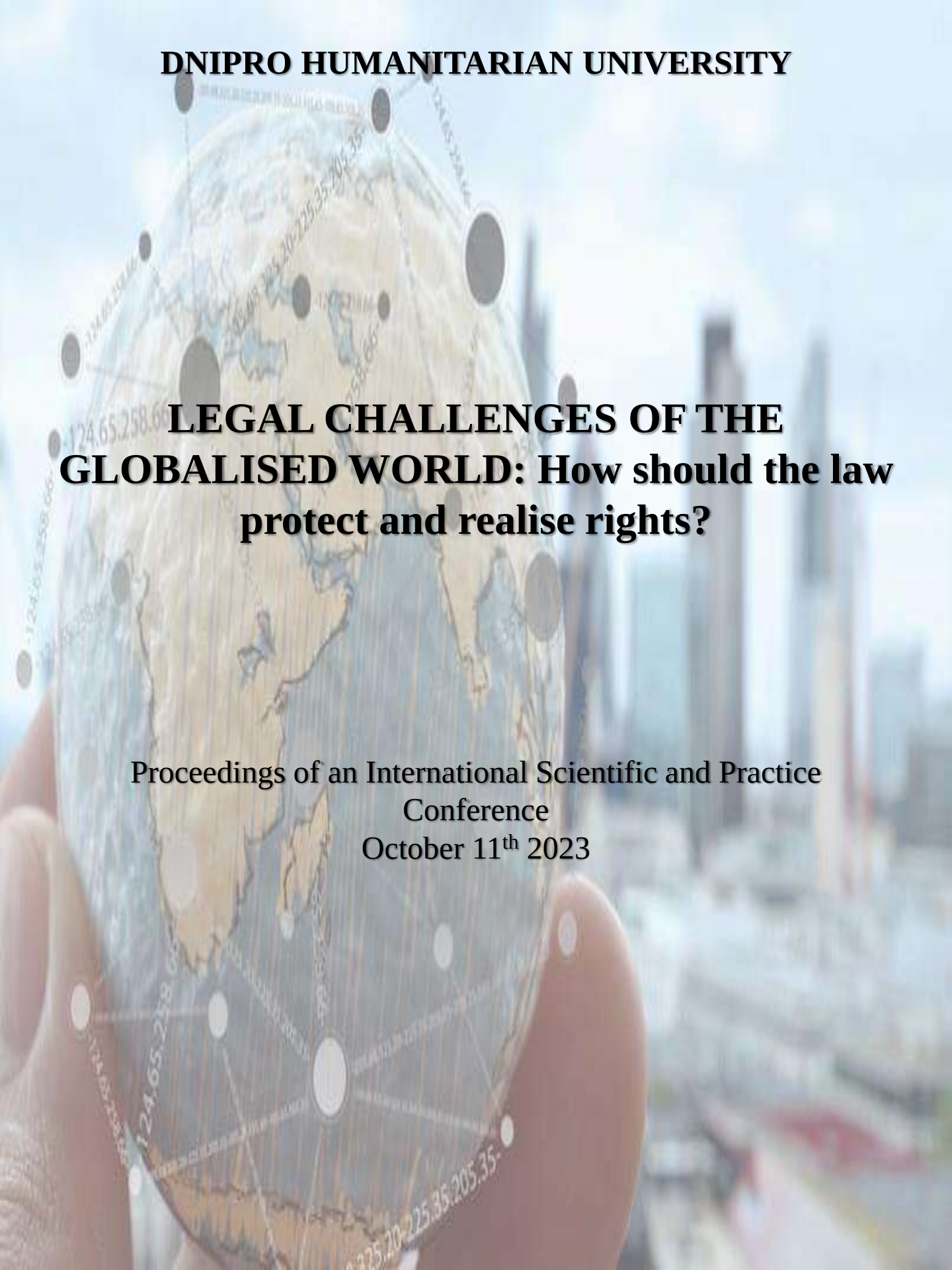

DNIPRO HUMANITARIAN UNIVERSITY

LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?

Proceedings of an International Scientific and Practice Conference
October 11th 2023

DNIPRO HUMANITARIAN UNIVERSITY (UKRAINE)

LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?

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London
2024

Recommended for publication by the Academic Council of the Private Higher Educational Institution "Dnipro Humanitarian University" (protocol dated 10/27/2023 No. 2).

LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?:

Summaries of the papers of the International Scientific and Practice Conference (Dnipro, London, October 11th, 2023) held by Dnipro Humanitarian University, University of Roehampton and the University of Westminster with the assistance of St. Mary's University, Twickenham.

The conference collection contains a summary of the proceedings of the International scientific and practical conference "LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?" (October 11th, 2023), which was attended by representatives of higher education institutions, scientific institutions, law enforcement agencies and courts, non-governmental institutions of Ukraine and foreign countries.

Editorial Board

ISBN 978-1-5262-1000-5

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ARAS Deniz Onur (İzmir University of Economics, Faculty of Law, Department of Commercial Law, Turkey)

Minimum Qualifications of Digital Technologies to be Taught to Law Students

There is no doubt that the type of lawyer needed has changed with globalization. Whether it is a private law dispute such as alternative dispute resolution years or a public law matters such as international organizations, it is inevitable to train a new generation of lawyers. This new generation of lawyers should have foreign language skills, knowledge of foreign legal systems, easy access to resources, problem-oriented thinking, and be able to keep up with technological developments, which is one of the most important parts of the concept of globalization. As a matter of fact, the need for digitalization, which is the locomotive of the globalizing world, is increasing day by day in legal practices as in other fields. Along with this need, there is a belief among legal experts and legal educators that digitalization in legal practice requires the development of knowledge and skills that law graduates do not usually possess today. As a natural consequence of this need, various universities in different countries are trying to teach law students various digital technology applications. While legal education varies from country to country, especially due to its highly localized nature, some aspects of the digital education that should be provided to lawyers may reach a universal dimension. The minimum qualifications that we have set out in our study will be able to reflect a perspective that can be valid anywhere in the world.

BERNELIN Dr. Margo (Fellow Researcher in Law at the French National Centre for Scientific Research (CNRS), France and member of the Law and Social Change Research Centre (Nantes University), France)

Meta-Regulation and automatization: The Future of Rights Realization?

The increase in use of Information Technologies tools at a global scale questions the effectiveness of rights protections which are bound by territorial application of norms. For instance, how to protect data privacy when data processing is so oversized, global and often operating without the individual's knowledge? How to protect copyrights in material when generative artificial intelligence (AI) systems extract and aggregate data from all-over the world in order to create new content? One answer for the future might be to require computerized systems themselves to apply rules and protect individuals from rights' infringement when data are being processed. To do so, legal constraints should be embedded in data, that is to say attached to every data, by the use of descriptive metadata. Those constraints would be recognized, read and applied by AI systems. For instance, if a data is covered by an open license that does not allow for any modification of the content, then the AI system should be able to read it and apply it. Such tools are being used by some

search engines and promising researches in computer sciences have already established that metadata can convey legal constraint over data (Akaichi and Kiranne (2022), Pandit (2022)). Therefore, our presentation seeks to describe this new form of regulation that we refer as "Metaregulation", its potential in tackling rights infringement issues and assess whether, within EU framework, we could draw a legal obligation to impose such a use of metadata in the future.

BOCHEK Oksana (Senior Researcher of the State Research Institute of the Ministry of Internal Affairs of Ukraine, Ukraine)

Causes of human rights violations by the police during the use of force

«Nobody is above the law – especially those who have a duty to uphold it»[1]

The protection of the right to life, liberty and security of person is guaranteed by a number of international acts that are binding in most countries. Law enforcement officers play an important role in protecting these rights. In the course of law enforcement activities, the police use a range of legal, organizational, technical and other measures, a special place among which is occupied by force, the use of which ensures the fulfillment of the powers assigned to the police to protect human rights and freedoms, interests of society and the state, combat crime and maintain public safety and order.

The lawful, necessary, proportionate and effective use of force by the police guarantees not only the fulfillment of legally defined tasks, but also promotes public trust in the activities of police officers and police work in general. The unjustified or excessive use of force, especially firearms, by police officers can cause significant harm (and in some cases death) to offenders and incite the population to mass protests and riots, which has occurred in various countries around the world.

Police officers are obliged to use only «necessary» force and to do so in accordance with the principle of proportionality. The essence of this principle is that a police officer must strike a balance between the purpose, means and methods of influence on the offender, and foresee the consequences of his or her actions. And when it comes to the use of force by the police, only such measures are allowed that will effectively deter and stop an armed attack.

The use of force by the police is a necessary measure to influence a person in response to his or her misbehavior, but there are cases of police abuse of power and human rights violations all over the world. Police that perform their functions in a violent and discriminatory manner undermine the very foundation of the rule of law, as well as the rights of individual citizens. And despite the fact that these citizens violate law and order, their rights must also be respected under international law.

Based on the analysis of judicial practice, experience of practical police units, sociological surveys, and international human rights reports, we were able to identify

[1] Police violence. URL: https://www.amnesty.org.ph/2021/06/police-violence/ (дата звернення 29.07.2023)

the main cases of unlawful use of force that led to human rights violations, namely: unjustified use of force; use of force when the goal has already been achieved; excessive use of physical force; selection of a harsher method of influence than required; use of force to force a confession to a crime; failure to comply with legal requirements for the use of force by police.

However, these cases of unlawful use of force are only the tip of the iceberg of the problem, and the triggers that lead to such results are other factors that can cause human rights violations by police officers. The research on this topic allowed us to compile a list of these factors:

1) Insufficient training (education) of police officers in the use of force. According to the survey of police officers, there is an urgent need to conduct training sessions to practice the most typical situations with different models of police behavior during the use of force. In addition, the time for practical training in the use of force and firearms should be increased. After such training, a police officer will be psychologically more prepared to use force and perform their duties.

2) Legislation and police compliance with it. First of all, legislation must comply with the principle of legal certainty, which requires clarity, comprehensibility and unambiguity of legal provisions, including their predictability and stability. This is especially true when it comes to legislation on the use of force by the police. Legislation should provide a system of adequate and effective safeguards against arbitrariness and abuse of force, and even against avoidable accidents

3) Inadequate (insufficient) provision of police officers with means to overcome resistance. Lack of certain special means during service and active resistance or armed attack of the offender, as well as limited time for the police officer to react, forces him/her to use more severe means than the situation requires. For example, the lack of stun guns in some cases forces police to use firearms.

4) Social and psychological factors. Psycho-emotional tension, physical fatigue, high level of responsibility, lack of time and adequate rest, lack of professional experience, work involving life-threatening circumstances, family problems (which also arise due to hard work), etc. Increasing the workload of a police officer and the stressful nature of the work leads to negative consequences, such as abuse of power, the extent and intensity of the use of force in order to «let off steam» on the offender, «relieve tension».

5) Lack or insufficient psychological assistance and support. This is not about recognizing the incapacity of a police officer, but about how to help a police officer cope with social and psychological factors, as well as stress after the use of force and firearms.

In fact, there are many reasons that can lead to human rights violations by police officers during the use of force and they are typical for any police officer, but their prevention and elimination is an individual choice of each country. And in most cases, the responsibility lies with the state itself and the police as a state body, not with an individual police officer.

Awareness of the problem, its recognition, timely response and resolution, open cooperation with the public, and public trust will have a positive impact on police activities and contribute to the quality, efficiency, and legitimacy of the tasks assigned.

BURHAN-KRUTOUS Liliya (Volunteer, Ukraine)

Improvement of the form of agreements on the conduct of volunteer activities during the regime of martial state

Today, volunteers and volunteer organizations are integral subjects of the system of providing voluntary, socially oriented, non-profit activities (volunteering), which is especially important during the martial law caused by the need to repel Russian aggression.

The relationship between the state and volunteer organizations is mainly regulated by the norms of administrative law, although separate norms regarding the conclusion of contracts on the conduct of volunteer activities contain private law elements. Mandatory norms define the mandatory form of contracts on the implementation of volunteer activities - in accordance with Art. 9 of the Law of Ukraine "On Volunteering" dated April 19, 2011, this is a written form. However, the specified article contains certain conflicts that should be resolved.

In particular, part 1 regulates three separate cases when the contract on the implementation of volunteer activities must be concluded in writing: 1) in the case of providing such assistance in two separate directions - assisting in the conduct of mass events and during the liquidation of the consequences of emergency situations in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated August 5, 2015 No. 556; 2) if there is a volunteer's desire (the desire of a volunteer's legal representative aged 14 to 18); 3) in the case of reimbursement of costs associated with the provision of such assistance). In other cases, part 1 of Art. 9 of the Law of Ukraine "On Volunteering" does not provide.

However, part 3 of Art. 9 of the specified Law has the following wording: "The contract on conducting volunteer activities shall be concluded in writing." That is, if part 3 is interpreted literally, then it makes part 1 of this article redundant - because according to part 3, any contract on conducting volunteer activities must be concluded exclusively in writing.

In our opinion, the provision of a mandatory written form for any contract on the implementation of volunteer activities is, of course, a significant complication for the conclusion of such contracts, which will have a particularly negative effect during the martial law regime, which requires promptness in the actions of volunteers. Therefore, at least during the martial law regime, it is necessary to clearly and exhaustively define all cases when contracts on the conduct of volunteer

activities must necessarily be concluded in writing, for all other contracts oral form should be allowed. In addition, along with the written form, the electronic form of these transactions should be used with the same legal force.

The specified problems should be solved as follows - in part 1 of Art. 9 of the Law of Ukraine "On Volunteering", replace the words "in writing" with the words "in writing (or electronic)", and part 3 of Art. 9 of this Law to be excluded.

CHERNOPIATOV Stanislav (Associate Professor (Docent) of Department of Law in Dnipro Humanitarian University, Ukraine)

Regulative and Protective Legal Norms and Relationships

Ukrainian theory of law employs the theory of legal norms and relationships dichotomy into regulative and protective ones. It is fairly close to the primary–secondary legal norms dichotomy common in English-speaking legal science.

Regulative norms establish rules of conduct which are to be observed, reflect the desirable stance and dynamics of relationships, and normally are realised within regulative legal relationships. What makes law a law is that the legal norms (regulative legal rules to be precise) are not merely established, but also ensured with legal consequences of being not observed, either because of subjective unlawful behaviour or because of objective circumstances where there is no definite subjective fault. The ensurance mentioned is granted with the special kind of legal norms – protective legal norms. The latter provide the legal consequences of regulative legal rules being not observed. The consequences are not random but designed to fit the essence of inobservances, to mitigate and to prevent respective inobservances. While legal liability is typical but not the only consequence, the consequences encompass other various legal measures which typically have more or less coercive nature. Protective legal norms are realised within protective legal relationships which typically presume a public authority participating in the form of legal procedure (including judicial procedure). Procedural relationships themselves are not deemed to be protective relationships though.

The abstract aims to deliver the key provisions of my Candidate of Science of Law (PhD) thesis “Protective labor legal relationships” (2016).

Protective legal relationships: (1) are a type of legal relationships alongside with regulative legal relationships; (2) emerge on the basis of protective legal norms; (3) particularly emerge when regulative norms fail to be observed and regulative relationships fail to evolve in a way prescribed by law; (4) have a specific content which encompasses rights and duties concerning coercive legal measures aimed to eliminate the inobservances, mitigate the improper regulative relationships evolution and/or eliminate undesirable effects of those, and/or prevent further deviations.

Thus protective legal relationships encompasses the relationships wherein the content is the rights and duties concerning applying and undergoing law coercive legal measures. Coercive legal measures presume some involuntarily (but lawful) objectively negative changes to legal statuses (rights, duties) of persons involved.

The three main groups of such measures are outlined with regard to their aim and effect: (1) liability (either disciplinary or material) measures. These are aimed mostly at punishment (while material liability also provides compensatory effects) and consist either in creating novel obligations (duties) for the perpetrator or in depriving the perpetrator from certain rights, statuses or other legal benefits (e.g. employee disciplinary discharge); (2) compensatory measures. These are aimed primarily at restoring the state that existed before the deviation (inobservance) took place and effect (so called status quo). Compensatory measures will normally avoid creating novel obligations (duties), seeking to reach their goal by other means (like enforcing existing obligations (duties)). Only when needed, compensatory measures occasionally may include creating novel obligations (duties) like liability measures but unlike the latter they do not seek to punish the perpetrator; (3) preventive measures inflict some temporary changes to legal statuses aimed at preventing potential deviations (inobservances) from happening. These do not seek neither to punish nor to compensate; thus the preventive interference is (or at least should be) precisely adequate to the preventive aim it has.

It is quite remarkable that protective legal relationships, just like regulative legal relationships, can happen to need insurance. E.g., when an employer unlawfully applies disciplinary discharge of an employee. Thus, there may be a need for special protective norms and relationships to ensure other protective norms and relationships. Such special protective norms and relationships can be denoted as "secondary protective norms and relationships". So it appears that regulative–protective dichotomy is somehow dynamic, as it reveals not only the innate nature of certain norms and relationships, but also the functional correlation of norms and relationships in situations where one group of norms and relationships ensures other group of norms and relationships from being unobserved.

When considering branch(area)-specific protective legal relationships (e.g. in labour law, civil law, administrative law) one may noticed that some branch-specific protective legal norms and relationships may appear to ensure regulative norms and relationships of not only the same branch of law, but also of other branches of law. With this in mind, protective norms and relationships can be divided into "inner" and "outer", where inner protective norms and relationships ensure regulative legal norms and relationships of the same branch of law, while "outer" also ensure regulative legal norms and relationships of other branch(es) of law.

CHRONOPOULOU, Dr. Anna (Senior Lecturer in Law, University of Westminster, School of Law, London UK)

"Selling it Large": The Myth of Globalisation in Law Schools in England

The legal education in the UK and more specifically in England has recently been subjected to a great number of challenges. One of these challenges is globalisation and the extent to which legal education is perceived as global or globalised. This paper aims to pose a series of questions regarding the globalisation

of legal education in England. One of these questions problematises the possibility of globalisation of legal education per se. The suggestion this paper puts forward is that the globalisation of legal education in England is a myth. This paper aims to investigate this suggestion further through an analysis of a small qualitative sample of law schools' websites in England to prove that the way that legal education is promoted through the websites of English Law Schools is far from being global. It simply remains confined in local, regional, national and at best international framework and standards.

DAVYDIUK Vadym (Professor of the Department of Law of Dnipro Humanitarian University, Doctor of Law, Ukraine)

Post-war reconstruction of Ukraine. Prospects and problematic issues of confiscation of Russian foreign assets.

July 8, 2023, marks 500 days since Ukraine resisted a full-scale Russian invasion. During the specified period, the aggressor caused colossal damage to the Ukrainian state. For obvious reasons, the number of casualties in the Ukrainian military is not disclosed today. However, as for the civilian population of Ukraine, it can be stated that we are talking about tens of thousands of victims. Millions of people were forced to leave their homes. Moreover, Ukraine daily faces significant economic losses. Various estimates suggest that the total amount of these losses is quickly approaching 1 trillion US dollars.

We are sincerely grateful to our international partners for their economic assistance to Ukraine. These funds allow our country to perform its primary functions, in particular economic and social, because the lion's share of the revenues of the Ukrainian budget is directed to financing the needs of our army. However, the post-war recovery of Ukraine is becoming especially relevant now. And in this context, one of the main tasks facing the Ukrainian authorities today is to make Russia and those who support it in the specified war of aggression pay money for their crimes.

It should be noted that most countries of the civilized world support Ukraine in this matter. However, there are quite a lot of legal obstacles that do not contribute to its quick resolution.

In particular, despite the fact that hundreds of billions of dollars of sovereign and private Russian assets have already been blocked in various countries, there are currently no precedents for using these funds to compensate for Ukraine's losses in this war.

The main problem is that, unlike the actions of the Russian aggressor, democratic countries are forced to comply with the norms of international legal law,

particularly in the issue of confiscation and transfer of the specified assets to Ukraine.

In our opinion, one of the directions that could be used to solve this issue is the example of Kuwait's post-war reconstruction after the Iraqi invasion. The war in the Persian Gulf became a precedent for establishing the Commission on Compensation by the UN Security Council. The activity of the mentioned Commission made it possible to send tens of billions of funds obtained from the sale of Iraq's assets to compensate for the losses caused by the war in Kuwait. However, today the application of this mechanism is practically impossible because Russia, as a permanent member of the UN Security Council, will block all attempts by the world community to create an analogue of this Commission.

At the same time, we believe that this model can be successfully applied by the European Union. Another option for solving this issue in a legal way is the conclusion of an appropriate multilateral international agreement in compliance with all the requirements of international law.

That is why, at this stage, the Ukrainian authorities should make maximum efforts to solve the specified problem as soon as possible. In particular, together with our international partners, we should take active coordinated measures regarding the development and implementation of international legal mechanisms, which will not only ensure compensation for the damage caused to Ukraine as a result of Russia's armed aggression but will also serve as a real warning in the future for illegal actions of any aggressor.

Most importantly, on the example of the rapid adoption of such effective international legal decisions, the whole world will see that the issue of restoring justice and real legal and economic punishment of the aggressor continues to be one of the key priorities of international politics.

FLOOD, Professor John (Professor of Law and Society, Griffith University, Queensland, Australia)

Are we living in a time of global legal atrophy?

Since the rise of international institutions following the second world war when a number of organisations such as the UN, World Bank and IMF among others sought to create an international rules based order, there has been a retrenchment to populism and nationalism. This is demonstrated by the actions of former presidents Trump and Bolsonaro and the British leap into ill-fated Brexit. There is a dramatic increase in the use and deployment of social media to spread disinformation and misinformation about the COVID pandemic and its vaccination drives, as well as conspiracy theories about overreaching government, eg QAnon and Davos. Despite these events we haven't declined into anarchy nor has the rule of law disappeared, although it is under threat--consider the UK government policy on sending asylum

seekers to Rwanda or the Australian government's discredited and illegal Robodebt initiative.

Is globalisation dying? No, but it has to be reformulated to connect to a world that is about to undergo tremendous technological change as we enter the sixth Kondratieff wave. Some commentators argue we will have to reconfigure society and economy as new technologies like AI shred jobs from the economy. However, these changes are predictable using long wave economic theory (Kondratieff waves) and recent quantitative work on cycles of revolutions. Both use deep historical analysis to show the conditions for change. In the case of revolutions it is the over-production of elites leading to multiple challenges for power; and in the case of economic cycles it is the creation and introduction of new technologies such as AI and nanotechnology that supercharge new economic activity. If as we can suspect it will take time to rebuild trust in an international order then lawyers will have to become more creative in making globalisation work at both the business and social level as well as the regulatory level. This paper explores these changes and proposes strategies for a new globalised future.

GIOVANELLA, Federica (Associate professor of comparative private law at the University of Udine, Italy)

Forgetting Globally?

It is nothing new that the Internet has upset our understanding of memory and forgetfulness. The same idea of a right to be forgotten (RTBF) has evolved into a right to be delisted (or sometimes relisted), as search engines are nowadays the gatekeepers of information on the web. Some have been advocating the idea of a right to be delisted globally.

However, when asked, the Court of Justice of the EU excluded that the operator of a search engine is required to dereferencing on all the domain names of its search engine; indeed, it clarified that the operator shall delete only the links from the results displayed following a search carried out in a place located in the EU. However, some national courts consider it necessary to order search engine operators to delist from any version of their search engine. Would such an approach make more sense? To put it better: besides the technological hurdles, would it be legally and socially more correct to obtain delisting globally? Would it make sense to obtain a global delisting given that the RTBF has always been conceived as linked to the personality of the claimant and their expression in the society in which they live? The paper copes with these questions, starting from the ontological meaning of the RTBF as a social construction and with the aim of understanding how to better balance the different rights at stake when dealing with cases of delisting.

YURII Irkha (Head of the Research Department of State Research Institute of the Ministry of Internal Affairs of Ukraine, Ukraine)

Human dignity, police and policing

Human dignity is a unique feature of human nature that separates humans from other living beings and endows them with the ability to realize their value as human beings. Dignity determines that every individual is a personality who deserves to be treated with respect, honor and protection. Dignity is inextricably linked to the human being. It belongs equally to every person, and its content and scope do not depend on a person's legal or social status, physical or mental health, origin, achievements, intellectual abilities or other factors.

Dignity is the fundamental moral and ethical basis of human existence; it determines axiological and normative requirements for a person's worldview, quality and way of life, relationships with others, as well as the functioning of society and the state, the construction of the political and legal system, and the regulation of social relations. In addition, human dignity is a key source of human rights and freedoms, their development and protection. Dignity is a value that cannot be limited, violated or devalued by anyone and under any circumstances.

Respect for human dignity is one of the universally recognized duties of the state, enshrined in the provisions of numerous international documents, as well as in the constitutions and legislation of countries governed by the rule of law. Every democratic state must create effective economic, social and legal mechanisms to ensure everyone's sense of dignity. All people should be protected from treatment or punishment that is degrading to their dignity and should have access to justice to preserve and protect their dignity.

In the performance of their official duties, employees of public authorities must respect and protect human dignity. They may never commit, encourage or tolerate any actions that degrade human dignity. This is especially relevant to police officers who have a monopoly on the use of force to protect and defend the rights and freedoms of citizens, maintain public order and security, and combat crime.

When carrying out police activities, police officers must act not only within the law, but also apply its provisions impartially, with integrity, fairly, reasonably and with respect for citizens, their dignity, rights and freedoms. Only under these conditions society will trust, support and cooperate with the police and police officers.

There are numerous cases in police work when a police officer not only has the right but also the obligation to use force. At the same time, police officers should be aware that any use of force against a person that was not strictly necessary as a result of their own behavior degrades human dignity. This violates the absolute prohibition of torture or inhuman or degrading treatment or punishment, which is defined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention for the Protection of Human Rights and Fundamental Freedoms.

Neither international law nor national legislation allows derogations from this prohibition. Police officers may not refer to exceptional circumstances, such as a state of war, political instability, the fight against terrorism or organized crime, as a justification for their degradation of human dignity.

When conducting document checks, searches or interrogations, police officers cannot humiliate a person in order to obtain information, documents or things they need from him or her. Police officers shall never incite torture or other cruel, inhuman or degrading treatment or punishment. They cannot refer to an order from a superior officer as a justification for such actions. In a state governed by the rule of law, democracy and human rights, there can be no rational justification for the use of such methods of policing.

Persons who are subjected to police use of force, as well as persons who are stopped on the street, taken to or summoned to a police station, arrested, serving a sentence or otherwise are under police control, are in a vulnerable position, and therefore police officers must exercise their duties responsibly, with respect for the dignity of these persons, and act in accordance to international standards of human rights and policing.

The prohibition of humiliation of human dignity applies not only to actions that cause physical pain, but also to actions that cause mental suffering to the victim. If such suffering is intended to break a person's moral or physical resistance, it can be characterized as degrading. Police officers should not treat a person as an object, humiliate or insult them, show disrespect or diminish their human dignity, or cause them to feel fear, pain or inferiority. It is sufficient for a victim to be humiliated in his or her own eyes, even if not in the eyes of others, in order to speak about a violation of his or her right to respect for his or her dignity.

Every day, police officers risk their lives and health for the safety of citizens and the common welfare. They work in an atmosphere of high tension and emotion, physical and psychological fatigue. Despite the challenges and threats that exist in the work of a police officer, they must treat citizens with respect. If police officers do not respect human dignity and use excessive force, citizens may conclude that the police do not share the values of the society they are supposed to serve and are separated from them. In such circumstances, police-citizen conflicts are inevitable, resulting in casualties on both sides and undermining democratic gains.

In my opinion, ensuring the right to respect human dignity in policing can be achieved by

– training police officers to respect human dignity and the absolute inadmissibility of its violation;

– development of high-quality legislation that would define ethical behavior of police officers; police procedures in different life situations; prevent arbitrary arrests, detention, use of force and other degrading treatment;

– conducting thorough planning and control over police operations;

– conducting independent and effective investigations into cases of degrading treatment by the police.

KAINAZAROVA Dariga (Academy of Law Enforcement Agencies under the Prosecutor General's Office of the Republic of Kazakhstan, Kazaksatan)

The use of psychological methods during interrogation and the observance of the right to the inadmissibility of torture

Abstract:

This article discusses effective psychological methods in the process of interrogation of suspects and criminals, and also focuses on the need to respect the right to the inadmissibility of torture. Various approaches to interrogation are analyzed and methods that can exert psychological pressure on the interrogated person without the use of physical force are identified. Special attention is paid to such methods as emotional impact, psychological stimuli, manipulation and techniques of offering alternative versions. In addition, the article emphasizes the importance of observing the right to the inadmissibility of torture, which is recognized as one of the fundamental human rights. The author of the article points to the role of psychological methods in ensuring compliance with this right, since it allows avoiding physical violence and obtaining reliable information from the interrogated.

Introduction

The right to the inadmissibility of torture and ill-treatment of a person is one of the fundamental rights recognized in international and national legislation. Supporting this right, many countries have developed laws and regulations that regulate the interrogation of suspects and accused. However, the observance of this right during interrogations remains an urgent problem.

This article examines the use of psychological methods during interrogation as a means of ensuring compliance with the right to the inadmissibility of torture. The basic principles of psychological methods during interrogation, their advantages, as well as the importance of compliance with rules and regulations in this area will be considered.

Psychological methods during interrogation include a wide range of techniques and strategies that help to obtain information from suspects and witnesses, while respecting the rights and norms prohibiting torture and ill-treatment.

The basic principles of these methods include:

• Neutrality and objectivity: Psychological methods during interrogation should be neutral and objective, without assuming the guilt of the suspect. The psychologist must adhere to the principle of justice and respect everyone's right to a fair trial;

• Informed consent: The suspect or witness must voluntarily agree to participate in the interrogation and understand its goals and process. The psychologist must clearly explain the goals and objectives of the interrogation;

• Respect for the right to silence: The suspect has the right to refuse answers that may harm him. The psychologist must respect this right and not put pressure on the suspect;

• Prohibition of physical and mental violence: Psychological methods should not include physical or mental violence against a suspect. This includes the prohibition of threats, intimidation, torture and humiliation.

The use of psychological methods during interrogation has a number of advantages:

• Effectiveness: Psychological methods allow you to obtain information from suspects and witnesses, even in cases where they tend to remain silent or refuse to cooperate.

• Respect for human rights: Psychological methods allow observing the right to inadmissibility of torture and ill-treatment, which complies with international standards and laws.

• Psychological support: A psychologist can provide psychological support to a suspect or witness, especially in cases involving traumatic events.
In the practice of law enforcement, several types of psychological methods are used during interrogation. Among them:

• Empathy and active listening: The psychologist tries to understand the emotional state of the interrogated and create a trusting environment that promotes frank answers;

• Neutral question skills: The psychologist formulates questions in such a way that they do not include preliminary judgments and do not inspire an answer;

• Cognitive methods: Used to perceive and analyze the information provided by the interrogated. This includes techniques of event representation, mental maps, and frame analysis.

An important part of ensuring respect for the right to the inadmissibility of torture is the training of psychologists conducting interrogations. They must have appropriate qualifications and training, including training in ethics and norms related to interrogations.

Psychological methods during interrogation help not only to get information, but also to participate in the trial as experts. Psychologists can assess the psychological state of witnesses, suspects and victims, which may be important for the court.

Conclusion

The use of psychological methods during interrogation is an important means of ensuring respect for the right to the inadmissibility of torture and ill-treatment. They allow for neutrality, objectivity and transparency in the interrogation process, which contributes to a fair trial and strengthening faith in justice.

Psychological methods during interrogation should be used in compliance with the highest standards of ethics and human rights in order to ensure respect for the fundamental rights of every person.

These methods contribute to a fair trial and maintain faith in justice. However, their use must comply with the highest standards of ethics and human rights, and

psychologists conducting interrogations must have appropriate qualifications and training. International standards and laws also support the importance of observing this right and regulate this area in the interests of protecting the rights and dignity of every person.

KALIYEV Askar (Academy of Law Enforcement Agencies under the Prosecutor General's Office of the Republic of Kazakhstan, Kazakhstan)

Guarantees of the right to defense during interrogation of the accused in criminal proceedings

Annotation:

The interrogation of the accused is one of the key procedures in the criminal process, which allows the court to collect evidence to make a correct and fair decision. However, it is important to take into account that the interrogation may lead to a violation of the rights of the accused, which makes it necessary to guarantee their right to defense. This article discusses various guarantees of the right to defense during the interrogation of defendants in criminal proceedings and their role in ensuring the fairness and legality of this procedure.

Introduction:

The interrogation of the accused is an important procedure in the criminal process, since at this stage the court collects evidence, based on which it makes a decision on the guilt or innocence of the accused. However, during the interrogation, the rights of the accused may be violated, which may lead to an unfair and unreasonable decision. In order to exclude such violations, it is necessary to ensure guarantees of the right to defense during the interrogation of the accused.

There are the following guarantees of the right to defense during the interrogation of the accused:

1. The right to legal assistance (lawyer): The accused have the right to adequate protection during interrogation. The guarantee of this right is the right to have a lawyer present during the interrogation. A lawyer can advise the accused, provide them with legal assistance, and ensure that their rights and interests are respected during the interrogation process.

2. The right to be informed:

The accused must be fully informed of their rights and obligations and the charges brought against them. At the same time, the information should be presented in a language that they understand.

If the accused does not speak the language in which the trial is being conducted, he should be granted the right to an interpreter. The translator ensures accurate and complete reproduction of all procedural documents, questions and answers related to the case. This ensures that the accused fully understands what is happening in court and can effectively participate in the defense process.

3. The right to direct participation of the accused: The accused has the right to speak out and answer questions during the interrogation. He has the right to refuse to answer certain questions, as well as the right to object to evidence and doubts about the admissibility of evidence. This right to direct participation of the accused contributes to the protection of his interests and the prevention of violations.

4. The principle of confidentiality of interrogation: The interrogation of the accused must be conducted in a confidential environment. This means that everything that is said during the interrogation should remain confidential information and should not be disclosed to third parties without the consent of the accused or their lawyer.

5. Recording of the interrogation: In many countries, the interrogation of the accused is carried out using audio or video recordings. This serves as an additional means of control and prevents possible violations of the rights of the accused. The recording of the interrogation ensures the reliability of the information and the objectivity of the process.

6. Prohibition of coercion and torture: The legislation strictly prohibits the use of torture, ill-treatment and coercion against the accused. Guaranteeing the right to the inadmissibility of coercion and torture is a fundamental principle of a fair trial. Forcibly obtaining testimony and confessions based on violence or threats only worsens the process and can lead to false accusations.

7. Independence of the judge: An important aspect of the guarantees of the right to defense is the independence of the judge. The independence of the judge ensures an unbiased and neutral consideration of the charges and the defense. A judge must be independent of external influences and pressures in order to make objective decisions based on the law and evidence.

8. Presumption of innocence: The presumption of innocence is an important principle according to which the accused is presumed innocent until proven guilty in court. This means that the accusation must be proved by evidence, and not on the basis of assumptions or doubts. The accused should be given sufficient time and opportunities to prepare a defense and refute the charges.

Conclusion:

Guarantees of the right to defense during the interrogation of the accused in criminal proceedings play an important role in ensuring the fairness and legality of this procedure. The right to a lawyer, awareness, confidentiality of interrogation, recording of interrogation, prohibition of coercion and violence, presumption of innocence and independence of the judge contribute to the preservation of the rights of the accused and strengthen the principle of equality of the parties in criminal proceedings. These guarantees help to ensure justice and decent treatment of the accused, and are also important for maintaining confidence in the criminal system.

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Threats to human rights and environment in the context of war in Ukraine

On February 24, 2022, the Russian Federation unprovokedly attacked Ukraine, unleashing a war in Europe that is similar to World War II. As a result of the military actions, a significant part of Ukraine's territory was occupied, and many people were forced to leave their places of residence and move to safe areas, including abroad. Air raids and shelling of civilians and territories are carried out daily in Ukraine.

Like any war, the war in Ukraine threatens human rights and the environment. The biggest threats are:

1) the destruction or damage to housing, which forces people to leave their homes and seek shelter in safe areas of Ukraine or abroad;

2) seizure of the territories where Ukraine's nuclear facilities are located, significantly increasing the risks of radiation and nuclear accidents, the consequences of which will be felt not only in Ukraine but throughout the world;

3) failure to provide social, medical, material and other assistance to Ukrainian citizens living in the occupied territories of Ukraine, forcing them to integrate into the Russian Federation endangers the lives of these people;

4) the use of prohibited chemicals by Russian troops against Ukrainian military and civilians in the combat zone, resulting in significant injuries and deterioration of their health, and contamination of the territories with harmful substances;

5) damage by Russian troops to enterprises where hazardous substances were stored, causing leakage of these substances, destroying flora and fauna, reducing soil fertility, and polluting air and water;

6) destruction or damage to the national transport system of Ukraine (bridges, roads, railways, infrastructure) leads to restrictions on the supply of food, medicine, drinking water and other essentials to the population, and increases mortality;

7) damage to oil depots, power grids, gas pipelines, and grain storage facilities creates a food and energy shortage in the country. It also prevents the population from receiving timely and high-quality social services;

8) blocking civilian shipping in the Black and Azov Seas prevents the export of grain from Ukraine in the interests of countries threatened by famine, which can lead to significant human suffering and casualties;

9) damage to cattle graveyards increases the likelihood of the emergence and spread of various dangerous diseases;

10) uncontrolled migration of wild and domestic animals and birds from the territory where they have been permanently (seasonally) residing leads to unbalanced exploitation of natural resources and increases the threat of animal attacks on people;

11) a large area of the territory is contaminated with mines and other explosive devices, which increases the risk of mine injuries to people and animals, and makes it impossible to use the land for agricultural work.

As long as the war continues in Ukraine, the threats of human rights violations and environmental damage will increase. Their consequences are felt not only in our country. We are not able to resist Russian armed aggression and eliminate its negative consequences alone. All countries must unite to bring the Russian authorities to justice for crimes against humanity. Ukraine's victory is a common victory of the countries for which democracy, freedom, human rights, the rule of law, and a safe environment are not empty words.

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On history of Open Source Intelligence in the Security Sector of Ukraine

Open Source Intelligence (OSINT) is not new discipline for the Security Sector of Ukraine. OSINT has been conducted since their emergence, evolving to meet the needs of the state. US and British officers say that they have open source intelligence from the Second World War, and it is still the intelligence discipline, but technology has changed significantly.

OSINT concerns to gathering, collection, and analysis of information from two types of sources, which, according to Allied Administrative Publications, are:

1) publicly available information;

2) unclassified information that has limited public distribution or access.

Immediately after the restoration of Ukraine statehood in 1991 OSINT was the ordinary practice for the Security Service of Ukraine, as the Law obliged the SSU “to carry out intelligence and information-analytical work” [1]. At that time the SSU relied on the experience of the Soviet secret service, as institutional inertia could not be eliminated at the moment. Officers used a long-standing experience and methods of the Soviet secret services' focus on gathering data from articles, reference books, yellow pages, and so on. On the other side, old Soviet narratives about the "brotherly peoples" worsened the core sense of the OSINT as intelligence discipline.

Until 2005 several special agencies were combined within the SSU. Later, the intelligence agency within the SSU was abolished, and the Foreign Intelligence Service of Ukraine was established.

The legal restriction on the use of a list of sources (technical, confidential, etc.) by the officers did not apply to publicly available sources of information. “The thematic OSINT”, i.e. the collection of information from texts (news, articles, reports, conference abstracts, other types of publications, etc.) on specific topics, prevailed, in comparison to “the object OSINT” (or “the targeted OSINT”), i.e. identifying or featuring the person or organization. The reason for this was the technological level of development of society, when there was not as much data on

individuals in the public domain as we have now. Officers conducted open source intelligence with little or no use of third parties - individuals, NGOs, etc.

During 2005-2014, with the increasing availability of the Internet, OSINT changed. While in the United States, as early as 1996, according to the Intelligence Report, OSINT was identified as a priority area for the development along with HUMINT and SIGINT [2], in Ukraine there was a time lag, again for technological reasons. The targeted OSINT appeared on the scene. Internet and social media made it possible to search information in big data sets, changing OSINT into the intelligence discipline we have now. In 2007, the National Academy of the SSU included OSINT in the list of topics studied in the course of foreign intelligence practices, trying to analyze their experience for further implementation.

Unfortunately, no breakthrough in the development of OSINT in the security sector occurred. The reason related to pro-Russian influences in the whole country. As before, the capabilities of third parties (outsource) were not used. Open source intelligence was the deal for special service agencies.

OSINT and especially SOCMINT exploded in 2014. The Russian aggression - the annexation of Crimea and the occupation of parts of Donetsk and Luhansk regions - prompted Ukrainian security agencies to take decisive action, also in the field of information gathering.

Local separatists, under Russian supervision, and Russians themselves used social media to spread anti-Ukrainian ideas, to post photos from Ukraine, while Vladinir Putin pretended they weren't there. This data became evidence in criminal courts. British group *Bellingcat* used social media to determine the Russian Buk used to shoot down flight MH17 on 17 July 2014. Subsequently, Bellingcat's materials also became evidence in the criminal case in Hague Court. As Elliot Higgins acknowledged, this case was a turning point for Bellingcat, as they moved from scattered facts to a coherent body of evidence, and for the first time international investigators invited the community's leader as a witness [3].

The drivers for OSINT–development in Ukraine since 2014 have been:

- availability of smartphones and the Internet;
- the widespread practice of social media - posting of photos, videos, opinions and ideas, geolocations, etc.;
- open data sets and registers of state bodies;
- critical thinking and willingness to move forward.

Open-source data companies, such as YouControl, Opendatabot emerged. They offered their subscribers information collected from open state registers, as OpenCorporates do. In addition, OSINT is no longer only security agencies activity. NGOs, journalists, and businesses use it to achieve their own purposes, and sometimes cooperate with state bodies to promote OSINT.

By 2022, when the full-scale Russian aggression began, Ukraine's security and intelligence services had already had their own practices of using OSINT methods to identify Russians and gather evidences of war crimes. Currently, created algorithms are being significantly improved and are largely focused on countering

Russian aggression, given the high level of Russian language proficiency among Ukrainians, understanding of their mentality, and the urgency of the situation.

For now, OSINT activities are not simple "googling", they include the use of software and look forward to use AI. Advanced OSINT with deep specialization is in demand of special agencies.

Thus, the history of OSINT in the Ukrainian security sector consists of three periods: 1991-2005 – creating the legal framework fjr the security sector; OSINT was based on old practices and developed slowly; 2005-2014 - interest in Western approaches to OSINT, no breakthrough in development occurred for political reasons; 2014 - present day – real breakthrough in OSINT; advanced OSINT is in demand; participation of a large number of actors in OSINT activities.

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The problem of unifying the legal murder definition

Human life is recognized as the most important social value in the civilized world. Hence, the most serious crime against life is murder. This is evidenced, in particular, by the harsh punishments for committing it, up to life imprisonment or even the death penalty in those countries where it has not been abolished. Murder is a well-known phenomenon, so its legal definition is not always given due attention. There is no definition of murder in the legislation of the countries of the British legal family. There are only provisions on classifying murder as a corresponding type of crime and determining the punishment for its commission. The criminal legislation of the countries of the continental legal family usually contains definitions of murder, but they are not unified.

Thus, in the current Ukraine Criminal Code, the intentional unlawful causing of death to another person is recognized as murder (Part 1, Article 115). From this follows several features of this crime, by which it is possible to understand the essence and content of the murder and distinguish it from similar phenomena. The first is the presence of intent to cause death, which indicates the following: Causing death through negligence is not murder. It should be considered a deprivation of life without signs of murder. The second characteristic of murder is causing the death of

another person, not oneself. According to this feature, murder is distinguished from suicide, which is not recognized as a crime in Ukraine. Its third feature is illegality, which means that this act is prohibited by existing legal norms based on the relevant moral imperatives of a civilized society. On this basis, murder differs from causing death in a state of necessary defense or in defense of the Motherland against the enemy, which are not prohibited by the norms of law and morality.

In the process of development of the criminal law doctrine, some Ukrainian experts came to the conclusion about the expediency of supplementing the definition of murder with one more feature, namely: the recognition of only violent deprivation of life as murder. At the same time, two questions arose: first, why is the fourth sign necessary; the second is what violence is. It is appropriate to start with the latter, since without a precise definition of violence it is impossible to understand why it should be included in the definition of murder.

It is proposed to consider the use of physical or mental force against the victim's will as violence. If this person expresses a conscious desire, and often a request, to use force against him in order to end his life, there is no violence, therefore there is no murder. Causing death in the absence of violence is an independent, less dangerous crime than murder, which should be reflected in the text of the law and introduced into the practice of combating crime. Such an understanding of violence and murder, firstly, will ensure a more adequate reflection of this phenomenon in human consciousness. Secondly, it will contribute to the improvement of the quality and, therefore, the effectiveness of the relevant legislation. Thirdly, it will harmonize with the legalization of euthanasia according to a detailed procedure, which sooner or later Ukraine will come to in the process of further European integration. At the same time, there will be a need to establish criminal liability for violation of the euthanasia procedure.

Its definition in the current Law on Criminal Law of Israel is perceived to be the closest to the ideas about the essence of murder proposed above, where in Art. 298 states that murder is causing the death of a person by a prohibited act, and not by any act, as proposed in the draft of the new Criminal Code of Ukraine. The "formula" of murder in this project is a step back compared to the current criminal legislation of Ukraine.

Conclusion: it is appropriate to base the legal definition of murder on its following doctrinal definition: it is intentional, illegal, violent causing of death to another person. Other encroachments on someone else's life are not murder, but should be recognized as separate crimes of this type.

KYRYCHENKO Oleh (Doctor of Law, Professor, Rector of Dnipro Humanitarian University, Ukraine)

The system of criminality counteraction: theoretical aspect

The threat to international and national security is posed by factors that are primarily related to global issues of our time. The international community has

identified criminality as one of these global problems. That is why the issue of a system of criminality counteraction, which should be effective and meet the current state of criminal threats, is relevant today.

The level of criminality in a country depends on the effective implementation of crime prevention by society. The determining criterion for the effectiveness of criminality counteraction in the state should be the level of security that citizens living in a certain territory should feel. At the same time, it is impossible to get rid of criminality through punitive measures; the emphasis should be on various tools of social control and early prevention.

To prevent and respond to criminal offences, the state, on the one hand, aims to develop a strategy for society's response to crime, and, on the other hand, to prevent crime and respond to a criminal offence by criminal law means, that is to bring the perpetrators to criminal liability.

Crime prevention as one of the forms of criminality counteraction is aimed at reducing criminogenic factors by eliminating (weakening) the causes and conditions of crime and correcting the behaviour of persons prone to committing criminal offences, and creates a system of preventing the commission of criminal offences at various stages of criminal activity.

Prevention of criminal offences involves such forms as precaution, warning and suppression, which, through preventive measures, should deter a person from intending to commit a criminal offence or bringing a criminal intent to completion.

Prevention of criminal offences includes a set of measures aimed at timely detection and elimination of negative phenomena that occur or may occur and determine crime (or its types), as well as identification of persons inclined to commit criminal offences and application of measures to them that make it impossible for them to commit criminal offences.

Prevention and suppression of criminal offences are measures taken in relation to specific persons who intend to commit a criminal offence. However, the difference between prevention and suppression of criminal offences is that prevention of criminal offences is carried out at the stage from the moment of occurrence of a criminal intention to the very time of committing a criminal offence, while suppression of criminal offences is aimed at stopping a criminal offence that has already been initiated until it is over, and in some cases even after the end of such an act, but before the onset of socially dangerous consequences.

The framework of the state system fixing of influence on crime has a complex indirect nature, the elements of which are: 1) public awareness of the social danger and prevalence of criminal threat; 2) the society's attitude to uncompromisingly counteracting crime and an adequate concept of this activity, the formation of a strategy for counteracting crime on this basis; 3) the formation of a system of law enforcement agencies capable of solving the problems of crime counteracting; 4) strengthening the state system of destructive influence on crime; 5) creation of tools to counteract the tendency of disintegration of this system.

A special role in combating crime is played by law enforcement agencies, which have statutory tools and powers to counteract this phenomenon. At the same

time, the forms and methods of operational and investigative activities are a specific "proactive" and, as a result, the most effective tool in combating crime by law enforcement agencies. In this regard, there is a special type of crime counteraction, along with others, namely operational and investigative counteraction, i.e. the activities of operational units of law enforcement agencies, which consists in the use of public and covert forms and methods of operational and investigative activities, and which is aimed at detecting and preventing criminal offences; identifying persons who prepare or commit criminal offences; searching for persons evading pre-trial investigation and court, serving sentences; and identifying missing persons; ensuring the safety of law enforcement officers and judges, as well as persons who facilitate operational and investigative activities or participate in criminal proceedings, members of their families and close relatives.

A promising area for improving the effectiveness of law enforcement agencies in combating crime is to increase the level of information and analytical support for crime counteraction agents. The main purpose of information and analytical support for operational control of the criminal environment is to identify latent processes taking place in it, as well as trends in its development, based on which possible operational and tactical situations are modelled and the operational situation is forecasted, and risks are identified, which allow for optimal management decisions.

Modelling the processes of reflecting criminal activity is used, as a rule, in cases where its method is not sufficiently understood and therefore it is difficult to give an objective assessment of its results. The system of reflection of criminal activity processes is determined by the patterns of reflection of illegal actions in the minds of individuals and the nature of the traces that remain as a result of this activity. During such a simulation, participants put themselves in the place of criminals and practically (or conditionally) reflect the behaviour of objects of operational interest in real conditions, that is lose in similar situations by imitating their actions.

The lack of systematic forecasting of the criminal situation in the country hurts the development and adoption of management decisions in the field of counteraction of criminality. That is why the use of anticipatory forecasting in the field of counteraction of criminality is a prerequisite for the effectiveness of counteraction of criminality, a guarantee of the development of an optimal strategy for reducing criminality, promising areas and conceptual models of combating crime.

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Securing a Legal Regime to Protect Black Sea Trade Routes

The agreement between the Russian Federation and Ukraine to enable shipping of grains and cereals came to an end in mid-July 2023. With worsening odds for Russia in its illegal aggression against Ukraine, the Kremlin decided to target grain storage facilities in the port of Odesa, and president Putin has

furthermore hinted that any ship trying to force the blockade could be interpreted as hostile, and targeted as such.

The implications of such a stance are far-reaching, since shipping vessels enjoy particular privileges in international and maritime law. An attack on a flag-bearing vessel could be interpreted as an attack on the country from which this vessel hails. While this is an interesting strategic scenario to consider, this does not solve the problem of ensuring that Ukraine's production of grain and cereal are safely exported.

The implications of not enabling exports to take place are extremely serious; the vast majority of that grain is aimed at clients in the Middle East, North Africa, and Africa. Should the exports not reach their market, these countries could face localized shortages, triggering punctual inflation, and even national instability. This instability could also devolve into a humanitarian crisis which the West would feel pressured to alleviate, and could also create another migratory crisis. This latter eventuality is not far-fetched; in 2011, the « Arab Spring » was caused in part by Russia's moratorium on exports due to the low yield of the previous year, which had been affected by a severe drought.

Black Sea littoral states have a stake and an opportunity to create a legal regime which would facilitate the establishment of a legal regime which would enable them to legitimately escort, protect and even defend shipping that links Ukrainian ports with other Black Sea and Mediterranean ports. There are precedents for such an initiative; the North West Atlantic Protection Organization (NWAPO) which enforces the protection of fish stocks against illegal fishing or overfishing. In 1995, the Canadian Navy intervened against Spanish trawlers under that regime. In 1988, the United States Navy took upon itself to protect oil shipping in the Persian Gulf in the context of the Iran-Iraq war. Lately, the European Union, along with NATO fleets have protected maritime sea lanes of communication against piracy off the Horn of Africa.

This paper aims at looking at these three precedents and to identify the opportunities and remedies to obstacles to establishing such a legal regime for the Black Sea.

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Divorce restrictions related to wife's pregnancy and childbirth (Eastern Europe countries and post-Soviet countries)

A comparative legal study of divorce restrictions related to wife's pregnancy and childbirth has been conducted. The legal systems of post-Soviet countries and Eastern Europe countries, which could have been significantly influenced by Soviet

law, are the object of the study. The divorce restrictions related to wife's pregnancy and childbirth have been found to be unique to post-Soviet states. At the same time, such a restriction is not typical of other European countries that were under the influence of the USSR; such a restriction was neither accepted by them under Soviet law nor developed on their own legal substratum, despite the high religiosity of some such countries. Hence, the restrictions in question are genetically derived from the Soviet legal system.

All post-Soviet countries, except Latvia, Lithuania and Estonia, have retained the restrictions in question in their family law. This circumstance is especially indicative, as it testifies to the uncharacteristic nature of this restriction to developed civilized societies, to its civilizational incompatibility with the Euro-Atlantic path of development. The further development of these restrictions in most post-Soviet countries is ambiguous, characterized by both authoritarian and liberal tendencies (for example, the ban is extended, but exceptions are introduced). Most countries have introduced the possibility of lifting the restriction with the wife's consent. The situation in Belarus is remarkable, where authoritarian tendencies of this restriction development prevail.

The Ukrainian version of this restriction is of concern, as it still does not provide the possibility of removing the restriction with the consent of the wife. In other Eastern European countries, the restriction in question is absent, although in many of them, particularly in Poland, Latvia, Lithuania and Estonia, the freedom to divorce is significantly restricted in other ways. Thus, the study found that the divorce restrictions related to wife's pregnancy and childbirth originated in Soviet law and are not specific to Eastern European legal systems.

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Judicial review as a form of justice

Under the provisions of the Ukrainian Constitution and the Criminal Procedure Code of Ukraine provisions there are three name functions of criminal proceedings in accordance with it usually carries out: 1) prosecution, 2) defense, 3) justice. However, the function of the prosecution is the main at the stage of the pre-trial investigation. The reason for this is that the prosecution (the inquirer or investigator under the procedural guidance of the prosecutor) carries out most of the procedural actions at this stage. The procedure for conducting many procedural actions at the stage of pre-trial investigation provides for the possibility of limiting the constitutional rights and freedoms of a person. Such restrictions are foreseen in the case of using measures to ensure criminal proceedings, preventive measures, conducting individual investigative (search) actions, and covert investigative (search) actions. The Criminal Procedure Code of Ukraine regulates the procedure

for judicial review to guarantee the observance of human rights and freedoms during the mentioned procedural actions. It is carried out by an investigating judge, who takes part in criminal proceedings only at the stage of pre-trial investigation. According to the specificity of the investigating judge's activity, there is a discussion regarding the definition of his function in the science of the criminal process.

The investigative judge and his judicial review have become the objects of many scientific studies, in particular, regarding his function. The scientists` points of view are divided. Some believe that the judicial review, carried out by the investigating judge, is a separate function of the court, which includes the following types: 1) the function of ensuring the legality and restriction of the rights justification and legal freedoms of participants in criminal proceedings and other persons; 2) judicial review; 3) the function of conducting investigative (search) actions.

Other scientists came to the conclusion that judicial control is a type of function of justice. This opinion is justified by the fact that the investigating judge is a kind of judge, and justice in Ukraine is administered only by courts, according to the constitution of Ukraine. We believe that such a view should be supported, since judicial control is a means of resolving a criminal-procedural conflict that arises between the prosecution and the defense in a pre-trial investigation. Judicial review fulfills the requirements of the competitiveness principle of pre-trial investigation. Under this principle, the prosecution and the defense have the right to independently defend their legal positions, rights, freedoms, and legitimate interests by the means provided for by law. In turn, the court maintaining objectivity and impartiality creates the necessary conditions to implement the legal rights and execution of the procedural duties for the parties.

Bringing judicial review by the competition principle, the investigating judge resolves the criminal-procedural conflict between the prosecution and defense parties. Such a conflict arises in the following cases: 1) in the case of the need to apply restrictions on human rights by measures to ensure criminal proceedings; 2) resolving the issue of conducting investigative (search) actions that involve restrictions on human rights and freedoms or have a specific procedure for conducting them; 3) disagreement of the defense party with procedural actions and decisions in cases provided for by law; 4) consideration of other issues provided for by law, which can be resolved only by a party that is impartial and disinterested in the pre-trial investigation.

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Animals as 'Beasts of Burden' or 'Workers': Need for a Shift Towards Interspecies Approach

Are animals used as labour? If so, do we recognize them as 'workers'? Labour legislations globally, including India, are mostly anthropocentric because the labour force is in fact vulnerable and exploited. However, it cannot be denied that in several

sectors, whether organized or unorganized, we are also dependent on animals for carrying out part of the work. In such situations, is there not a need to recognize animal labour and ensure that they are also given humane working conditions? India in the last few years, has been increasingly focusing on animal welfare, and hinting towards recognizing an interspecies approach, especially through judicial decisions. This becomes an interesting segue to understand animals as 'workers' and explore their rights and interests in a work environment. With evolution of law in a globalised world, the concept of rights is also evolving not being restricted to humans alone.

This paper will delve into the need for shift from 'care and protection' approach to recognition of animals as members of the workforce. The paper will also highlight the similarities between animal labour and vulnerable sections of human workforce, exploring the idea that there is a need for integrated solutions for human and animal labour in the interest of both categories. Animal welfare has long been viewed as a stand-alone concept, disassociating it from human issues. The author seeks to establish, in this paper, that is pertinent to not view human and animal issues in watertight compartments but to rather have an interspecies approach, which will lead to improved solutions and harmonious relations between both. Non-human animals are mostly perceived as property/objects for utility purposes only – this leads to their exploitation without pinning accountability on anyone. This approach is gradually changing in India with landmark judicial decisions. In light of this jurisprudential development, there is a need to focus on the labour sector where animals and humans are exploited equally, with the former having no formal laws of protection to being with.

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Legal Challenges of the Globalised World and Cognitive War in Ukraine: Methodology Justice that Protects Future – New Challenges, New Models, New solutions

Cognitive war in Ukraine has triggered the most massive violations of human rights in the world today, - said the Head of the United Nations- U.N. Secretary-General Antonio Guterres February 27, 2023.

The criminal justice field places a deep-rooted emphasis on understanding criminology and psychology phenomenology for why Russian military strategists and soldiers violate human rights in Ukraine during Russian invasion into Ukraine. In view of Guterres, the Russian full-scale invasion of Ukraine "has unleashed widespred death, destruction and displacement" (Guterres, 2023). Understanding modern cognitive war in the global dimension, its genesis in the Ukrainian context makes it possible to project methodology justice that protects future generations of

the globalized world. At present the Ukrainian people are hardened by passing a common test, among them legal challenges of the globalized world during Russian invasion. This factor leads to significant transformations and changes both in Ukrainian personality and society which could be purposefully integrated into modern Criminology, and trace peculiarities of Russian GLOBAL CRIME trends during cognitive war.

1. The given paper is aimed at analyzing and understanding the key assumptions of the legal challenges of the globalized world during cognitive warfare in Ukraine, and specific character of methodology justice that protects a flourishing future for the Ukrainian nation.
2. In this context, it is of vital importance for Ukrainians and globalized world to get answers for the following disputable and unresolved questions, namely:

What is specific about Methodology Justice that protects the future?

Why are we, Ukrainians, anxious about future Ukrainian generations to survive and make extensive use of active actions towards reformed multilateralism which is aimed at transforming Global Legal System, global institutions and frameworks?

What laws and customs of war does Russia violate in Ukraine?

What is specific about psychological theories of crime?

Why do so many explanations exist, and for centuries there is no unanimity in conceptual backgrounds among experts on the issue discussed.

We share the explanation in accordance with which psychology of crime (in our case, psychology of Russia's crimes) centers on the focus of individual's traits of the Russian leader and behavior styles which are versatile, and are inseparably associated with his cognitive processes, personality, intelligence, learning, planning, decision-making, etc.

The early origin of the criminal behavior research dates back to Charles Goring (1870-1919) who was the first to reveal the link between crime and flawed intelligence of a personality. The next research was conducted by Gabriel Tarde (1843 -1904) who concluded that individuals learn various types of behavior (including criminal) from each other and imitate one another (Jacoby, 2004). F scan of literature on Law Psychology provides the answers to the mentioned above questions. Psychodenamic Theory identified its principal notion which accounts for crimes, namely: individual's early childhood experience which is treated as a predisposition for committing future crimes. Regarding the cognitive war in Ukraine, it is of utmost importance to understand what triggers the aggravated and frustrated behaviour of Russian government officials towards the Ukrainian people, to the crystallization of Ukrainian identity before International Law Challenges.

New challenges, new models, new solutions are to be shaped and realized, one must remember about millions of lives and uncounted number of Ukrainian citizens and villagers were lost before humankind will realize that WAR requires RULES that everyone must follow (Geneva Conventions, 1954). The Cognitive war in Ukraine represents military operations where The Russian invasion into Ukraine Russian troops violated the rule of law, the laws and customs of warfare.

The Russian invasion actions that breach the Geneva Conventions are to be treated as severe violations of international humanitarian law, and may constitute war crimes (e.g. Mariupol, Bakhmut, Zaporishya destruction, numerous rocket bombing of citizen's infrastructure, homes, kindergartens, maternity houses, etc).

To sum it up, these crimes fall under the jurisdiction of the International Criminal Court and require new ways to think, to plan, to act. In our position, it requires elaboration of a new METHODOLOGY of Justice, with new models of thinking, new solutions suggested in the nuclear epoch and cognitive war being waged, and which will be presented in a greater details during the conference.

MASSA Agostino (Professor, Department of Political and International Sciences University of Genoa, Italy)

International Migration and Transnational Social Protection: Political and Legal Aspects

Within the broader frame of globalization processes, the transnational condition is currently experienced by an increasing number of migrants and the focus here is on the strategies that they set to meet their social needs along the migratory process (Scheibelhofer 2022). According to many Authors, transnational migrants and their families do not rely for their welfare only on the institutions of their Country of origin and neither only on those of their Country of destination, but more likely on all 'the policies, programmes, people, organizations, and institutions which provide for and protect individuals (…) in a transnational manner' (Levitt *et al.* 2017: 5), defined as forms of 'Transnational Social Protection' (TSP) or also 'Global Social Protection'. Transnational migrants, therefore, refer to a 'resource environment', constituted from a combination of all the possible protections, formal and informal, available to them from four potential sources: States, markets, third sector and social networks.

As it has been pointed out, social protection is an 'assemblage' of formal and informal elements. Resources of former kind are provided by the State and other organizations, while the latter relies on migrants' interpersonal networks (Bilecen, Barglowski 2015).

Regarding the formal dimension of TSP, it is important to consider the attitudes that migrant-sending Countries can establish with their expatriated citizens. Among the different models, very interesting is that of Transnational Nation-States (TNS), which consider their emigrants as fully recognized citizens living abroad, granting them dual citizenship or nationality, as well as voting rights for domestic general elections (Itzigsohn 2012; Boccagni, Lafleur, Levitt 2016; Massa 2019). Heavily dependent on migrants' remittances for their socio-economic stability, TNS try to offer them different forms of support, also through the organization of extensive diplomatic networks.

Interesting examples of TSP can be found in the activities carried out by Mexico in the USA, providing their emigrates, even undocumented, with some

forms of health service, or by Ecuador in Italy, to support their citizens in the relations with the authorities of the hosting Country, while there are many bilateral agreements allowing migrants that have worked and paid social security in one Country to enjoy retirement in another, either their Country of origin or somewhere else.

The scientific research on emerging forms of TSP considers the dynamics set between the three main elements of the matter – migrants, their Countries of origin and their Countries of destination – in the frame of what has been defined as a 'new spatial architecture of social citizenship' (Ferrera 2005).

Regarding Countries of origin of migratory flows, the attempt has been made to find the factors that determine or, at least, influence the delivery of measures of social protection in support of their citizens emigrated abroad. The formal dimension of TSP is here prevalent, as the informal dimension can get in when the former is absent or reduced.

Recent studies suggest that transnational reforms delivered by some Countries are motivated mainly by political reasons. In the cases presented here, for instance, crucial is the role of governments led by political parties that have played the card of supporting their emigrates to keep them economically and culturally in touch with the Country but also to get a political and electoral gain, among citizens voting at home as well as among those voting abroad (Lafleur e Yener-Roderburg 2022). The entitlement of political and social rights for migrants is therefore linked to the fact that they have kept the citizenship of origin Countries delivering such transnational policies.

Other issues regard the destination Countries of migratory flows. The first question is about the conditions for the extension of social rights by these Countries to individuals that are not their citizens. Different studies have highlighted some aspects of the transformation of international migration produced by globalization processes. Among these – as we have seen – there are the transnational condition of an increasing number of migrants, the importance of economic as well as of social remittances, the new transnational dimension of politics. In this context, however, the existence of social rights enjoyed on a transnational basis must be considered as a consequence of migrants' integration in supranational labour markets rather than the direct result of the development of universal values and norms produced in the frame of globalization processes (Paul 2017). Conclusions suggest that these individuals, therefore, are entitled to enjoy transnational social rights as workers and not just as persons.

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Enhancing Legal Skills for Global Practice: The Need for Practical Training in Legal Education

In the era of globalization, legal professionals face an increasingly interconnected and complex legal landscape that demands a broader set of skills and competencies. This research paper explores the importance of enhancing legal skills for global practice through practical training in legal education. It highlights the need to bridge the gap between theoretical knowledge and practical application in order to equip law students with the necessary tools for successful engagement in the globalized legal profession.

The paper will discuss the changing nature of the legal profession in the globalized world, emphasizing the shift towards transnational legal issues and the growing demand for cross-border legal expertise. It shall explore the limitations of traditional legal education models that primarily focus on theoretical knowledge and doctrinal analysis, often failing to adequately prepare students for the practical challenges they will encounter in a globalized legal environment.

Drawing on existing literature, case studies, and empirical research, the paper will examine various approaches and strategies for incorporating practical training into legal education. It shall attempt to explore the benefits of clinical legal

education, internships, simulations, and experiential learning programs in developing essential legal skills such as legal research, writing, negotiation, oral advocacy, and client counselling. Furthermore, it shall analyse the role of technology in enhancing practical training, including the use of virtual platforms, online legal clinics, and interactive learning tools. The research shall highlight successful examples of practical training initiatives implemented in different jurisdictions, both at the national and international levels. It shall also address the challenges and potential barriers to implementing practical training in legal education, such as limited resources, curriculum constraints, and the need for faculty development.

By emphasizing the need for practical training in legal education, this research paper aims to contribute to the ongoing discussions and reforms in legal education worldwide. The findings provide valuable insights for legal educators, policymakers, and stakeholders in designing and implementing effective practical training programs that equip law students with the skills necessary for global legal practice. Ultimately, enhancing legal skills through practical training will enable law graduates to navigate the complexities of the globalized legal profession, foster cultural competence, and promote access to justice in a rapidly changing world.

MEISELLES Michala (Senior Law Lecturer (Law School, University of Derby) Richard H. McLaren Visiting Professor in Business Law (Univ. Western Ontario, Jan. 2019) Visiting professor of Private International Law (Université Jean Moulin, France) and advisor to UNESCO)

Policing the Alterworld: Reframing International Law to Address the Criminal Liability of Digital Intermediaries for Sex Trafficking.

Internet, social media etc. provides us with a new expanse with no borders, in which we can engage with one another often shielded from the glare of day by the inevitable anonymity offered by this virtual cocoon. This digital universe (‘Alterworld’) provides users not only with the means of mass communication, but also with the tools needed to interact and transact with one another, largely free from the rules that regulate our behavior in the real-world. Whilst the digital universe offers great value, it is undeniable that it also exposes us all to an ever-growing array of risks, especially the vulnerable amongst us. Beyond its role as a virtual Speakers’ Corner, the Alterworld is home to digital platforms that provide users with a further and arguably even broader marketplace in which they may trade their wares. In the Alterworld, this digital marketplace allows users to trade wares that are legal and illegal, to communicate legal and illegal content (including illicit material, defamatory statements, false ads, and information), and to perform acts that are legal and illegal (the latter includes activities classed as cybercrimes). The legality of the wares, content and acts are principally determined by the sets of rules that we

developed for the physical world. Since illegal content displayed on digital platforms is a critical issue concerning policy makers and legislatures, the question that this paper asks: are these traditional rules fit for purpose. Put differently, is it time create an international legal framework to address the role of digital intermediaries in online sex trafficking. This paper starts by exploring the appeal of the Alterworld to criminals (part 1), the current legal framework (part 2) before critically assessing this framework. Keywords: Sex Trafficking; Human trafficking; Online intermediaries; FOSTA; §230; Liability of websites for sex trafficking under US law; Internet technologies; UNODC; Palermo Protocol 2000 (Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime).

MOSEIKO Anzhela (Associate Professor of the Department of Law of Dnipro Humanitarian University, Ukraine)

The effect of globalization on resolving legal disputes out of judicial procedure

Modern globalization processes, penetrating virtually all legal spheres, require taking into account the order of solving legal problems at the level of global legal regulation, at the international level, at the level of the EU, at the level of individual states. Today, it is important for Ukraine, especially considering the martial law regime, to analyze the impact of globalization on the out-of-court resolution of legal disputes, with the aim of relieving the burden on the courts of Ukraine, in order to create alternative ways of resolving disputes (conflicts).

In modern democratic legal states, the system of out-of-court (pre-trial, judicial, administrative, alternative) settlement of disputes is a real mechanism for resolving disputes between legal entities, individuals, the state, territorial communities and other subjects. The globalization processes of the development of modern societies lead to a decrease in the influence of the state on legal relations through direct regulation, in particular, judicial regulation, while the role of private law is strengthened. Therefore, separate forms (types) of legal dispute resolution have been formed in most foreign countries to settle the dispute even before the trial begins.

Thus, in the USA, alternative resolution of legal disputes using informal procedures, mediation, and other out-of-court dispute resolution mechanisms are used. There are non-judicial and judicial organizations that deal with relevant programs. The unified federal law "On Mediation" in the USA was adopted in 2001, however, most states have adopted separate laws that regulate this area.

In England, the settlement of legal disputes out of court is not mandatory, but it is used quite widely.

According to French law, the basic principles of civil and administrative proceedings include the duty of judges to reconcile the parties before the court.

In Germany, there are specific rights and obligations regarding out-of-court procedures, administrative appeals and conciliatory pre-trial procedures are mandatory stages of most processes.

In many states (Italy, Estonia, Moldova) there are separate laws or other acts on mediation.

In the former states of the USSR (Azerbaijan, Kyrgyzstan, Uzbekistan), out-of-court settlement of disputes is not so common, although the procedural codes of some states indicate that the court takes appropriate measures for pre-trial reconciliation of the parties. However, the experience of these states is not acceptable for Ukraine.

Therefore, taking into account the influence of globalization, I propose to further develop the experience of leading states in resolving legal disputes out of court. The use of such alternative forms as mediation, pre-trial claims procedure, participatory management, dispute settlement with the participation of a judge and others in foreign countries shows their effectiveness. At the same time, the court can also take part in the specified procedures, both directly (for example, settlement of a dispute with the participation of a judge) and similarly (for example, to promote the development of mediation, to provide consultations). Of course, the official sphere of out-of-court settlement of disputes should not be extended to all cases (disputes), but only to some types - labor, family, civil and other (mainly private) cases, as well as to public legal disputes.

In our opinion, in order to resolve these issues, it is necessary to develop and adopt a basic Law "On the resolution of legal disputes in an out-of-court procedure" (the name is indicative), in which to define the general principles of resolving disputes in such an order, to outline separate procedures and to determine the specifics for each of the forms (types) of out-of-court settlement of disputes. The current Law of Ukraine "On Mediation" can serve as a basis for mediation.

MUTH Daniela (Lecturer and doctoral researcher, University of Westminster, School of Law, London UK)

Nature Incorporated – An Exploration of the Concept of Legal Personhood for Nature”

It is more than 50 years since Christopher Stone wrote his essay “Should Trees have Standing?”. What at the time seemed merely an interesting thought experiment has now become a legal reality in many parts of the world. This paper explores the

possible effects that legal personhood for nature could have on company law and the law that governs multinational corporations.

Even a cursory glance at the financial health of multinational fossil fuel companies for example, compared to the plight of our natural habitats, demonstrates an urgent need to rethink the extent to which international and domestic law is currently able to shape our response to the climate crisis. In 2022, a year after devastating floods, exacerbated by climate change, cost Germany an estimated $40 billion, Shell made a record profit of $40 billion.

Bridging the gap between international environmental and economic law, travelling alongside the UN Sustainable Development Goals via the Ecuadorian constitution, past the laws of Te Urewara and the Whanganui river in New Zealand, the Aarhus Convention as well as the Paris Agreement towards a new type of international corporate governance, this paper will argue that granting legal personhood to nature could make us rethink some of the fundamental concepts of company law to create a corporation that is fit for the Anthropocene, change our relationship with nature and thereby help us become better equipped to tackle not only the climate crisis but also the impoverishment of our local communities that has resulted from environmental degradation.

NEHODCHENKO Vadym (Doctor of Law, Professor, Professor of the Department of Law of Dnipro Humanitarian University, Ukraine)
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The principle of integrity in the system of public administration standards

The principle of integrity plays an important role in the system of public service standards.

Integrity is a concept of moral consciousness that is an integral characteristic of the stable positive moral qualities of a government official. Integrity characterises the behavioural dispositions of a government official that he or she adheres to in professional practice. It is a kind of intellectual, emotional, moral, and volitional ability to make the best moral choice when making decisions and actions in problematic situations, as well as to build professional moral relations.

In the United Nations Standards for the International Civil Service, the principle of integrity is characterised by such qualities as honesty, truthfulness, impartiality, and incorruptibility.

In modern ethics, the integrity of a civil servant is interpreted as a model of the four main virtues: wisdom (intelligence), justice, courage (fortitude), and moderation (prudence).

The wisdom of a civil servant can be interpreted as an awareness of the high social mission and moral duty of state thinking and behaviour, as the ability to analyse a situation morally, assess it professionally, and be pragmatic in making

decisions. It depends on the analytical skills of a civil servant, his or her mastery of algorithms and methods of moral assessment, and the ability to make a balanced decision. This virtue plays a particularly important role in teamwork.

Wisdom as rationality also means that a civil servant does not become a slave to the general rules of the civil service, and does not put formal norms above human rights and interests. In this sense, the ethics of professional activity is determined by its rationality.

Justice in the structure of integrity is fundamental to other virtues. Justice is a requirement to consider the active role of reason to establish a fair order in a particular situation of professional activity: 1) from the point of view of basic human values; 2) to find out what is ethical in a particular situation concerning human rights and freedoms and the case itself. In ethics, humanity is recognised as higher than justice (Rawls D., 1990).

Courage (bravery, integrity) as a moral virtue of a civil servant indicates that moral behaviour requires significant conscious efforts. Even when the rights are guaranteed by law, civic and professional courage is required to defend them. It is manifested through initiative and creativity in the performance of official duties, the ability to take decisive steps, but also through readiness to compromise, make unpopular decisions, etc. Provided that a civil servant possesses the first two virtues – wisdom and justice – courage provides him or her with volitional self-regulation of behaviour.

Temperance (moderation, balance) refers to the intellectual and emotional spheres of a personality. It characterises a sense of proportion, a state of balance (emotional stability), which enables a person to exercise prudence and moderation. A civil servant must be able to weigh priorities, and coordinate positions to effectively resolve problem situations that improve moral relations and the moral and psychological climate in the team and society.

Thus, the idea of integrity as a model of four virtues allows us to fill this basic professional quality with specific content, as well as to properly structure and evaluate other ethical principles that are important for the successful performance of a civil servant, which are derivative. For example, order is a derivative of justice, loyalty to duty is a derivative of courage, etc.

The moral essence of a civil servant's integrity means that serving the common good and justice takes on a personal meaning for him or her. This is not a desirable orientation of the individual, but his or her practical ability to solve professional moral dilemmas. This ability requires high theoretical training, professional experience, and practice of ethical reflection and action.

Integrity as the basis of rational moral behaviour sets qualitatively new criteria for recruiting personnel for the civil service, as well as the need to restructure the system of training and professional development. Therefore, ethical requirements derived from integrity apply not only to civil servants but also to the civil service as an institution. They include structural and special rules and regulations that stimulate the freedom of creative expression of the individual, as well as prohibitive rules.

The principles of professional activity of civil servants (honesty, fairness, responsibility, openness, and transparency), which are enshrined in international treaties, are mandatory for implementation. Their implementation should facilitate Ukraine's entry into the international community of democratic states.

PATHAK Anwesha (PhD Candidate, PhD from Bharati Vidyapeeth, Deemed University, Pune, India)

Legal Education Under Conditions of Globalization

Global networking and collaboration in legal education play a crucial role in promoting knowledge exchange, fostering cultural understanding, and enhancing the quality of legal education in a globalized world. Law schools and universities establish partnerships with institutions in different countries to promote collaboration in legal education. These partnerships often involve student and faculty exchanges, joint research projects, and collaborative degree programs. This aspect explores the benefits of such partnerships, including exposure to diverse legal systems, cross-cultural learning, and the sharing of best practices in legal education. Legal scholars and researchers form global networks to facilitate collaboration and the exchange of knowledge. These networks connect scholars from different countries and enable them to collaborate on research projects, publish joint publications, and organize conferences and seminars. This aspect discusses the role of global legal research networks in advancing legal scholarship, promoting interdisciplinary research, and addressing pressing global legal issues.

Legal education is enriched by international conferences and workshops that bring together legal scholars, educators, and practitioners from around the world. These events provide a platform for the exchange of ideas, discussion of emerging legal trends, and sharing of innovative teaching methodologies. This aspect explores the significance of international conferences and workshops in fostering global networking, facilitating intellectual discourse, and promoting collaboration among legal professionals. Technology has facilitated global networking and collaboration in legal education through online platforms and distance learning programs. This aspect explores how virtual classrooms, webinars, and online discussion forums connect students and educators across borders, enabling collaboration on projects and the exchange of ideas.

By fostering global networking and collaboration in legal education, institutions can prepare students to navigate the complexities of a globalized legal profession, promote cross-cultural understanding, and contribute to the development of a more interconnected and just global legal system.

Dr. PAVLIDIS Georgios (UNESCO Chair & Jean Monnet Chair, Associate Professor of International and EU Law, NUP Cyprus)

Framing the Future: Ethical AI Regulation and Innovation in a Globalized World

This paper proposes to explore the legal and policy challenges posed by the regulation of Artificial Intelligence (AI) in a globalized world. The rapid advancement and widespread adoption of AI technologies have transcended geographical boundaries, prompting the need for a comprehensive legal framework that can effectively address the challenges posed by AI. This paper aims to examine how national and international law should protect and realize rights in the face of AI's proliferation across international borders. The following key will be discussed: 1. The Implications of Globalization for AI: This section will analyse the legal issues arising from the globalized deployment of AI and assess the effectiveness of existing legal frameworks in regulating AI technologies across different jurisdictions, such as the EU AI Act. 2. Protecting Rights in the Digital Age: This section will examine the challenges of safeguarding legal rights within both judicial and non-judicial procedures in the context of AI, including issues of privacy, data protection, algorithmic bias, and accountability. 3. International Cooperation and Harmonization: This section will explore ideas and initiatives aimed at promoting legal rights realization and facilitating collaboration among nations to address the global challenges posed by AI, with emphasis on the issues of regulatory competition and the extraterritorial effect of AI regulation. In conclusion, this paper will contribute to the broader conversation on AI regulation in a globalized world, providing insights into how global law should be framed to ensure the protection and realization of rights in the coming decades.

POLTORATSKYI Oleksandr (PhD in Law, Associate Professor of the Department of Law of Dnipro Humanitarian University, Ukraine)

Causes and consequences of the migration movement in Ukraine

Ukraine, as well as European countries, is experiencing the largest migration crisis since the Second World War due to russian full-scale invasion of Ukraine in 2022. Many of internally displaced persons from Ukraine have fled to European countries to save their lives and their families. Since the beginning of the aggression of the russian federation, the UN estimates that 4.8 million people have left Ukraine and never returned.[2] According to the International Organisation for Migration (as of 05.05.2023)[3], there are 7.1 million internally displaced persons in our country.

[2] https://www.epravda.com.ua/columns/2023/04/17/699148/

[3] https://ukraine.iom.int/uk/dani-ta-resursy

Active migration due to the hostilities in Ukraine has a significant impact on the population decline in our country. Demographers suggest that the population of Ukraine is gradually decreasing and is estimated at 34-35 million. The longer the war, lack of housing and jobs in Ukraine lasts, the longer our citizens, including women and children, will stay abroad, where they will adapt and try to stay there forever.

The problem of forced migrants needs to be addressed now. In the public sphere, this debate is discussed in several dimensions.[4]

The first is the creation of additional benefits for returning (large payments from the state budget or tax benefits for those who return).

The second is security (in its broadest sense) and improving the quality of life. Usually, the need to reduce the tax burden and improve the quality of education, healthcare and social security is discussed.

The third is the creation of a "dream state". This aspect usually lists reforms ranging from the rule of law to demonopolisation.

Experts note that these tasks need to be narrowed down. For many citizens, migration was forced. And they are ready to return, having at least minimal advantages of Ukraine. To do this, the conditions of necessity and sufficiency must be met. Necessary conditions: physical security and economic stability. The success of the Ukrainian Armed Forces, the sustainability of the energy sector, a stable economy, and declining inflation will stimulate the growth in the number of our citizens returning shortly. Sufficient conditions: prospects for improving living standards. Firstly, it is a recovery plan. Its parameters should be developed and announced before the victory. It includes both employment opportunities and the realisation of entrepreneurial opportunities. The role of the regions, which must compete for labour, should be significant.

At the same time, one of the problematic issues is the illegal transfer (deportation) of Ukrainian citizens from the temporarily occupied territories to russian federation. Thus, the russian federation illegally took 2,161 orphans from Ukraine (in total, the Ukrainian side is currently aware of more than 16,000 children illegally taken to russia). The process of returning such children is carried out on a case-by-case basis. It is very complicated and time-consuming. Sometimes the search, all the necessary procedures and the journey take several months. In this way, 327 children have already been returned from the territory of the russian federation.[5] Today, the russian occupiers continue to force passport registration of the population of the temporarily occupied territory. In this context, it should be noted that the president of the russian federation signed[6] a decree that provides for the deportation of residents of the occupied territories of Ukraine without a russian passport. The document stipulates that by 1 July 2024, people must decide whether to become citizens of the russian federation or declare that they do not wish to do so; those who

[4] https://nv.ua/ukr/opinion/ukrajinci-za-kordonom-golova-nbu-pro-te-yak-povernuti-tih-hto-vijihav-v-yevropu-ta-ssha-50321422.html

[5] https://ua.news/ua/ukraine/vereshhuk-ozvuchyla-shemu-vozvrashhenyya-nezakonno-deportyrovannyh-v-rf-ukraynskyh-detej

[6] https://t.me/+dWr24L7UeW8yNDQ6

choose the second option will be considered foreigners and may be deported. At the same time, on 17 May 2023, the state duma of the russian federation adopted amendments to the law "On martial law", which allowed forcible eviction of Ukrainians from the territories where martial law was introduced by the occupiers (currently, the russian authorities have introduced martial law in all temporarily occupied territories of Ukraine, except Crimea). Also in March 2023, the state duma of the russian federation adopted a law according to which Ukrainian citizens who received russian passports in the temporarily occupied territories of Ukraine may renounce Ukrainian citizenship after submitting a relevant application to the russian authorities.

In this way, Russia is trying to legitimise the attempted annexation of the occupied Ukrainian territories and the illegal passport registration of their residents. This act of the state duma of the russian federation grossly violates Ukrainian legislation and international law. The procedure for renouncing Ukrainian citizenship is clearly defined by the current legislation of Ukraine.

The results of a survey on the ways in which Ukrainian citizens leave the country show that 23 percent of respondents went abroad for volunteer activities; 23 percent – by providing illegal benefits to authorised employees of state bodies; 16 per cent – by registering disabilities, including fictitious ones; 15 percent – accompanying a close person who is disabled.[7]

In the area of illegal migration, attempts to illegally travel to foreign countries by Ukrainian citizens of military age continue to be widely observed, potentially leading to the emergence of new corruption components in the activities of national institutions and negatively affecting the formation of the mobilisation reserve of the defence forces. To this end, "evaders" continue to use the services of criminal groups and individuals – organisers of illegal migration networks – and try to cross the state border, in particular, 1) at the state border crossing stations using counterfeit documents; 2) outside the state border crossing stations; 3) at the border crossing stations concealed from border and customs control (in the pre-arranged secret place of motor vehicles or railways).

Illegal schemes are mainly based on the forgery of documents that give the right to legally cross the border, namely:

- persons liable for military service have documents that become the basis for their entry into the “Shlyakh” system (as if for humanitarian aid transportation from abroad for the needs of the defence forces, as drivers engaged in international transportation of goods, etc;)
- obtaining fictitious disability documents that allow a disabled person and a person accompanying them to illegally cross the border of Ukraine;
- obtaining fictitious conclusions of the military medical commission on temporary unfitness for military service and granting persons a deferral from conscription, which is the basis for their unimpeded crossing of the border of Ukraine, etc.

[7] Опитування проведене Українським інститутом майбутнього. URL : https://news.uifuture.org/ocinka-migraciynikh-procesiv-ta-nastr/

The "Shlyakh" information system devotes special attention, as offenders began to use it for illegal purposes after the entry into force of the Government's resolution[8] amending the Rules for Crossing the State Border by Citizens of Ukraine (approved by the Cabinet of Ministers of Ukraine on 27 January 1995, No. 57) in terms of allowing persons liable for military service to cross the border if they are transporting humanitarian aid, medical supplies, etc.

In order to take targeted, systematic and comprehensive measures to counteract the functioning of illegal migration channels in wartime, the following points are advisable:

- improving the "Shlyakh" system, including by limiting the number of direct performers who have the right to enter information into it;
- implementation of preventive measures to identify potential violators of the law at the stage of decision-making on their departure by the relevant agencies;
- intensification of international cooperation (in particular, with the EU countries neighbouring Ukraine), their law enforcement and regulatory authorities, in order to improve the functioning of the migration control system;
- taking measures to identify organisers and accomplices of migrant smuggling;
- ensuring the (technical, operational, physical and informational) strengthening of the state border protection, including through the introduction of new technologies, technical re-equipment and appropriate training of the service personnel.

PONOMARENKO Alla (PhD in Law, Senior Researcher of State Research Institute of the Ministry of Internal Affairs of Ukraine)

Ensuring the human right to mental health in the context of war in Ukraine

Health is a natural and inalienable human good and the highest social value, on the basis of which all other benchmarks and benefits of society are formed, defined and evaluated. Society can achieve sustainable development only if its members are healthy. Public health is one of the main factors of national security and well-being of the state. The state of individual and public health is the key to harmonious relations in society, so taking care of health is a vital necessity for every country in the world.

The right to health is a fundamental right of every person, regardless of race, religion, political beliefs, gender identity, ethnic and social origin, property status, place of residence, language or other characteristics. When we talk about human health, we often mean only physical health without taking into account its mental component. At the same time, mental health is an integral part and an important component of a person's general health and well-being. Physical health cannot exist without mental health, because it is the basis for the development and formation of the individual and society in general. Economic resources, physical, spiritual and

[8] Постанова Кабінету Міністрів України від 20 травня 2022 р. № 615 "Про внесення змін до постанов Кабінету Міністрів України від 27 січня 1995 р. № 57 і від 3 березня 2022 р. № 194" [https://zakon.rada.gov.ua/laws/show/615-2022-%D0%BF#Text].

moral potential of the society depend on the level of mental health of each person. Therefore, the state should create favorable conditions for strengthening and preserving the mental health of its citizens and take measures to protect and defend it.

Human rights in the field of health care in Ukraine are protected by national legislation and a number of ratified international instruments. However, after the full-scale invasion of Ukraine by the Russian Federation, the state has faced new challenges in ensuring the right to mental health.

Since February 24, 2022, virtually the entire population of Ukraine has been living under constant stress, experiencing anxiety for their lives and the lives of their loved ones, and not feeling safe. People are exposed to many extreme stressors. These include: violence, physical injury and illness, displacement and separation or loss of loved ones; loss of homes, belongings and income; lack of access to adequate food and water, as well as health, social security, safety and legal protection services in some areas.

In addition, the participation of a significant number of citizens in hostilities or staying in the frontline zone with constant rocket and artillery attacks, bombing, and occupation significantly increase the vulnerability of citizens to psychosocial stress, contribute to the spread of mental disorders, which are often accompanied by various types of addictions, cause difficulties in social adaptation and integration, and affect a person's ability to work, his or her social environment, and the country's economy.

There is an increasing number of people returning from Russian captivity who need quality psychological assistance. When providing psychological assistance to such persons, practicing psychologists and psychotherapists face a number of problems, including: insufficient number of specialists; lack of appropriate training in crisis counseling of this type and processing of psychological trauma of this nature; lack of relevant and clearly declared protocols for psychological assistance and rehabilitation, psychological reintegration, social adaptation, etc. There is also an increasing number of traumatized persons from among military personnel, war veterans and their family members who need psychological assistance.

Today in Ukraine there is a problem with the lack of a sufficient number of psychologists, including military ones. Unfortunately, foreign military psychologists will not be able to help the Ukrainian military because of the language barrier and the difference in mentality. Also, Ukrainian society lacks a culture of seeking psychological help and a lack of trust in psychologists. These issues need to be addressed urgently.

One of the tasks of ensuring the national welfare of Ukraine is to ensure the mental health of its citizens and to create legal mechanisms for its protection and defense. First of all, the state must take the following measures to ensure the mental health of the population:

- modernize the regulatory framework in the field of mental health care, which will allow implementing the latest approaches and methods of adaptation of victims of hostilities;

- develop new systems for assessing the psychological state of persons who are being discharged or have already been discharged from military service and their family members;
- conduct educational events and campaigns to raise awareness of the importance of taking care of one's mental health, promoting positive approaches to ensuring psychological resilience and combating depression;
- create "hotlines" to provide counseling and educational work in the field of psychosocial assistance to the public;
- ensure proper informing of the citizens about the provision of psychosocial assistance;
- organize psychosocial support and accompaniment of persons who need help in overcoming post-stress manifestations and adaptation to peaceful life, etc.

In times of war and during the post-war reconstruction of the state, mental health issues are extremely relevant, because the level of mental health of citizens affects the overall health of the population, the crime rate, economic recovery and the well-being of the country. In this regard, state authorities, local governments, NGOs and experts should create effective organizational and legal mechanisms to provide citizens with timely and effective psychological assistance, as well as establish coordination and dialogue among themselves to share experiences and improve their work.

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Dual Qualification in Law in India: A Step Towards Globalisation of Legal Education and Profession

The Bar Council of India has been touted as a protectionist watchdog of the legal regulatory landscape in India. However, there has been a transition from protectionism to liberalization in the light of Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022. These rules also gain significance in the light of the recent Memorandum of Understanding between the Bar Council of India, Law Society of England and Wales and Bar Council of England and Wales allowing for mutual exchange of legal practitioners between the two jurisdictions. The rules though constructive are devoid of comprehensiveness and restrictive in nature. The authors through a comparative critical methodology argue that the rules lack reciprocity in the real sense. The authors' through comparison of the Indian legal regulatory landscape with common law jurisdictions such as United Kingdom (UK) and United States of America (USA) argue that rules should be framed under Section 47 of the Advocates Act 1961 to

allow for dual qualification in law on the same lines as in UK and USA. Further, there is a dire need for amendments in the Rules of Legal Education 2008 (RLE 2008), to allow recognition of degree in law of a foreign university obtained by a foreign national. Thus, the authors' argue for the incorporation of practice of pro hac vice in India to facilitate smoother resolution of multijurisdictional issues as well as foster collaborations between Indian and foreign lawyers' to resolve such issues.

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Functions of labour law and legal regulation of labour

Labour law should be based on the constitutional provision which claims a human to be the highest social value; it should assure that everyone would have legal capabilities to realize their ability to work.

Since functions of labour law reflect the most essential properties of labour law, it is necessary to reveal their concept through the establishment and implementation of labour law norms, that is, through the ways the law acts. When defining the concept of "function of law", it is necessary to rely on the semantic basis of the term "function", which is the concept of "activity". In turn, the concept of "activity" is composed by the concepts of "action", "set of actions", and "impact".

The overwhelming majority of definitions of "functions of law" concept have a significant drawback as they encompass only the static component of "activity of law", which is the establishment of legal norms. The latter is indeed the primary and the most important type of manifestation of the essence of law, the first way of revealing the activity of law. But without the implementation of labour law norms, which is the second way of revealing the activity of law, it is impossible to see the complete effect of law, its functioning, the disclosure of the possibilities embodied in legal norms. Comparing these possibilities and reality embodied in legal relationships is the way to determine law effectiveness.

The purpose of labour law includes a social and a legal components. The social goal is to consolidate the society through unifying employees`, employers` and authorities` efforts in order to achieve a high level of well-being. The legal goal is to regulate social relations arising from the application of a person's ability to work, as well as relations directly related to those relations. The tasks of labour law are formulated considering its social and legal goals; they should reflect the realities of the socio-economic state of the country and stimulate the progressive development of relations in the field of labour. The direction of law impact is determined by its tasks. Only compliance with the tasks and functions of law will lead to the desired result, i.e. to the effective legal regulation of social relations.

Implementation of legal norms is an important component of the characteristics of legal functions. The implementation of legal norms is the second manifestation of law as a regulator of social relations. This is the second way of detecting the activity of law. The implementation of norms allows one to see the

effectiveness of both separate norms and certain sets of norms. Only implementation of a norm enables finding out whether the norm is capable of regulating social relations, whether its content is adequately defined for a specific situation, and whether the norm has motivational factors for its implementation. Legal possibilities provided by legal norms embody in social reality through the implementation of law. Clarifying the differences between the possibilities established in the norm and the reality expressed in legal relations makes it possible to talk about the effectiveness of law. Therefore, special attention should be paid to solving the problem of the effectiveness of the implementation of the norms of labour law.

We offer the following scheme for revealing the essence of the functions of: (1) law (means of achieving a social goal); (2) function (activity expressed as legal norms influence); (3) influence of legal norms (determined by their content of); (4) the object of influence (social relations, their parties); (5) social result (legal result itself is the most important for law); (6) legal relations (a qualitatively new level of social relations).

Based on this, the functions of labour law should be defined as the activity of labour law for the effective ordering and regulation of relations related to the use of a person's ability to work, by establishing and implementing legal norms in the main directions.

The science of labour law has no unified approach to the system of labour law. The main classification criterion for labour law functions are the types of social relations that outline the purpose of law. This criterion allows to distinguish two main functions of labour law – regulatory and protective. The need for the existence of labour law as a social phenomenon lies precisely in the need for it to perform these functions. In addition, these functions of labour law emphasize its independence as a branch of law. Only the effective interaction of these functions guarantees the main social result of the existence of law – the regulation of social relations.

The general legal functions of labour law include regulatory and protective functions, which are an indicator of the independence and self-sufficiency of the field of law. Branch functions that reflect the specifics of the impact of labour law norms on the relations that make up its subject should not be called special functions or aspects of functions, but subfunctions of general legal functions of labour law. Such a name, on the one hand, indicates their organic relationship with the general legal functions of labour law, and on the other hand, emphasizes their independence for labour law.

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A new classification model of privacy

Privacy, a fundamental human right, plays a crucial role in safeguarding human dignity, personal freedom, freedom of thought and speech, and the fair dispensation of justice. As legal science has evolved from the 20th to the 21st centuries, the concept of privacy has continuously expanded, necessitating ongoing updates and expansions in its classification.

In 1967, Alan Westin introduced a classification of privacy states, comprising four categories: 1) Solitude, wherein individuals engage in internal dialogue without external interference; 2) Intimacy, involving closed and open relationships with a close circle of people; 3) Anonymity, where individuals avoid observation and identification in public spaces; and 4) Reserve (Confidentiality), where individuals choose to disclose or withhold information during communication to protect their privacy.

Later, in 1980, Ruth Gavizon classified privacy into three components: Secrecy, Anonymity, and Seclusion.

In 1997, Roger Clark's classification expanded to include five components: 1) Bodily Privacy; 2) Privacy Behavior; 3) Privacy of Personal Communications; 4) Privacy of Personal Information; and 5) Privacy of Virtual Personal Experience. This classification was supplemented in 2013.

In 2011, Ukrainian researcher Vitaly Seryogin presented a three-dimensional privacy classification model, consisting of: 1) Aspects of Privacy (e.g., Physical, Phonetic, Visual, Odorological, Geographic, Information); 2) States of Privacy (e.g., Seclusion, Intimacy, Anonymity, Intemperance, Autonomy, Confidentiality); and 3) Dimensions of Privacy (e.g., Spatial, Temporal).

In 2017, researchers Bert-Jaap Koops, Bryce Clayton Newell, Tjerk Tieman, Ivan Shkorvanek, Tomislav Chokrevsky, and Masha Halych proposed another three-dimensional classification, encompassing: 1) Zones of Life (e.g., Private Zone, Intimate Zone, Semi-Private Zone, Public Zone); 2) Aspects of Freedom (e.g., Negative Freedom, Positive Freedom); and 3) Types of Privacy (e.g., Bodily, Geographic, Communication, Proprietary, Intellectual, Decisional, Associational, Behavioral and Informational Privacy).

To create a more comprehensive and objective classification, it is suggested to integrate Vitaly Seryogin's dimensions of privacy (temporal and spatial) and a new type called "Privacy of Senses", which combines phonetic, visual, and odorological privacy, into Bert-Jaap Koops and others' model. Additionally, spatial privacy is renamed to geographic privacy.

Thus, the resulting four-dimensional classification model of privacy types includes: 1) Zones of Life (Private Zone, Intimate Zone, Semi-Private Zone, Public Zone); 2) Aspects of Freedom (Negative Freedom, Positive Freedom); 3) Types of Privacy (Bodily, Geographic, Communication, Proprietary, Intellectual, Decisional,

Associational, Behavioral, Informational Privacy and Privacy of Senses); and 4) Dimensions of Privacy (Spatial Privacy, Temporal Privacy). This comprehensive model enhances our understanding of the multifaceted nature of privacy and its protection.

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Factors affecting law enforcement

One of the forms of public administration is the activity of applying the law. In the process of such management, legal prescriptions adopted by the state are implemented in the life of society by authorized subjects and in relation to specific subjects. It is known that law enforcers are officials and bodies that are constantly exposed to external influences. Law enforcement activities are always influenced by specific factors. They can be both objective and subjective. We will try to name some of them that affect the process and the result of the application of law.

In our opinion, the law does not work without human participation. This person, as an authorized person on behalf of the state, applies legal norms. But such a person, applying the law, is necessarily under the influence of personal factors. Therefore, we can say that the result of law enforcement often depends on such a factor as the legal consciousness of the person applying the law. The structure of his consciousness is formed, in addition to professional and legal knowledge, also: feelings, emotions, worldview, legal and personal values, mentality. As a rule, subjective factors influence law enforcers in the process of establishing the event and circumstances of the case. At the decision-making stage, i.e., determining the rule of law to be applied, the following are important: established practice, comments on legislation, opinions of more experienced colleagues.

Another important factor influencing the law enforcement activities of the state is the imperfection, instability, uncertainty, inaccuracy, and sometimes ambiguity of the current legislation. Even a very good law is not able to provide for all legal situations and the possibility of resolving them so that all parties are satisfied. In some cases, the law enforcer has to supplement the incompleteness of the law. In this case, he performs, to some extent, the function of a legislator, supplementing and concretizing the existing legal norms, thereby giving rise to the problem of discretion in law enforcement.

The next factor influencing the results of law enforcement is the very impact of law on society. We can observe this in the response of society to the emergence of the law. Whether the adopted law forms, as a response of the population, firstly, the proper behavior of the society, and secondly, whether the state, represented by the legislator, has received the desired effect or not. If there is no desired result, the question arises, what is here happened: the law is premature, society is not ready for it; the need for such a law has disappeared and it has become a brake on the development and improvement of regulated relations, or the law enforcement practice does not correspond to the goals and objectives of the law. In the process of

law enforcement, the individualization of the law takes place, its implementation in specific circumstances. The rule of law names and fixes the conditions for law enforcement, but does not name or show a model, an algorithm for effective actions. The concretization of a legal act occurs in specific practical actions, which, as a rule, are influenced by methodological recommendations, judicial practice, management requirements, personal experience of a law enforcement officer and the experience of colleagues. Therefore, we can confidently say that the actions of a law enforcement officer are actions passed through their legal consciousness with the influence of a motive to perform just such a legal action.

Since law enforcement is the activity of a competent person, a significant factor here is the ratio of the restrictions acting in society and the personal motivation of the subject. The study of law enforcement, taking into account the personality of the subjects of legal relations, is essential for understanding the formation of this mechanism. For example, whether personal and public interests are taken into account when applying legal norms, who gives a legal assessment of the current situation, a psychological and legal assessment of the person who formed this situation and the interpretation of the law. As a rule, this is done by employees who have experience in the application of law and form the experience of application. There is a typification of the situation and, the assessment of this situation by the law enforcer is given on the basis of the "proper", idea of the "correct", behavior of a "normal" person. The typification of the situation is formed on the basis of experience, correct actions and their positive assessments, which makes them legally significant.

The lack of uniformity in the interpretation and application of the law that occurs in practice can be attributed to a factor influencing law enforcement practice. Every social society consists of different groups and these groups do not always evaluate, interpret and apply the law in the same way. The state is trying to unify the legislation, but this is not always possible, which affects law enforcement practice.

As a conclusion, we can say that in the process of law enforcement, a law, a specific legal norm is filled with specific actions, i.e. its content is formed, which is embodied in the rule of law. Therefore, law enforcement is a special form of law enforcement. However, we know that the right itself is not exercised, it is performed by authorized persons individually. The implementation of law occurs through a system of both personal internal and external factors in which the law enforcer is located.

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The problem of the availability of the realization of the human right to a dignified death

Control over death, as well as over birth, is a human privilege compared to an animal. Unlike an animal, a person can predict death and choose an appropriate

algorithm along the way that is commensurate with his own sense of dignity. Thus, it will be acceptable for one person within the limits of self-respect to endure unbearable pain and humiliation while dying. In this the person will see purification, forgiveness, etc. Another person will consider such circumstances of death unworthy of her/his. It is for the last category of people that it is appropriate to fight for the realization of their right to take life upon request (euthanasia, orthanasia, physician-assisted suicide). In addition, the actual, and not the declarative, concept of "rule of law" means the possibility of realizing the human right to a dignified life, a part of which is the process of dying, which must also be dignified, so that these last moments of life do not spoil all that beautiful life that was in a person.

Human life, its dignity, the right to respect for private life are among the basic human rights according to the European Convention on Human Rights, 1950. At the domestic level, each state itself forms legislation in this area. Unfortunately, if the national legislation of the country does not provide for the legalization of one of the forms of taking the life of another person at the request (TLAPR), then the European Court of Human Rights will not be able to recognize the refusal to carry out the procedure aimed at taking life as a violation of the provisions of the Convention (violation of Articles 3, 8, 14).

At the same time, this practice of the ECHR (there have been 15 cases since 2000) should not be an excuse for states not to legalize TLAPR. One can argue separately about the arguments “pro” and “contra” TLAPR, but the result of this discussion will ultimately come down to the feasibility of legalizing TLAPR. The task of the state, in which the legalization of TLAPR will be planned, should be the development of such a mechanism for the realization of this human right, which will contain the prevention of the risks of abuse in this area.

In the world legislative practice, laws regarding the regulation of various forms of TLAPR began to appear in the 1970s of the 20th century (California, Australia). Even earlier, in 1949, the public organization Dignitas was created in Switzerland, which helped its members to die. The active euthanasia movement in the world began in 2000. Starting from the Netherlands, Belgium, one country after another began to legalize various forms of TLAPR: Germany, Canada, Colombia, Luxembourg, the USA (Oregon, Washington, Vermont, Montana, New Mexico, California, Hawaii, Colorado, District of Columbia, Maine, New Jersey), Israel, France, Switzerland, Sweden, Spain, Australia (5 out of 6 states), Portugal.

Wide debates regarding the legalization of TLAPR are being conducted in Greece, Italy, Lithuania, Finland.

In Ukraine in 2006, the author of this publication created the only non guverment organization (NGO) "In support of the human right to a dignified death" in the entire post-Soviet space, which defends this right at the educational, theoretical and legislative levels. The author of the publication developed a theoretical model of the law "On ensuring the human right to a dignified death", which was submitted three times to the Verkhovna Rada of Ukraine (VRU/parliament) for elaboration starting in 2008. Corresponding changes to the Criminal and Civil Codes and other laws of Ukraine were proposed. The

development of the draft law on euthanasia by the Verkhovna Rada (2021) can be considered the result of such work. In the draft of the new Civil Code of Ukraine, a norm has also appeared, which provides for a person's right to euthanasia. It should be noted that according to Article 22 of the Ukraine Constitution, the legalization of TLAPR is possible.

Statistical polls of the Ukrainian population regarding the possibility of legalizing TLAPR indicate that 70% of the population support this idea.

The trend of euthanization in the world testifies to the awareness of modern society of the value of life, which includes dying. And also the awareness of receiving death at a time determined by oneself as a good thing. The guarantee of a person's right to death is one of the indicators of the quality of dying, which a person can influence.

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