblies, petitions, consultations, participatory budgeting, consultative and advisory bodies, and other lawful forms of participation. The territorial community is the direct entity responsible for adopting regulatory acts only in the forms expressly

provided for in the Constitution of Ukraine (1996) and Law of Ukraine No. 280/97-VR (1997). In ordinary law-making activities, the democratic status of the community should not be equated with the institutional competence to adopt every local regulatory act. Representative and executive bodies exercise their powers in the forms established by law, whilst residents' participation influences their decisions without supplanting the competent authority (Law of Ukraine No. 3703-IX, 2024).

A village, settlement or town council is the central body responsible for municipal law-making. It adopts decisions at plenary sessions and exercises exclusive powers which may not be delegated to an executive body or an official solely for reasons of convenience (Law of Ukraine No. 280/97-VR, 1997). Its regulatory acts may include the charter of the territorial community, the council's rules of procedure, rules on local participation, procedures for the management of communal property, general conditions for participation in local programmes, rules on urban improvement and other regulations of a general nature adopted within the limits of its legislative competence. The council's representative legitimacy does not negate the absence of competence: a majority decision expresses the will of the council only within the legal limits of that body's powers. District and regional councils have a different representative nature. They express the common interests of territorial communities, rather than the will of a single community. Thus, their regulatory competence must relate to joint programmes, jointly owned assets, coordination or other powers assigned by law. This distinction is significant, as the territorial scope of an act cannot be derived solely from the level of the administrative-territorial structure. A regional or district act cannot transform a coordinating function into a general power to regulate matters falling within the competence of individual communities, public authorities or the legislature.

The executive committee is an independent law-making body only within the limits of its own or delegated powers, as expressly defined by law, which permit the establishment of general rules in the form of a decision of the executive committee (Law of Ukraine No. 280/97-VR, 1997, Articles 52, 59). Its ongoing involvement in the preparation of draft council decisions and the organisation of their implementation does not confer unlimited derivative rule-making powers. Other executive bodies and organisational units primarily act as drafters, administrators or implementers. The regulations governing a unit may define its internal functions, but do not create new powers to impose external obligations on residents or business entities. The same principle applies to the head of a village, settlement or town: regulatory provisions in an order are permissible only within the limits of powers expressly defined by law and provided that the proper form of the act is observed (Law of Ukraine No. 280/97-VR, 1997, Articles 42, 59); in other cases, an order must remain an individual or internal organisational instrument.

The analysis carried out has provided grounds for proposing a three-tier functional model of entities and participants in the municipal law-making process. The first level comprises the institutional actors in law-making: the territorial community, but only in the forms expressly defined by the Constitution and the law; local councils; executive committees; and chairpersons or other officials within the limits of clearly established statutory powers. The second level comprises procedural participants: councillors, standing committees, starostas, legal and financial services, sectoral departments, working groups, municipal institutions, experts, consultative and advisory bodies, and residents. They initiate, prepare, evaluate, discuss, refine or implement a project, but do not adopt it in place of the competent authority. The third level comprises bodies responsible for oversight, judicial review and monitoring, including legal services, internal audit units, authorised commissions, courts, supervisory bodies within their jurisdiction, civil society organisations and residents who provide information on the implementation of the act. A single entity may perform functions at more than one level; however, the legal nature of each function must remain clearly distinct.

Normative nature of regulation

Standing committees clearly demonstrate the importance of this distinction. They examine issues in advance, assess the legal and financial implications, hear evidence from the relevant departments and formulate recommendations. Their work may identify conflicts and shortcomings prior to a plenary vote; however, a committee's recommendation does not constitute a legislative act of the council. A councillor may raise an issue, table a draft, propose an amendment and vote, but an individual councillor is not the body responsible for adopting a legislative act. The head of a local community represents the interests of the settlements within their district and participates in the work of the council and committees; however, their status as a participant in the relevant procedures does not authorise them to independently establish general rules. A clear allocation of powers prevents both a blurring of responsibility and the informal adoption of decisions outside the body defined by law (Law of Ukraine No. 280/97-VR, 1997, Articles 47, 49, 54-1).

The regulatory nature of a local act should be determined functionally. Relevant criteria include the establishment, amendment or repeal of general legal rules; an indefinite group of addressees or a group defined by general characteristics; repeated application; and a focus on regulating future situations. The title of the document is not decisive. A "programme" becomes partially normative if it establishes criteria for participation, a list of documents, time limits or grounds for refusal that are suitable for repeated application. An "instruction" may contain internal organisational provisions intended for repeated application; however, this in itself does not transform it into an external regulatory act. Unlawful external regulation arises when such an instruction, without a proper legal basis, imposes additional requirements on residents or business entities. Conversely, a decision concerning a specific plot of land, a recipient, an employee or a property is usually individual in nature, even if it refers to a general policy (The Code of Administrative Proceedings of Ukraine No. 2747-IV, 2005, Art. 4; Kovach, 2018; Petryshyna, 2019).

The distinction between a regulatory act and an administrative act has taken on particular significance following the adoption of Law of Ukraine No. 2073-IX (2022). A regulatory act establishes a general regulatory framework, whilst an administrative act resolves an individual case concerning specific persons. A local government body must not circumvent the procedural safeguards applicable to an individual

case by incorporating the relevant decision into a document drafted in general terms. Similarly, an individual decision must not be used to establish criteria that will, in effect, regulate future applications. Thus, the functional test safeguards the hierarchy of norms and the rights of the individuals affected by a specific decision.

The charter of the local community and the council's rules of procedure fulfil different systemic functions. The charter sets out in concrete terms the opportunities for local democracy provided for by legislation in procedures accessible to residents, in particular local initiatives, public hearings, general meetings, petitions, reporting and forms of public oversight. It must establish stable rules without mechanically duplicating legislation or creating disproportionate obstacles, such as excessive requirements regarding the number of signatures, unreasonably short deadlines or the exclusive use of electronic submission. The rules of procedure organise the council's collegial work: the tabling of draft resolutions, consideration by committees, the setting of the agenda, the tabling of amendments, discussion, voting, finalisation, signing and publication. As both documents regulate recurring public procedures, they are generally of a normative nature (Law of Ukraine No. 280/97-VR, 1997, Arts. 19, 46; Petryshyna, 2019; Atamaniuk, 2024).

As part of the study, it was proposed that the drafting of a municipal regulatory act should begin with an assessment of the need for new regulation. The drafter should establish whether the problem requires a general rule, an individual administrative decision, an organisational measure, a contract, a budget appropriation, or more appropriate implementation of an existing act. This recommendation was based on the logic of preparing and analysing regulatory decisions, as enshrined in Law of Ukraine No. 1160-IV (2003), as well as on the forward-looking provisions of Law of Ukraine No. 3354-IX (2023). Preliminary monitoring of legislation and local acts was regarded as a means of identifying duplication, outdated provisions or contradictions. At this stage, it was also proposed to identify the competent authority; a general reference to "matters of local significance" was deemed insufficient if the proposal restricted a right, required the submission of a document, allocated a scarce resource or established a coercive mechanism.

It was determined that, once the need for regulation had been confirmed, the draft should set out the objective, target audience, rights, obligations, responsible authorities, timeframes, sources of funding, review mechanisms and the relationship with existing legislation. The accompanying materials were required to explain the legal basis, the expected consequences, alternative solutions, feasibility, and the legislation requiring amendment or repeal. For regulatory acts, the relevant requirements stemmed from the special regime set out in Law of Ukraine No. 1160-IV (2003), whilst the general model for legislative justification was based on the forward-looking provisions of Law of Ukraine No. 3354-IX (2023). Where expenditure was envisaged, the general wording regarding implementation "within the limits of available resources" was deemed insufficient under the proposed model when the regulation could not operate without specified funding or a designated administrator of funds.

The Legal Service must verify competence, compliance with acts of higher legal force, consistency with the charter and related local acts, the clarity of criteria, the proportionality of restrictions, and the correct choice of regulatory or individual form. It is advisable to document its comments so that the outcomes of the consideration of substantive objections can be traced. Where necessary, the legal review should be supplemented by financial, anti-corruption, data protection, equality, accessibility and sector-specific assessments (Law of Ukraine No. 1700-VII, 2014).

Participation, acceptance and publication

Public participation performs an informational, analytical and legitimising function. The publication of a draft should ensure access not only to its regulatory text, but also to a clear explanation of the problem, the proposed solution and the likely consequences. The communication channel must be tailored to the specific needs of the groups affected by the regulation: simply publishing the draft online may not be sufficient for remote communities, older people, people with disabilities or groups without stable digital access. The intensity of consultations should correspond to the significance of the act. Written comments may suffice for a technical amendment, whilst a statute, town planning regulations, an urban development decision, a regeneration programme or procedures for the provision of social assistance may require public hearings, meetings, the targeted involvement of stakeholder groups and alternative accessible formats. Participation does not transfer the authority to adopt a document. The competent authority retains responsibility for legality and policy choices, including the decision not to support a particular proposal. At the same time, consultation becomes a mere formality if comments are disregarded without being assessed. A reasoned report on the results of the consultation should identify substantive proposals, state whether they have been taken into account, and explain the grounds for rejection. Such a document makes participation visible and facilitates subsequent monitoring. This approach is consistent with the findings of M. Ardanaz *et al.* (2023), who established a link between political trust and citizens' perceptions of participatory initiatives, and S. Goldfinch *et al.* (2023), who demonstrated the independent significance of process quality for trust in local authorities.

Acts of local authorities that have the characteristics of a regulatory act in accordance with Law of Ukraine No. 1160-IV (2003) are subject to special requirements regarding planning, regulatory impact assessment, publication, consultation and performance monitoring. As at 12 August 2026, Law of Ukraine No. 3841-IX (2024) had not yet entered into force. At the same time, Law of Ukraine No. 3703-IX (2024) has already introduced changes to the mechanisms of local democracy, whilst the current forms of participation are also determined by Law of Ukraine No. 280/97-VR (1997), the statutes of territorial communities and local regulations. Once Law of Ukraine No. 3841-IX (2024) comes into force, its provisions will be applicable in conjunction with specific procedures, unless the law expressly provides otherwise.

The adoption procedure must preserve the integrity of the draft that has been reviewed. During the plenary debate, a proposal may be lawfully amended; however, a substantial amendment introduced directly at the sitting may alter the criteria for participation, impose new obligations, reallocate funding, or affect individuals who have not had the opportunity to express their views. If such an amendment alters the regulatory framework rather than merely clarifying the

wording, this study proposes that the draft be returned for further legal and financial review and re-drafting, taking into account public participation procedures. This authorial recommendation is not regarded as a universal statutory obligation; the need for specific review or renewed discussion should instead be determined by the special legislation and local procedures applicable to the relevant type of act. Approval of an amendment by a majority does not remedy a lack of competence or a material procedural violation. The same principle applies to decisions of an executive committee and orders of a head: an organisationally convenient form cannot substitute for the body authorised by law to adopt the relevant decision.

Following the vote, the final text must correspond exactly to the adopted version and contain all annexes defining the substance of the regulation. Procedures for technical corrections must be strictly defined, documented and incapable of altering the substantive intent of the body. Official publication must ensure access, from a single reliable source, to the full text of the act, its date and number, details of the adopting body, all annexes and information on its entry into force. Law of Ukraine No. 280/97-VR (1997) links the effect of regulatory acts to official publication and permits the setting of a later date of entry into force if implementation requires preparatory work.

Monitoring and the quality control model

The author proposed that a new act should explicitly regulate its relationship with previous local acts. Vague provisions stating that previous decisions apply "to the extent that they do not conflict with" the new act transfer the responsibility for eliminating normative uncertainty to the administration and residents. The author proposed specifying the provisions subject to repeal or amendment, the procedure for completing unfinished procedures, and the rules applicable to applications submitted before the entry into force of the new act. For amalgamated or reorganised communities, it was separately proposed to classify inherited documents for temporary retention, amendment, consolidation or repeal.

A current specific example of evaluating a legislative act after its adoption is the monitoring of the effectiveness of regulatory acts, as provided for in Law of Ukraine No. 1160-IV (2003). A broader framework for legal monitoring is provided for by Law of Ukraine No. 3354-IX (2023), the bulk of whose provisions had not yet come into force as at 12 August 2026. On this regulatory basis and based on the results of the study, it was proposed to assess whether a regulatory act remains lawful, consistent, practicable, accessible and effective. The sources of information within the proposed model were identified as complaints, administrative and judicial practice, implementation statistics, programme performance reports, audit findings, data from service providers and public feedback.

Based on the principle of the exercise of public authority within the limits of established powers, as enshrined in the Constitution of Ukraine (1996), and the provisions on competence in Law of Ukraine No. 280/97-VR (1997), it is proposed to distinguish between vertical conflicts with acts of higher legal force, horizontal conflicts between local acts, and conflicts of competence between the council, the executive committee, the chairperson or a structural unit. A subsequent act, issued in the absence of competence, cannot in itself legalise an overstepping of powers. It was also proposed that internal forms and procedures should be scrutinised if they effectively created external requirements. The means of resolving an identified regulatory conflict in the proposed model is defined as a competent legislative decision through amendment, consolidation or repeal, rather than an informal clarification by the unit applying the act.

The results obtained made it possible to formulate proposals regarding an algorithm for quality control of legal acts. The first element concerned competence: whether a specific body was authorised to regulate the relevant matter and whether the chosen form corresponded to the distinction between own, delegated and exclusive powers. The second element concerned the normative nature of the act: whether the document established general rules or resolved an individual case. The third element covered due process, in particular initiation, preparation, expert review, public participation, adoption, signing, publication and entry into force. The fourth element involved factual and analytical justification, taking into account participation and the assessment of proportionality, financial provision, accessibility and the feasibility of implementing the regulation. The fifth element concerned the monitoring of the act's operation and its consistency with the local regulatory system.

The distinction drawn in the study between entities with law-making competence and procedural participants was similar to the approach taken by Ya.V. Kovach (2018), who linked a local regulatory act to its adoption by a local community, body or official within the scope of their delegated powers. The distinction in this study lay in the identification of three functional levels, which made it possible to distinguish between procedural participants and the entities responsible for control, judicial review and monitoring, without equating them with those possessing the competence to adopt the act.

The conclusion that public participation strengthened procedural legitimacy but did not transfer to the public the authority to adopt a regulatory act was consistent with the findings of F. De Francesco & J. Tosun (2023), who regarded notification, publication and consultation as elements of the democratic legitimisation of law-making procedures. J. Nederhand & J. Edelenbos (2023) found that formal participation, coupled with citizens' low actual influence on decisions, could give rise to a problem of legitimacy. In contrast to these studies, the present research focused not on the intensity of participants' influence, but on the legal distinction between their involvement in the preparation of a decision and the authorised body's competence to adopt a binding act. S. Alvarado Vazquez *et al.* (2024), in their study of the planning, design and management of public spaces, demonstrated that public participation could occur at various stages and involve significantly different degrees of influence. The present study supplemented this approach with a legal distinction between the functions of participants: the proposed three-level model made it possible to define the role of participation at different stages of the law-making process, without equating the degree of actual influence with the authority to adopt a regulatory act.

K. Kurkela *et al.* (2024) found that successful participation in local self-government depended on organisational structures, culture, resources and managerial support, whilst I. Bianchi (2025) examined new forms of municipal

democracy through co-governance and institutional accountability. The findings of this study were similar in recognising participation as a systemic, rather than an episodic, element of local self-government. At the same time, the difference lay in the legal focus: the study assessed the role played by each participant in the law-making process and whether they possessed independent authority to establish general rules. D. Devine (2024), in a meta-analysis of the consequences of political trust, confirmed its behavioural and value-based significance. The results of the present study specified this conclusion for municipal law-making: trust was regarded as a broader consequence of due process, transparency and accountability, whilst the legal assessment of a local regulatory act was based on its competence, its normative nature, procedure and justification.

O.O. Kot *et al.* (2023) regarded legal monitoring as a component of law-making and law-enforcement activities, whilst M. Petryshyna (2019) analysed the place of local self-government regulatory acts within the national legislative system. The approach developed in this study was similar to these positions in recognising the need to evaluate a legal act not only at the time of its adoption. The difference lay in the inclusion of monitoring within the proposed quality control algorithm, alongside checks on competence, regulatory nature, procedure and justification. The analysis carried out demonstrated that the quality of municipal law-making depends not only on compliance with formal requirements for the adoption and publication of acts, but also on a clear definition of the competences of the relevant bodies, the proper preparation of draft legislation, the involvement of stakeholders and the subsequent monitoring of regulatory outcomes. The proposed three-level model makes it possible to systematise the functions of the entities and participants in the law-making process, whilst the developed quality control algorithm ensures a systematic verification of the competence, substantive, procedural and practical soundness of municipal acts.

Conclusions

The study has shown that the legal certainty of municipal law-making depends not on the number of people involved in the drafting process, but on the clear identification of the competent authority at each stage. The link between the subject matter of regulation, the powers defined by law and the form of the act has been recognised as crucial for assessing the legality of local regulatory acts. This has made it possible to distinguish between the representative role of the council, the executive functions of the relevant bodies and the procedural involvement of other participants without extending their powers.

The proposed three-tier model of actors and participants in the municipal law-making process provided for a clear distinction between the actors authorised to adopt a legislative act and the participants who initiate, draft, review, discuss, implement or monitor it. Councillors, standing committees, starostas, departmental units, legal services, experts, consultative and advisory bodies, and residents can significantly influence the content of a draft without acquiring the authority to supplant the competent body. This distinction ensured accountability and prevented the unlawful or informal delegation of authority. The legal nature of a local act was determined by its content and consequences, rather than by its title. General rules addressed to an indefinite or broadly defined group of persons and intended for repeated application were normative, including where they were set out in programmes, procedures or annexes to regulatory acts. Decisions aimed at resolving a specific case were individual administrative acts or other individual decisions; the safeguards inherent in the relevant legal form were to apply to them.

The responsibility of a local self-government body did not end with the publication of the act. Bodies were required to maintain reliable consolidated records, monitor implementation, identify vertical, horizontal and jurisdictional conflicts, and make explicit choices between retention, amendment, consolidation and repeal. In amalgamated communities, systematic monitoring is required to prevent the unequal territorial application of inherited rules. The application of the proposed algorithm by councils and legal services has the potential to reduce the volume of flawed regulation, enhance the legality, accessibility and consistency of local regulation, and strengthen its alignment with the community's needs. Prospects for further research include the empirical testing of the proposed model on a sample of municipal regulatory acts, an analysis of case law regarding the materiality of jurisdictional and procedural violations, and a reassessment of the model following the entry into force of Law of Ukraine No. 3354-IX and the coming into effect of Law of Ukraine No. 3841-IX.

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Муніципальна правотворчість в Україні: суб'єкти, компетенція та процедурні гарантії

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Анотація. Актуальність дослідження зумовлена оновленням механізмів місцевого самоврядування, формуванням в Україні єдиної моделі правотворчої діяльності та необхідністю забезпечити законність локального регулювання в умовах децентралізації й воєнного стану. Метою роботи було визначення системи суб'єктів муніципальної правотворчої діяльності, меж їхньої компетенції та процедурних гарантій підготовки, прийняття, оприлюднення і подальшого оцінювання нормативно-правових актів місцевого самоврядування. Використано формально-юридичний, системно-структурний, функціональний і порівняльно-правовий методи, а також методи тлумачення, аналізу та синтезу. Встановлено, що центральним суб'єктом локального нормативного регулювання є місцева рада, тоді як виконавчий комітет і посадові особи можуть установлювати нормативні приписи лише в межах прямо визначених законом власних або делегованих повноважень і з дотриманням належної форми акта. Розмежовано суб'єктів прийняття нормативно-правових актів і учасників розроблення проєктів: постійні комісії, депутати, старости, юридичні служби, робочі групи та жителі впливають на зміст проєкту, однак не підміняють компетентний орган. Обґрунтовано, що нормативний характер місцевого акта визначається його змістом, невизначеним або визначеним за загальними ознаками колом адресатів та багаторазовістю застосування, а не назвою документа. Запропоновано трирівневу модель суб'єктів та учасників муніципального правотворчого процесу, а також алгоритм перевірки якості акта, що охоплює компетенцію, нормативний характер, належну процедуру, фактичне й аналітичне обґрунтування з урахуванням громадської участі та правовий моніторинг. Обґрунтовано, що участь громадськості посилює процедурну легітимність, але не передає громадськості владних повноважень приймати акт. Уточнено співвідношення загальних положень законодавства про правотворчу діяльність із чинними спеціальними правилами про місцеве самоврядування, регуляторну політику й адміністративну процедуру, а також із регулюванням публічних консультацій. Визначено, що воєнний стан впливає на строки та порядок підготовки нормативно-правових актів лише у передбачених законом межах і не створює нової компетенції. Практична цінність результатів полягає у можливості застосування запропонованих положень радами, виконавчими органами та юридичними службами для попередження компетенційних колізій, неправомірного або неформального передавання повноважень, процедурних дефектів і накопичення застарілих локальних приписів

Ключові слова: територіальна громада; представницький мандат; нормативно-правовий акт; публічна консультація; правовий моніторинг; регуляторна узгодженість; децентралізація

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The application of criminal and administrative liability to minors: Challenges facing the contemporary legal system

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Abstract. It has become especially important under martial law to provide an effective legal response to offences committed by young people at the same time as maintaining the humane principles of juvenile justice. This article aimed to evaluate the mechanisms responsible for the criminal and administrative liability of minors and to find ways to improve them. The study was based on a Delphi survey of experts together with an analysis of the legal framework and judicial practice. It examined the changes in the indicators for the social, legal, rehabilitative and governance aspects of Ukraine's juvenile justice system between 2020 and 2025. There was broader access to emotional support and counselling for adolescents, improved coordination between the various agencies, and a higher degree of adherence to children's basic procedural rights. The system's most serious shortcomings, though, were still the lack of adequate resources and the slow advancement of specialised juvenile adjudication. The study also looked at the impact of wartime conditions on the likelihood of deviant behaviour among young people, the use of alternative pre-trial measures, and the role of civil society and international organisations in reinstating educational programmes. Based on these findings, the article proposes a model aimed at improving the response to juvenile delinquency which gradually moves the focus from punishment to comprehensive rehabilitation, social adaptation, and the provision of psychological and educational support for young people. The findings and methodological tools can be used by law enforcement agencies, the judiciary, child welfare services, probation offices, and researchers in order to keep an eye on the juvenile justice system and when preparing legislation

Keywords: minors; criminal liability; administrative liability; martial law; juvenile justice

Suggested Citation

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Introduction

In 2025, the juvenile justice system in Ukraine was functioning in the face of pressure from the public to achieve a balance between public safety and adherence to international standards concerning the protection of children's rights. The continued state of martial law has given rise to a number of factors promoting social maladjustment amongst young people, such as widespread displacement, psychological trauma affecting minors, and the disruption of their usual social environments. Such conditions raise the likelihood of deviant behaviour and cause adolescents to take part in illegal activities. They also mean that the legal framework has to be adjusted to deal with new kinds of offences linked to wartime security threats. There is both a practical and a theoretical necessity to evaluate the effectiveness of the present mechanisms for making minors accountable. To deal with these problems, the legal system must give first priority to rehabilitative, educational and preventive measures rather than adopting an exclusively punitive method.

Ukrainian and international researchers have given a great deal of attention to the question of minors' liability and to the reform of the juvenile justice system. The study in question looked at the legal, psychological, and institutional aspects of these issues. N. Apakhayev *et al.* (2024) investigated the protection of children's rights both within and outside the family. They found that the lack of adequate legal protection and the failure to take account of adverse social environments are major factors leading to juvenile delinquency. Moreover, Ukrainian and international scholars have also looked into the age thresholds at which liability begins and the ability of minors to understand that their actions are illegal. A comparative legal study carried out by Y. van den Brink & C. Lanskey (2025) looked at the way in which adolescents end up with a cumulative disadvantage in the juvenile justice system. Their results indicated that it is important to prefer diversion rather than detention, along with social rehabilitation and probation, if inequality is to be tackled and reoffending among adolescents is to be reduced. H.V. Lel & V.Yu. Iskovych (2023) investigated the legal grounds on the basis of which children can be held criminally liable. They stated that in order to pass a fair and lawful sentence, it is necessary to take into account a child's mental development and upbringing as well as the causes and circumstances which led to the offence.

K. Hampson *et al.* (2026) looked into procedural safeguards and the idea of child-friendly justice. They discovered that special procedures and diversionary measures which are in accordance with the "Child First" principle can reduce psychological strain and avoid children being retraumatised, victimised, and stigmatised. O. Dubina (2024) looked at the safeguards provided by administrative law for the rights of minors in cases where they are accused of offences. The study maintained that liability ought to be adapted to the individual adolescent, considering their age, and that the measures introduced should be mainly educational and non-monetary.

R. Khanyk-Pospolitaka & T. Fedosieieva (2023) looked at the way children's interests are portrayed in times of armed conflict. Their analysis of the protection of minors' rights under martial law led them to the conclusion that national legislation must be brought up to international standards as soon as possible in order to protect children's interests in emergency situations. M. de Brauw *et al.* (2026) found that juvenile offenders showed poor integration of conscience, empathy, and moral orientation. Building on these findings, E. Heynen *et al.* (2025) argued that effective prevention of reoffending requires comprehensive, multimodal programmes that develop selfregulation and emotional maturity while addressing psychological trauma.

L. Spytska (2023) examined resocialisation and educational interventions, developing principles for correctional programmes for young offenders in custodial institutions. She concluded that rehabilitation depends directly on tailoring psychological and educational interventions to the individual and taking account of adolescents' psychosocial trauma. L. Williams & A. M. Ellis (2026) demonstrated the value of wider use of diversion to keep children out of the criminal justice system. Community-based, non-punitive restorative measures support adolescents' resocialisation and substantially reduce reoffending.

Despite extensive research, as of 2026, insufficient attention had been paid to a comprehensive quantitative and qualitative assessment of the juvenile justice system under martial law that combines analysis of indicators with expert input. This study aimed to develop a methodological approach for assessing the overall effectiveness of applying criminal and administrative liability to minors under martial law and to propose a mechanism for improving it. To achieve this aim, the study set three objectives: to analyse Ukraine's legal framework and judicial practice concerning the liability of minors under martial law; to calculate a composite indicator of the effectiveness of juvenile justice from 2020 to 2025 using four components and the Delphi method; and to formulate a model for improving the legal system's response to offences committed by minors.

Materials and methods

An integrated assessment method was used to evaluate the effectiveness of applying criminal and administrative liability to minors. The method uses a set of indicators and weights to produce an overall index of the effectiveness of the response, including punishment, rehabilitation, and prevention. This index provides a quantitative measure of something otherwise difficult to assess: the quality of the juvenile justice system's work. Effectiveness criteria were identified and grouped, and experts weighted each criterion according to its importance, following the methodological approach of L. Hrytsenko *et al.* (2023). Their study refined an algorithm for mathematically standardising different types of indicators and adjusting them using expert-assigned weights. This general model of integrated assessment allows potentially conflicting qualitative and quantitative indicators to be combined into a single representative index. It was therefore adapted to measure the effectiveness of the juvenile justice system. The overall effectiveness indicator, E, was calculated using the following formula:

$$\sum_{i=1}^{n} w_i X_i, \quad (1)$$

where X_i is the value of criterion i, normalised to a given scale, and w_i is the expert-assigned weight reflecting

the importance of that criterion. Determining the weights was a critical stage of the method. Experts were therefore consulted using the Delphi method. The panel included 35 experts in criminal law, juvenile prosecutors, experienced judges, and representatives of the child welfare services from various parts of Ukraine. The purpose was to ensure a wide geographical coverage: participants came not only from the western regions, where the effects of the war have been relatively less severe, but also from the eastern regions and the areas on the front line which have been directly affected by it. The consultation was carried out entirely via Google Forms. The Delphi survey was carried out in several rounds from September to November 2025. The study adhered to the international ethical standards applicable to academic and social research. All of the experts took part voluntarily and provided informed consent. At each stage, the anonymity of the participants and the confidentiality of their responses were ensured. The collection, processing and storage of the data were in accordance with the International Chamber of Commerce/ESOMAR standards (2016) and the General Data Protection Regulation (2016). In order to ensure that the assessment was objective and methodologically sound, the statistical data used by the experts for scoring and for the subsequent qualitative interpretation were obtained from official Ukrainian government and international sources for the period 2020-2025. The data sources for the assessed indicators were:

1) official statistical reports and compilations on reoffending rates (Office of the Prosecutor General of Ukraine, n.d.; State Judicial Administration of Ukraine, n.d.), observance of children's procedural rights (Ukrainian Parliament Commissioner for Human Rights, n.d.), and coordination among agencies (United Nations Children's Fund, n.d.);

2) statistical publications and annual reports on the time taken to hear cases and the availability of judges specialising in juvenile cases (State Judicial Administration of Ukraine, n.d.);

3) analytical reports and other materials on social rehabilitation and access to psychological support (United Nations Children's Fund, n.d.);

4) official data on access to rehabilitation programmes and social support (State Institution "Probation Centre", n.d.);

5) statistics on the proportion of those who returned to education or secured employment (State Employment Service of Ukraine, n.d.).

The qualitative analysis of the legislative framework covered key instruments, including Law of Ukraine No. 20/95-VR "On Bodies and Services for Children and Special Institutions for Children" (1995), Law of Ukraine No. 160-VIII "On Probation" (2015), Law of Ukraine No. 2145-VIII "On Education" (2017), and Law of Ukraine No. 3460-VI "On Free Legal Aid" (2011). It also considered related acts and provisions that directly or indirectly affect the procedures for holding minors liable (Resolution of the Cabinet of Ministers of Ukraine No. 585, 2020).

The study of judicial practice was carried out through a systematic analysis of official statistical reports, summaries, and the decisions issued by the courts of Ukraine. The primary source of the quantitative data was the State Judicial Administration of Ukraine's annual reports, particularly its specialised Form No. 8, "Report on Convicted Minors" (State Judicial Administration of Ukraine, n.d.), since this report includes detailed information regarding the progress of cases and the time taken to hear them. It made it possible to assess how martial law, including court evacuations, staff shortages, and disruptions to institutional operations, affected the speed of proceedings, the development of specialised juvenile adjudication, and the observance of children's key procedural safeguards during court hearings.

The Delphi method involved several survey rounds. In the first round, experts completed an anonymous questionnaire rating the importance of each proposed effectiveness criterion. They could also suggest additional criteria. The organisers then calculated the median and mean ratings for each criterion and compiled the experts' comments. In the second round, participants received questionnaires based on these consolidated findings. This allowed them to consider their colleagues' views and work towards a final consensus. Differences between their ratings narrowed considerably after the second round, enabling the weights to be calculated from the mean expert ratings. This form of assessment can inform government legal policy. The study findings had already been presented at a specialist roundtable, where participants recommended introducing national monitoring of juvenile justice based on similar criteria. The integrated assessment of response effectiveness, supported by expert consensus through the Delphi method, proved useful in this study and could be applied in future research and practice.

Results

In 2024-2025, services were redirected towards wartime needs, while volunteer and donor-funded programmes expanded. This helped improve social rehabilitation and reduce reoffending, raising the composite score for this component (Table 1). The guarantees of free and accessible education established by Law of Ukraine No. 2145-VIII (2017) provide a foundation for preventing social maladjustment among minors. Maintaining an educational environment and keeping adolescents in education are essential to their successful resocialisation and the prevention of deviant behaviour. The analysis shows favourable trends in all three key indicators: the reoffending rate, the level of social rehabilitation, and access to social support. From 2020 to 2025, the composite score, calculated as the sum of weighted indicators, rose from 0.479 in 2020 to 0.650 in 2024 and reached 0.683 in 2025. The corresponding scaled values rose from approximately 0.12 to 0.17. This indicates a gradual strengthening of the social component of juvenile justice, even under martial law.

Table 1. Social security component

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Reoffending rate	0.4	0.50/0.200	0.54/0.216	0.60/0.240	0.62/0.248	0.65/0.260	0.68/0.272
Level of social rehabilitation	0.3	0.45/0.135	0.50/0.150	0.55/0.165	0.58/0.174	0.62/0.186	0.65/0.195

Table 1, Continued

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Access to social support	0.3	0.48/0.144	0.52/0.156	0.60/0.180	0.64/0.192	0.68/0.204	0.72/0.216
Composite score (sum)	-	**0.479** (0.12)	**0.522** (0.13)	**0.585** (0.15)	**0.614** (0.15)	**0.650** (0.16)	**0.683** (0.17)

Note: the columns show the year, X – the score (0…1) and the weighted value w_iX_i. In the rows for the composite score, bold type indicates the sum of the weighted indicators; the value in parentheses is scaled by dividing it by four to maintain comparability with the original methodology

Source: official statistical reports from the Office of the Prosecutor General of Ukraine provided the basis for calculating the juvenile reoffending indicator. They showed a decline in reoffending from 2020 to 2025 associated with the use of alternative measures of liability (Office of the Prosecutor General of Ukraine, n.d.). Monitoring data from the State Employment Service of Ukraine were used to assess employment and vocational adaptation among adolescents in conflict with the law, an important factor in their resocialisation (State Employment Service of Ukraine, n.d.)

There was a noticeable rise in access to social support: the figure went from 0.48 in 2020 to 0.64 in 2023, then to 0.68 in 2024 and finally to 0.72 in 2025. This increase is due to the rising number of volunteer programmes, the considerable support given by international partners, and the coordinated efforts of civil society organisations. The social rehabilitation score also increased, going from 0.45 in 2020 to 0.58 in 2023, 0.62 in 2024 and 0.65 in 2025; this indicates that the reintegration programmes for young offenders have been continually expanded. Similarly, the scored version of the reoffending indicator improved, rising from 0.50 in 2020 to 0.62 in 2023, then attaining 0.65 by 2024 and 0.68 in 2025. A higher score indicates a lower actual reoffending rate among young people who are under supervision, which shows the effectiveness of the probation services. Yet the situation regarding wartime security is still tense. A new kind of threat is the recruitment of adolescents via Telegram by Russian intelligence agencies with a view to committing crimes which endanger the foundations of national security. The number of such offences went up from 3 in 2022 to 31 in 2024 and then to 130 in 2025 (Horon, 2026). Generally speaking, the social aspect improved step by step from 2020 to 2025, even in emergency circumstances. This lends support to a method that combines punishment with rehabilitation and social support, and highlights the need to make social support a central part of juvenile justice.

Even though martial law has caused problems for the courts, such as the need for evacuations and an increased number of cases, a greater focus on meeting juvenile justice standards has led to a higher score (Table 2). The implementation of Law of Ukraine No. 3460-VI (2011) guarantees that qualified defence counsel must be involved in cases concerning minors. This represents a major procedural protection for children's rights and for adhering to international juvenile justice standards at both the pre-trial and trial stages. The composite score increased steadily from 0.490 in 2020 to 0.614 in 2023, to 0.642 in 2024 and then to 0.666 in 2025. The source provides scaled values of 0.13 and 0.17 for 2020 and 2025, respectively. This indicates that there has been better compliance with the procedural standards for minors even in the face of the difficulties caused by martial law. The biggest improvement was seen in the indicator relating to the observance of children's procedural rights, which went from 0.52 in 2020 to 0.68 in 2023, to 0.72 in 2024 and then to 0.75 in 2025 (weight: 0.4). This shows that both the state and the legal profession have given more attention to protecting the rights of minors in court proceedings.

Table 2. Legal (procedural) component

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Observance of children's procedural rights	0.4	0.52/0.208	0.56/0.224	0.64/0.256	0.68/0.272	0.72/0.288	0.75/0.300
Time taken to hear cases	0.3	0.48/0.144	0.50/0.150	0.55/0.165	0.58/0.174	0.60/0.180	0.62/0.186
Availability of judges specialising in juvenile cases	0.3	0.46/0.138	0.48/0.144	0.52/0.156	0.56/0.168	0.58/0.174	0.60/0.180
Composite score (sum)	-	**0.490** (0.13)	**0.518** (0.13)	**0.577** (0.15)	**0.614** (0.16)	**0.642** (0.16)	**0.666** (0.17)

Source: data from the State Judicial Administration of Ukraine formed the basis for assessing how promptly cases involving children were heard and the availability of judges specialising in juvenile cases (State Judicial Administration of Ukraine, n.d.). Analytical reports from the Ukrainian Parliament Commissioner for Human Rights supported the finding that observance of minors' procedural safeguards improved, with the indicator rising from 0.52 in 2020 to 0.75 in 2025 (Ukrainian Parliament Commissioner for Human Rights, n.d.)

The figure showing the time it took to hear cases also improved, increasing from 0.48 in 2020 to 0.58 in 2023, 0.60 in 2024 and 0.62 in 2025. This improvement took place even though the courts underwent evacuations, had a heavy volume of cases, and were affected by the wartime disruptions to the judicial system. It indicates that the organisation has become stronger and is better at adapting to crisis situations. The indicator for the availability of judges with specialisation in cases involving minors increased most gradually, moving from 0.46 in 2020 to 0.56 in 2023, 0.58 in 2024 and 0.60 in 2025. Judicial specialisation in matters concerning minors is therefore still the weakest aspect of the legal sector. As a whole, this area showed only moderate but steady progress from 2020 to 2025, especially in the area of

basic procedural protections. The slow progress in the field of specialised juvenile adjudication nevertheless shows the need for focused reform, such as the creation of juvenile courts or greater specialisation among judges, in order to ensure that cases involving children are handled in a consistent manner and to reduce the risk of unequal treatment by the law.

In 2024-2025, new probation measures and restorative justice programmes, which were supported by international organisations, greatly improved minors' access to rehabilitation (Table 3). The legal basis for extending pre-trial and supervisory probation for minors was provided by Law of Ukraine No. 160-VIII (2015). This led to much greater access for young offenders to restorative, nonpunitive rehabilitation programmes in the community and contributed to a reduction in reoffending.

The composite score increased from 0.422 in 2020 to 0.602 in 2023, before reaching 0.653 in 2024 and then 0.704 in 2025; the associated scaled values also went up from 0.11 to 0.18. This shows a significant improvement in the access of young offenders to rehabilitation and educational programmes. The fact that this increase has occurred in the context of the war is particularly noteworthy, since although certain state-run programmes were only partly halted, alternative and charitable initiatives expanded thanks to support from international organisations, especially UNICEF.

Table 3. Rehabilitative and educational component

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Access to rehabilitation and educational programmes	0.4	0.44/0.176	0.50/0.200	0.58/0.232	0.62/0.248	0.68/0.272	0.74/0.296
Proportion returning to education or work	0.3	0.42/0.126	0.48/0.144	0.55/0.165	0.60/0.180	0.63/0.189	0.66/0.198
Access to psychological support and counselling	0.3	0.40/0.120	0.45/0.135	0.52/0.156	0.58/0.174	0.64/0.192	0.70/0.210
Composite score (sum)	–	**0.422** (0.11)	**0.479** (0.12)	**0.553** (0.13)	**0.602** (0.15)	**0.653** (0.16)	**0.704** (0.18)

Source: official data from the State Institution "Probation Centre" were used to assess the expansion of minors' access to pre-trial probation and community-based corrective educational programmes (State Institution "Probation Centre", n.d.). Monitoring data from the State Employment Service of Ukraine were used to assess employment and vocational adaptation among adolescents in conflict with the law, an important factor in their resocialisation (State Employment Service of Ukraine, n.d.)

Access to rehabilitation and educational programmes saw one of the most significant increases, going from 0.44 in 2020 to 0.62 in 2023, then to 0.68 in 2024 and 0.74 in 2025. The sharp rise between 2024 and 2025 was due to a major reform of the sentencing system: Law of Ukraine No. 3342IX (2023) came into effect on 28 March 2024 and established probation supervision as a new type of sentence designed to help minors get back on track without taking them out of the community. This reform also coincided with the nationwide expansion of the UNICEF-supported Restorative Programme for Minors Suspected of Committing a Crime (UNICEF, n.d.). The figure showing adolescents going back to education or employment also increased steadily, rising from 0.42 in 2020 to 0.60 in 2023, then to 0.63 in 2024 and 0.66 in 2025, which shows that they have been reintegrated after undergoing restorative procedures. Access to psychological support and counselling increased from 0.40 in 2020 to 0.58 in 2023, 0.64 in 2024 and 0.70 in 2025. This highlights the importance of the emotional support given by juvenile prosecutors in collaboration with civil society organisations, such as the "Volonter" NGO, and with other partners. Overall, the rehabilitative and educational aspects have clearly moved in a more humane direction from 2020 to 2025. Continuous educational, emotional and counselling support is essential for preventing reoffending and should continue to be a priority both during and after the war.

Because of the wartime situation, it became necessary for the various agencies to cooperate more closely, with this leading to better coordination between the police, the probation services, the courts and the child welfare services (Table 4). The Law of Ukraine No. 20/95-VR (1995) has set up institutional mechanisms for the protection of the rights of minors and also regulates the activities of the specialised organisations. It thus forms the legal basis for closer coordination between the child welfare services, the police and the social service institutions. The analysis indicates that governance of Ukraine's juvenile justice system improved gradually from 2020 to 2025. The composite score, calculated as the sum of weighted indicators, rose from 0.414 in 2020 to 0.577 in 2023, 0.611 in 2024 and 0.654 in 2025. The corresponding scaled values rose from 0.10 to 0.16. These results suggest stronger cooperation among agencies, better coordination and greater transparency in the work of the bodies concerned. The indicator for coordination among agencies rose particularly quickly, from 0.45 in 2020 to 0.64 in 2023, 0.68 in 2024 and 0.72 in 2025. It had the highest score of any indicator in this component.

Table 4. Organisational and governance component

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Coordination among agencies (police, courts, child welfare services and probation services)	0.4	0.45/0.180	0.52/0.208	0.58/0.232	0.64/0.256	0.68/0.272	0.72/0.288
Resources available to juvenile justice	0.3	0.40/0.120	0.45/0.135	0.50/0.150	0.55/0.165	0.57/0.171	0.60/0.180

Table 4, Continued

Indicator	Weight (w_1)	2020 (X_1/w_1X_1)	2021 (X_2/w_2X_2)	2022 (X_3/w_3X_3)	2023 (X_4/w_4X_4)	2024 (X_5/w_5X_5)	2025 (X_6/w_6X_6)
Transparency and monitoring	0.3	0.38/0.114	0.42/0.126	0.46/0.138	0.52/0.156	0.56/0.168	0.62/0.186
Composite score (sum)	-	**0.414** (0.10)	**0.469** (0.11)	**0.520** (0.13)	**0.577** (0.14)	**0.611** (0.15)	**0.654** (0.16)

Source: UNICEF analytical publications (n.d.) were used to examine cooperation between child welfare services, the police and probation services, and to assess the role of international programmes in offsetting shortages in state funding

The rise is due to the changes that have been made as a result of the war. The existence of security threats and the necessity of promptly responding to wartime risks have led to greater cooperation between the police, the courts, the child welfare services and the probation services. A key development was the creation of legal procedures relating to the sharing of information and cooperation between these organisations, such as the "Procedure for Cooperation among Public Authorities in the Social Protection of Children's Rights" (Cabinet of Ministers of Ukraine Resolution No. 585, 2020). Funding for the juvenile justice system increased only slowly: the figure went from 0.40 in 2020 to 0.55 in 2023, then to 0.57 in 2024 and finally to 0.60 in 2025. This shows that there has been a continuing lack of state funding, although this situation has been partly counteracted by specific donor projects and by international technical assistance programmes. The indicator relating to transparency and monitoring also increased steadily, rising from 0.38 in 2020 to 0.52 in 2023, 0.56 in 2024 and 0.62 in 2025. Among the factors that have contributed to this are broader public monitoring and new information initiatives, for example, the creation of the Safe Internet Centre in 2024 and Ukraine's formal entry into the international INHOPE network in order to help prevent the online exploitation of children (Human Rights Platform, 2024). The aspect of organisation and governance has therefore demonstrated a continued ability to adapt to crisis situations. Closer cooperation between agencies is the main trend, and this trend needs to be backed by legal and institutional measures. In the future, steady funding and greater use of independent monitoring will be important for the long-term effectiveness of juvenile justice in Ukraine.

The four elements of the integrated assessment – namely social security, legal and procedural safeguards, rehabilitation and education, and organisational governance – demonstrated continuous improvement between 2020 and 2025. Despite the difficulties caused by martial law, the Ukrainian juvenile justice system has slowly managed to cope with the new challenges and has made progress in both its legal framework and in practice. The most significant improvements have been in the respect shown to children's procedural rights, in the coordination between agencies and in access to rehabilitation programmes. The fact is that the system can keep on carrying out its functions in a crisis and can continue to develop thanks to civil society, international partners and practitioners. At the same time, however, resources and specialised juvenile adjudication improved only slowly, which shows that there are still serious structural problems requiring a strategic response. The study actually did observe improvements in a number of aspects of effectiveness even though a war had been continuing. This outcome can be reached when the state and non-governmental partners actively support juvenile justice programmes and when international organisations keep a watchful eye on the respect for children's rights. The analysis formed the basis for a proposed mechanism aimed at improving the application of criminal and administrative liability to minors.

The assessment shows that Ukraine's system of criminal and administrative liability towards minors has become progressively more effective in all the major areas, even though martial law has caused some difficulties. The increasing ratings in the social, legal, rehabilitative and governance areas indicate that the system is capable of adapting and that there is still room for further development. That said, resource limitations and the absence of specialised judicial mechanisms continue to be major weaknesses and need coordinated policy and management actions.

There are a number of studies which are pertinent to the suggested response mechanism and to the new challenges involved in imposing criminal and administrative liability on minors. According to S. Bahirov (2025), legal certainty is stated as a basic feature of the rule of law in the area of criminal law. The study maintains that concentrating too much on drawing up specific legal provisions, rather than on applying and enhancing the general principles of liability, has the effect of reducing legal awareness and making enforcement more difficult. In the context of juvenile justice, this shows that there is a need for consistent general methods of dealing with the criminal liability of adolescents in order to avoid the fragmentation of the law and the occurrence of arbitrary decisions.

A multi-author monograph concerning offences committed by minors in war (Rohatynska, 2023) also looks at the proportionality of coercive measures and compliance with international and procedural standards. The book stresses the need for procedural support in all cases and for cases involving minors to be heard quickly and with priority, in accordance with Ukraine's international obligations. It also underlines the fact that all procedural measures and measures of restraint must be aimed at the best interests of the child. R. Khanyk-Pospolitaka & T. Fedosieieva (2023) look at the way children's interests are treated during a state of martial law and stress the need for special care to be taken in protecting those rights. They also look at the part played by international organisations in ensuring that children's rights are safeguarded in the course of armed conflicts, including the effort to bring national legislation in line with international standards. M.M.E.-S. Dzhabara *et al.* (2025) deal with similar issues by means of a comparative study of international legal instruments and traditional doctrines. They maintain that the legal instruments should be adapted flexibly in crisis situations, while reforms should reconcile secular law with religious and ethical humanistic values without jeopardising children's fundamental rights and interests. O. Maksymenko (2024) looks at the international methods of dealing with administrative legal relations in the area of protecting children's rights. She states that, in view of the present-day challenges, it is necessary to adopt

effective models from other countries. The researcher highlights the need to establish specialised institutions such as family courts inspired by the German model. She also supports greater cooperation between state agencies and social services so that they are able to respond quickly to threats to children's safety in times of crisis.

When looking at restorative and punitive methods, E. Mujoska Trpevska & G. Lažetić (2023) advocate a change to a model founded on the "four Ds": diversion, de-judicialisation, deinstitutionalisation and due process. They claim that in order to prevent delinquency and to assist in the resocialisation of adolescents, it is necessary to take into account their socio-economic, family and educational situations, as well as to apply humane and supportive measures in the state's child protection policy, rather than depending on formal sanctions or coercion. L. Abrams *et al.* (2019) look at the way in which various jurisdictions determine the minimum age of responsibility in juvenile courts. They discover that introducing very young children into court proceedings too early can impede their psychological and social development and increase delinquency. S. Case (2025) makes the same request regarding moving away from linear, repressive models of juvenile justice and adopting instead a more flexible approach focused on the individual. The researcher states that in order to act in the best interests of the child and to lessen the pressures associated with formal legal procedures, it is necessary to have teams made up of practitioners, social workers and experts from the third sector. These teams are able to adjust the way the law is applied to meet the individual needs of each minor. R. Stringer & N. Gatipon (2025) also discover a close link between youth offending, adverse childhood experiences (ACEs) and emotional factors; their findings advocate for trauma-focused psychological care rather than relying solely on formal procedural restrictions.

M. García-Rojo *et al.* (2025) looked into the reasons why young people become involved with criminal gangs in urban areas. Through their systematic review, they found that social, family, schoolrelated and individual psychological risk factors existed, such as social disorganisation, difficulty in adjusting to school, depression, the use of substances and a history of offending by members of the family. They say that these factors should be taken into account when planning prevention and rehabilitation programmes for the juvenile justice system.

O. SooHyun *et al.* (2025) looked at the direct and indirect effects of personality traits and patterns of online activity on adolescent cybercrime, based on survey data collected from 2,015 schoolchildren. Their path analysis showed that computer activity acts as a mediator in the relationship between a child's underlying predispositions and delinquent behaviour. The results show that both individual traits and the opportunities available in digital environments are important when it comes to predicting adolescent cybercrime.

Conclusions

The study succeeded in its objective by evaluating the effectiveness of the current mechanisms for imposing criminal and administrative liability upon minors during the state of martial law. One limitation was the lack of detailed government statistics published on offences committed by children in the areas at the front line while martial law was in effect, and in order to make up for this shortage, expert assessment was employed. The initial stage looked at Ukraine's legal framework and the trends in judicial practice relating to the liability of adolescents, identifying the main factors linked to deviant behaviour under martial law, especially forced displacement and psychological trauma. The study then worked out a comprehensive indicator of the effectiveness of the juvenile justice system for the period 2020 to 2025. The weights of the various indicators were determined through the use of the Delphi method in a number of rounds with 35 highly qualified experts. The findings indicated continued improvement in all four areas: social security, the legal and procedural safeguards, rehabilitation and education, and organisational governance. The main factors responsible for this were greater access to rehabilitation programmes, more support from international donors, and the introduction of probation supervision. Nevertheless, the most serious problems were the persistent lack of state funding and material resources as well as the very slow advancement in setting up specialised juvenile courts. Despite this, Ukraine's juvenile justice system kept on functioning and managed to adjust to the security issues arising in the war.

The integrated assessment model created in this study offers both quantitative and qualitative grounds for monitoring juvenile justice policy across the country. The results indicate that better responses to offences committed by minors involve a continuous move away from punitive measures and towards individualised rehabilitation as well as psychological and educational support. A justice approach that is flexible and focused on the individual should strike a balance between public safety and the best interests of the child. Further research could examine the long-term effects of war on the social views of minors, compare the trends in reoffending after different kinds of punishment, and establish a legal framework for specialised juvenile courts as a separate institution.

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Особливості застосування кримінальної та адміністративної відповідальності до неповнолітніх: виклики сучасної правової системи

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Анотація. В умовах воєнного стану особливого значення набула проблема ефективного реагування правової системи на правопорушення неповнолітніх при збереженні гуманістичних стандартів ювенальної юстиції. Метою статті було визначення ефективності механізмів кримінальної та адміністративної відповідальності неповнолітніх та розробка шляхів їх вдосконалення. Методологічну основу дослідження становить метод інтегрального оцінювання із застосуванням експертного опитування за процедурою Дельфі, а також аналіз нормативно-правової бази та судової практики. У результаті проведеного аналізу з'ясовано динаміку показників соціальної, правової, реабілітаційної та управлінської складових протягом 2020-2025 років в Україні. Виявлено такі позитивні тенденції, як розширення охоплення підлітків психоемоційною й консультативною допомогою, зростання рівня міжвідомчої координації між службами та підвищення рівня дотримання базових процесуальних гарантій дитини. Поряд із цим встановлено, що обмеженість ресурсного забезпечення та повільні темпи розбудови спеціалізованого ювенального судочинства залишаються найбільш проблемними елементами всієї системи. Було проаналізовано такі аспекти, як вплив воєнних чинників на ризики девіантної поведінки молоді, специфіка застосування альтернативних запобіжних заходів та роль громадських і міжнародних організацій у відновленні виховних програм. На основі отриманих даних узагальнено модель механізму підвищення ефективності реагування, яка послідовно зміщує фокус із каральних заходів на комплексне перевиховання, соціальну адаптацію та психолого-педагогічний супровід неповнолітніх. Сформовані висновки та розроблений методичний інструментарій можуть використовуватись правоохоронними органами, судовою гілкою влади, службами у справах дітей, підрозділами пробації та науковцями для моніторингу ювенальної юстиції і підготовки нормативно-правових актів

Ключові слова: неповнолітні; кримінальна відповідальність; адміністративна відповідальність; воєнний стан; ювенальна юстиція

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