

Features of the Segmental Formation of Ukrainian Politics Under Martial Law

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Abstract: The purpose of the study is to determine the format of the state policy of Ukraine in certain segments, considering the challenges of the legal regime of martial law by solving such research tasks as: defining measures of the legal regime of martial law and their praxeological significance for the formation of State Policy; Research Directions for reforming anti-corruption policy and their regulatory and institutional support; research on the state of policy transformation to ensure the rights of persons in places of deprivation of Liberty. The subject of the research is the priority vectors for certain segments of state policy, which are mediated by the action of the legal regime of martial law in Ukraine. The quality of implementation and provision of the declared ideas of national security will be reflected in all spheres of public relations, so it is important not to form, but to implement a policy in the field of national security. It is primarily important to formally reflect it in the approved anti-corruption strategy for the relevant period without reservations about the introduction of martial law in the state for the formation of an anti-corruption policy. As for the tightening of anti-corruption measures, in fact, the introduction of martial law has led to the imposition of tougher sanctions. It is established that in the conditions of the legal regime of martial law, among the rights of persons in places of deprivation of Liberty, a prominent place is given to ensuring the right to evacuation. The article analyzes the institutional mechanism and legal basis for the evacuation of persons in places of deprivation of Liberty.

Keywords: State policy, Martial law, National security, Anti-corruption policy, Human rights and freedoms.

INTRODUCTION

Currently, Ukraine has a legal regime of martial law (Law of Ukraine No. 2102-IX, 2022). The peculiarity of regulating public relations within these temporal limits is undergoing significant changes in accordance with such laws of Ukraine "On the defense of Ukraine" (Law of Ukraine No. 1932-XII, 1991), "On the legal regime of martial law" (Law of Ukraine No. 389-VIII, 2015) and relevant bylaws (for example, decrees of the president of Ukraine "On the establishment of the Staff of the Supreme Commander-in-Chief" (Decree of the President of Ukraine No. 72/2022, 2022), "On the formation of military administrations" (Decree of the President of Ukraine No. 68/2022, 2022), resolutions of the Cabinet of Ministers of Ukraine "The issue of introducing and ensuring

the implementation of measures of the legal regime of martial law in Ukraine" (Resolution of the Cabinet of Ministers of Ukraine No. 181-r, 2022), "Some issues of detention of persons sentenced to restriction of liberty in correctional colonies of the State Penitentiary Service of Ukraine" (Resolution of the Cabinet of Ministers of Ukraine No. 380, 2022), etc.).

The state policy of Ukraine is essentially centered on guaranteeing national security: achieving a status of protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats (Law of Ukraine No. 2469, 2018), by re-equipping both specifically the policy in the security and defense sector, and in all spheres of Public Relations.

This study draws attention to the importance of transforming anti-corruption policies. This is due to the fact that corruption is one of the most significant threats to the development of Ukrainian society and all its subsystems (legal, public-political, public, economic-entrepreneurial, etc.), having a

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destructive impact on both the traditional foundations of social existence, and significantly leveling the opportunities for the country's development (often being the basis for nullifying many constructive initiatives, entire sectoral reforms – judicial, police, decentralization). That is why the formation of a high-quality anti-corruption policy is a priority for every state in peacetime. The imposition of martial law in Ukraine did not reduce the priority of this area of state policy, but on the contrary created the need to apply strict approaches to its content, means of implementation and mechanisms of support.

The specifics of the state policy on ensuring people rights in situations of deprivation of liberty are put into account. The following general and special methods of scientific knowledge were used when studying the features of the state policy of ensuring the rights of persons in places of deprivation of Liberty: system analysis method, dialectical method, formal-logical method, structural-functional approach and a number of empirical methods. It is based on the determinants and key requirements for ensuring human rights, which are enshrined in a set of international ones (for example, the Universal Declaration of Human Rights (United Nations Assembly, 1948); Convention for the protection of human rights and fundamental freedoms (Law of Ukraine No. 995-004, 1950) and national legal acts (for example, the Constitution of Ukraine (Law of Ukraine No. 2222-IV, 1996); “On ensuring public participation in the formation and implementation of State Policy” (Resolution of the Cabinet of Ministers of Ukraine No. 996, 2010)).

Human rights regulations also apply to persons in places of deprivation of Liberty. Guarantees of the rights of the latter are additionally regulated by special legislation, namely the provisions of the Criminal and Executive Code of Ukraine (Law of Ukraine No. 1129-IV, 2003), the resolution of the Cabinet of Ministers of Ukraine “On the approval of the Procedure for the implementation of measures to ensure the safety of persons held in penal institutions and remand detention centers” (Resolution of the Cabinet of Ministers No. 1408, 2017), The Order of the Ministry of Justice “On the approval of the rules of internal procedure of penitentiary institutions” (Order of the Ministry of Justice No. 2823, 2018).

In particular, the process of implementing one of the legal remedies of the martial law regime is taken into account: the implementation of the requirement that detained individuals in penitentiary institutions close to the areas where military operations are conducted be evacuated to the appropriate institutions located in a safe area (Resolution of the Cabinet of Ministers of Ukraine No. 181-r, 2022). In this aspect, the issue of quality and safety of detention of persons in places of deprivation of Liberty is an urgent problem that needs to be considered in the development of state policy. The study uses general and special methods of scientific knowledge, including those used in the analysis of statistical reports on the implementation of anti-corruption policies and the policy of ensuring the rights of convicts.

Thus, the relevance of the problems of forming and implementing state policy in selected segments of public relations under martial law is new for the Ukrainian state, so it dictates the rules for continuous improvement of selected doctrinal-praxeological approaches.

STATE ANTI-CORRUPTION POLICY: ESSENCE AND PRIORITIES

The retrospect of the formation of the anti-corruption policy indicates the formation of its praxeological foundations as a result of the large-scale reform of 2014-2018 as a result of a qualitatively new level of collaboration between Ukraine and the European Union (Law of Ukraine No. 1678-VII, 2014). For the purposes of identifying the directions of Ukrainian anti-corruption policy, the following are of great importance:

- a) the provisions of Article 3 of the Association Agreement, Section I, which define a system of general principles, in particular, the rule of law, good governance, the fight against corruption, the fight against various forms of transnational organized crime and terrorism, promoting sustainable development, and effective multilateralism, which are recognized as the primary factors for bolstering relations between the parties to the Agreement.;
- b) the provisions of Chapter 3 of the Association Agreement “Justice, Freedom and Security”, namely: “The parties, attaching special importance to the establishment of the rule of law and the strengthening of institutions of all levels in the field of governance in general and law enforcement and judicial bodies in particular, direct cooperation to “strengthen the judicial power, increasing its efficiency, guaranteeing its independence and impartiality, and fighting corruption” (Article 14); “resolving problems related to “corruption both in the private and public sector”, while reinforcing our commitment to the fruitful implementation of the 2003 UN Convention against Corruption and other international documents on combating corruption (point d, part 2, Article 22) (Law of Ukraine No. 995-c16, 2003);
- c) provisions of Part 4 of Art. 22 Agreements on the effective implementation of the 2000 UN Convention against Transnational Organized Crime and its three Protocols, the 2003 UN Convention against Corruption and other relevant international documents.

Thus, the key provisions of the UN and Council of Europe conventions, the recommendations of the Group of States of the Council of Europe against Corruption (GRECO) were implemented into the national anti-corruption legislation, in which considerable attention is paid to the creation and ensuring the functioning of anti-corruption policy in the form of a system of three lines: preventive, jurisdictional corruption, jurisdictional and post-corruption. The first one is intended for preventing corruption and is expressed through an array of anti-corruption restrictions, obligations, prohibitions (and sanctioning instruments ensuring their compliance), which are collectively designed to prevent bribery.

It was in 2014 that the regulatory and legal foundations of anti-corruption policy were formed by: highlighting a separate article in the Law of Ukraine “On Prevention of Corruption” (Law of Ukraine No. 1700-VII, 2014) under the same name “Anti-corruption Policy”; adoption of the Law of Ukraine “On the principles of state anti-corruption policy in Ukraine (Anti-corruption strategy) for 2014-2017” (Law of Ukraine No. 1699-VII, 2014), adoption of the Resolution of

the Cabinet of Ministers of Ukraine “On the approval of the State program for the implementation of the principles of the state anti-corruption policy in Ukraine (Resolution of the Cabinet of Ministers of Ukraine No. 265, 2015). Regarding the institutional mechanism of anti-corruption policy formation, its system includes: 1) the Verkhovna Rada of Ukraine during the determination of the basic principles of anti-corruption policy, holding parliamentary hearings on the corruption situation, approving, and publishing the annual national report on the application of the anti-corruption policies guiding principles; 2) The National Agency for the Prevention of Corruption during the development of the anti-corruption strategy and the state program for its implementation (the latter is subject to annual review); 3) The Cabinet of Ministers of Ukraine regarding the approval of the state program for the implementation of the anti-corruption strategy; 4) heads of state bodies through ensuring the implementation of the state program for the implementation of the Anti-Corruption Strategy (Law of Ukraine No. 1700-VII, 2014); 5) The National Council on Anti-Corruption Policy under the President of Ukraine regarding the preparation and submission to the President of Ukraine of proposals for improving the anti-corruption strategy (Decree of the President of Ukraine No. 808/2014, 2014). Thus, the adoption of anti-corruption legislation aimed at preventing corruption reflected the implementation of the United Nations Convention against Corruption (Law of Ukraine No. 995-c16, 2003).

Despite the improvements in part of the normatively established dynamics of the formation of anti-corruption policy due to its periodic renewal, they have not acquired a practical expression. This is evidenced by several attempts to update its content; the first attempt took place in 2018 (Draft of Law of Ukraine, 2017), the second in 2020 (National Agency on Corruption Prevention, 2020a). At the same time, the absence of an updated Anti-corruption strategy allows to adjust its content to modern realities and to single out the key areas of anti-corruption policy before and after the implementation of the legal regime of martial law.

In general, the anti-corruption strategy might be based on the idea of ensuring coherence and systematic anti-corruption activities of all state authorities and local self-government bodies, including general components that may have separate features of application depending on the field of application (for example, in the sphere of justice, financial activity, tax and customs spheres, etc.). General components mean specific measures that will be used to prevent corruption, taking into account the improvement of their implementation, namely: developing a bad attitude about corruption; settlement of conflict of interests, compliance with general restrictions and prohibitions, rules of ethical behavior; implementation of financial control measures; ensuring the integrity of political parties; protection of corruption whistleblowers.

Regarding the question of how the anti-corruption policy and its measures are implemented in the conditions of martial law, we note the following. First, there have been no regulatory changes regarding the essence and procedure of applying anti-corruption measures. Second, bringing someone to administrative responsibility for corruption-related offenses and criminal responsibility for corruption offenses is done while taking the aggravating circumstance - committing the

offense during a specific time period - into consideration. As a result, it is incriminated in accordance with the qualifying section of the relevant article. Third, the NAC provided an explanation regarding the basic categories that are important when applying measures to prevent corruption (for example, funds received for fundraising purposes, the property for the Ukrainian army's needs and/or those of those who suffered as a result of armed aggression is not the topic of the declaration's and his family members' personal income, so it is not required to be disclosed in the declaration and notice; before the end of the martial law, the subjects of the declaration may not submit notices of significant changes in their property status (National Agency on Corruption Prevention, 2022).

Thus, for the formation of anti-corruption policy, its formal reflection in the approved Anti-corruption strategy for the relevant period without reservations regarding the implemented martial law in the state is of primary importance. As for the severity of anti-corruption measures, in essence, the implemented martial law led to the imposition of tougher sanctions. The main vectors of anti-corruption policy should be: a) optimization of provision and implementation of existing anti-corruption measures; b) involvement of the public in information about the applied anti-corruption measures for the formation of appropriate monitoring; c) intensification of anti-corruption examination practice; d) formation of regulatory requirements for anti-corruption programs and establishment of responsibility for their non-compliance; e) the establishment of an effective system for the elimination of corruption in certain sectors, especially in the judiciary.

RESULTS AND BRIEF ANALYSIS OF THE ANTI-CORRUPTION POLICY IMPLEMENTATION IN UKRAINE FOR 2017-2020 YEARS

The National Anti-Corruption Strategy for 2011-2015 (Decree of the President of Ukraine No. 1001/2011, 2011), the primary program document in the anti-corruption sphere, was improperly implemented in part due to the lack of consistency in the actions of government entities to carry out the anti-corruption policy, which had an impact on scientific intelligence in this field. The previous ineffectiveness of the anti-corruption policy in the Ukrainian state was largely due to its focus on “stopping and attracting” (rather than “preventing”), although it is preventive achievements (based on a balanced system of regular state control) that determine the overall level of achievements here.

The subsequent change and high-quality legal regulation of the anti-corruption policy led to the recognition of the latter as an integral element of the anti-corruption mechanism (Hudkov, 2018; Marusov, 2016). The state's policy on preventing and combating corruption is aimed at ensuring the spread of intolerance to corruption in society, organizing an efficient system to eliminate the repercussions of corruption acts, according to the research on this topic (Komissarov & Kobzar, 2019; Lytvyn et al., 2021), creating circumstances that will lead to the development of a social partnership between the state and the population (Bader et al., 2019; Hreba, 2019). It is important to outline that the last is possible through the use of consistent, planned and coordinated ac-

tions, since systemic phenomena require a systematic approach in overcoming them.

The period of introduction of quarantine restrictions also affected research on anti-corruption policy, which took into account a number of devices used (Kivalov, 2021). But the problem of forming an anti-corruption policy under martial law remains poorly understood due to its relatively short-term need.

To form a comprehensive approach to the state of implementation of the selected vectors of anti-corruption policy, statistical indicators on the application of certain anti-corruption measures by authorized entities for 2017-2020 were used (National Agency on Corruption Prevention, 2016; 2017; 2018a; 2018b; 2019a; 2019b; 2019c; 2020b; 2021).

The main results of the anti-corruption policy for the corresponding period are shown in Table 1.

Table 1. Main Results of the Implementation of the Anti-corruption Policy for 2017-2020.

Period/Year	Results of Implementation of the Anti-corruption Policy
2017	<ol style="list-style-type: none"> 1) the perception of corruption by the population and representatives of the business environment is at the level of 3.98 and 3.47, respectively, on a five-point rating scale; the greatest distrust due to the prevalence of corruption on a five-point rating scale to the courts (4.5 points), the Verkhovna Rada of Ukraine, the prosecutor's Office, Customs, the Cabinet of Ministers of Ukraine (4.4 points each), the Tax Service (4.3 points); 2) formed the basis for the use of anti-corruption programs, which should be adopted in ministries, other key executive agencies, as well as state organizations with jurisdiction over the entire area of Ukraine, regional councils and state administrations, other bodies, and agree to the National Agency on Corruption Prevention (hereinafter NACP) (submitted 121 anti-corruption programs, of which: 109 anti-corruption programs endorsed the requirement for mandatory proposal consideration, 3 –without comments due to the expiration of the programs, 2-conducted an inspection in terms of unsatisfactory Organization of work to prevent and detect corruption; 3) identified corruption risks that are common: the contradiction between the provisions of various normative legal acts regulating the activities of state bodies; the lack of regulation at the legislative level of powers, which leads to a deliberate disregard of persons authorized to perform state functions, moral criteria and ethical norms of behavior in the civil service, the possibility of using civil servants' power in personal (useful) interests or in the interests of third parties; unsettled procedure for removing an official from the preparation of the assigned document if there is a real or potential conflict of interest; lack of clear criteria for developing situational tasks and evaluating their implementation by candidates for positions during the competition for a vacant civil service position, etc.

2018	<ol style="list-style-type: none"> 1) according to the results of the analysis of the Corruption Perception Index – 2018 of Ukraine, Ukraine received 32 points (two more than in 2017) and rose from 130th to 120th place in the global rating “Corruption Perception Index” according to the results of 2018. This could be facilitated by the introduction of automatic reimbursement of Value-Added Tax, the constant work of the business ombudsman Institute, and the functioning of the ProZorro and ProZorro electronic systems Sales; 2) the NACP has prepared a working version of the draft law of Ukraine “On conducting integrity checks”; 3) the highest positions among the positive decisions were taken by decisive steps in the fight against corruption, the restart of the judicial system and tangible progress in separating politics from business. Accordingly, the events that will have the most negative impact on investment are default, attacks on independent institutions working to combat corruption, rejection of democratic values and political pressure on the National Bank of Ukraine.
2019	<ol style="list-style-type: none"> 1) according to the results of a sample analysis of anti-corruption programs of various state institutions, they are not ready for “self-cleaning” through the Institute of internal anti-corruption programs, and most of these programs are rather low-quality documents that are not aimed at eliminating real corruption factors or overcoming corruption manifestations; 2) proposals for developing and implementing the anti-corruption policy were made (for example, to finalize the methodology of the standard survey on the level of corruption in Ukraine and introduce the practice of annual conducting, to approve and approve the draft of a new Anti-Corruption Strategy for 2020-2023, etc.)
2020	<ol style="list-style-type: none"> 1) a draft of a new Anti-Corruption Strategy has been developed, which is based on the results of studying the situation of corruption in Ukraine and evaluating the effectiveness of implementing the previous anti-corruption policy, and also takes into account Ukraine's international obligations in the fight against and prevention of corruption; 2) annual National sociological studies have been resumed, which provide an opportunity to establish and compare general indicators and causes of corruption in Ukraine; 3) for the first time, constant monitoring of the legislative process was introduced within the walls of the NACP, which provides for the identification and analysis of draft laws that may affect the state anti-corruption policy or the state of corruption in Ukraine.

POLICY IN THE SPHERE OF NATIONAL SECURITY IN THE CONDITIONS OF MARTIAL LAW

Based on the fact that state policy is a reflection of the state's strategic course in a certain sphere of social relations, state

policy in the sphere of national security of Ukraine under martial law is a priority. In Ukraine, the fundamental principles that should guide state policy in the area of national security include ensuring that each person's right to life and dignity, as well as other rights and freedoms guaranteed by the constitution, are fixed at the regulatory level; preserving democratic ideals and creating the necessary conditions for the population's sustainable development; and preserving the constitutional order and sovereignty, which are the cornerstones of the state (Guliyeva et al., 2018). The formal reflection of state policy in the field of national security will be:

- 1) National Security Strategy of Ukraine (includes current threats to Ukraine's national security and relevant goals, tasks, mechanisms for protecting national interests of Ukraine and is the basis for planning and implementation of state policy in the field of national security);
- 2) The Military Security Strategy of Ukraine (includes a set of views on the origins, essence and characteristics of contemporary military conflicts, as well as the fundamentals and strategies for preventing them, preparing the state for a potential military conflict, and the use of military force to defend state sovereignty, territorial integrity, and other crucial national interests);
- 3) The cyber security strategy of Ukraine (includes threats to Ukraine's cybersecurity, priorities, and directions for securing it in order to provide conditions for the safe operation of cyberspace and its usage in the interests of the person, society, and state);
- 4) Strategic Defense Bulletin of Ukraine (identifies the primary military policy implementation directions, strategic development objectives, and projected outcomes of their achievement while taking into consideration current military and political threats and obstacles);
- 5) The Strategy of Public Safety and Civil Defense of Ukraine (determines the objectives and expected outcomes of the state's strategy for ensuring the protection of the essential interests of the state, society, and the individual, as well as their rights and freedoms, while taking current dangers into consideration);
- 6) The strategy for the development of the defense-industrial complex of Ukraine (determines the priority directions of the state military-industrial policy, the goals of the reform of the defense-industrial complex and the expected outcomes of their achievement, taking current military-political threats and challenges into consideration) (About national security, 2015).

Among the specified program documents, a prominent place belongs to the National Security Strategy. In addition, some of its postulates were accepted by the aggressor state as a basis for military escalation. This concerns the integration of Ukraine into the political, economic, security, and legal framework of Ukraine, the acquisition of membership in the European Union and the North Atlantic Treaty Organization. Despite the fact that the state policy in the field of national

security has a long-term purpose, its individual components can change depending on the actual threats that can change into new forms.

The specificity of modern policy in the national security sphere is that the following applies in Ukraine:

- 7) The National Security Strategy of Ukraine "Human security - the security of the country" (Decree of the President of Ukraine No. 392/2020, 2020);
- 8) Strategy for ensuring state security (Decree of the President of Ukraine No. 56/2022, 2022). The first includes the following priority directions: restoration of peace, geographical integrity and state sovereignty in the temporarily occupied territories in the Donetsk and Luhansk regions of Ukraine on the basis of international law; implementation of international-legal, political-diplomatic, security, humanitarian and economic measures aimed at ending the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation; continuation of the implementation of defense and deterrence measures, active engagement in negotiating processes and intensification of global pressure on the Russian Federation as a guarantee of preventing the escalation of the conflict on the part of Russia, lowering tension and putting an end to armed aggression by the Russian Federation; the application of all available mechanisms of the UN, the Council of Europe, the OSCE, and other international organizations to consolidate international support for Ukraine in countering Russian aggression, restoring the territorial integrity and state sovereignty of Ukraine; improvement of relations with the United States of America, Canada, the United Kingdom of Great Britain and Northern Ireland, the Republic of France, the Federal Republic of Germany, neighboring and other states, as well as with international organizations to ensure international security and counter common challenges and threats, minimizing their impact on Ukraine; the development of a special partnership with the North Atlantic Treaty Organization in order to bring Ukraine into NATO on an official basis, etc.

Instead, the Strategy for Ensuring State Security (Decree of the President of Ukraine No.56/2022, 2022) is aimed at outlining the choice of measures to ensure national security, namely: formation and implementation of a risk-management-based proactive approach; delineation of powers and tasks between subjects of the security and defense sector, improvement of interaction, involving communication, coordination of their operations, and exchange of information between them, as well as with other state bodies; improvement of national legislation in the field of ensuring state security and harmonization with the legislation of the European Union and NATO documents; development of public-private partnership considering the importance of state interests in the system of ensuring state security; improvement of approaches to ensuring the security of state secrets and official information, considering NATO and EU security standards; joining international cooperation programs, taking into account internation-

al experience regarding the functioning of the state administration system, introducing new flexible approaches to ensuring state security in relation to the protection of information with limited access, etc. (Lavrentieva et al., 2020).

Thus, issues of state policy in the field of national security are at the stage of approval. The quality of implementation and provision of the declared ideas of national security will be reflected in all spheres of public relations. As of now, what is primarily important is not the formation, but the implementation of policy in the field of national security.

STATE POLICY OF ENSURING THE RIGHTS OF PERSONS IN PRISON

The issue of state policy on ensuring the rights of persons in places of deprivation of Liberty is a separate vector of human rights policy. Scientific research on ensuring the rights of persons in places of deprivation of Liberty was carried out with an emphasis on certain vectors as follows: ensuring human and civil rights in the context of the spread of Covid-19 (Kivalov, 2020); ensuring the rights of persons in pre-trial detention centers and places of execution of sentences (Bogatyrev & Tsaryuk, 2010; Matvieieva et al., 2022); ensuring non-property rights of convicts (Prasov, 2021); ensuring social integration of persons in places of execution of sentences (Vasylenko, 2015), etc. The issue of content content of the policy on ensuring the rights of persons in places of deprivation of Liberty is actualized by the need to include aspects of the evacuation of this population group under martial law, which has not found proper scientific and doctrinal understanding.

Traditionally, correctional facilities and pretrial detention centers are underfunded. On the other hand, the buildings cause destruction, as they require constant repair and maintenance of proper condition, the number of appeals to the European Court of Human Rights for improper maintenance conditions is increasing, and accordingly, the amount of compensation, which in the last few years is hundreds of thousands of euros. Tuberculosis statistics and the death rate are worsening, as improper conditions of detention (lack of proper ventilation, mold, fungus, unsanitary conditions, etc.) negatively affect the health of convicts and people taken into custody. The imposition of martial law in Ukraine only strengthened the indicated problems. In addition, it is of particular importance to include in the priority goals of state policy in this area - ensuring the right of persons from prisons to evacuate, which, on the one hand, is one of the measures of the legal regime of martial law (Law of Ukraine No. 389-VIII, 2015; Resolution of the Cabinet of Ministers of Ukraine No. 181-r, 2022), and on the other hand - a guarantee of ensuring human rights.

The current procedure for the evacuation of persons from penal institutions (convicts and persons taken into custody) provides for the appropriate institutional system of entities that provide the specified mechanism. They include:

- 9) military administrations and military command (in the case of their formation) regarding the adoption of a decision on the evacuation of convicts and persons taken into custody from areas close to areas

where hostilities are taking place to similar institutions in a safe area;

- 10) the subjects of the organization of the evacuation, that may vary according to the status of the individual who is in penal institutions as follows: a) Ministry of Justice of Ukraine (for persons to whom a preventive measure has been applied - detention; persons who are in investigative custody detention centers; persons sentenced to arrest, restriction of liberty, a set-term prison sentence or a life sentence); b) Military service of law and order in the Armed Forces of Ukraine (regarding servicemen who are on guard duty, in the disciplinary battalion, in special wards of health care institutions, rooms for temporarily detained servicemen); c) National Police of Ukraine (regarding persons who are in temporary detention centers of the National Police); d) Security Service of Ukraine (regarding persons who are in detention centers of the SSU);
- 11) subjects of the evacuation procedure, which include: those who provide notification of the start of evacuation (Ministry of Justice of Ukraine, National Police, National Guard, Security Service of Ukraine, PJSC "Ukrzaliznytsia", Law and Order Service, military administrations); those who carry out preparation and implementation (commissions on evacuation issues, administration of institutions for pre-trial detention and execution of punishments, administration of institutions for pre-trial detention and execution of punishments located in a safe area) (Resolution of the Cabinet of Ministers of Ukraine No. 943, 2018).

It is obvious that the evacuation of persons who are in places of deprivation of liberty must be carried out on specific grounds. That is, the imposition of martial law on the entire territory of Ukraine does not mean actual evacuation from the territory of Ukraine, but only from specific territories. The determination of the list of reasons for evacuation is of key importance for making a decision about the need to evacuate certain categories of the population (including persons who are in places of deprivation of liberty). Accordingly, it is possible to determine: factual, normative and procedural grounds. The normative basis for the evacuation of persons who are in places of deprivation of liberty is the set of provisions of normative acts that provide for this mechanism; factual - the existence of a threat to the safe stay of persons in places of deprivation of liberty in certain territories, the list of which is not permanent and is determined in accordance with the situation (Resolution of the Cabinet of Ministers of Ukraine No. 75, 2022); procedural grounds - the decision of the military administration to evacuate persons who are in places of deprivation of liberty located on the territory of the relevant administrative-territorial unit.

The practical implementation of the right to evacuate persons in places of deprivation of liberty has a number of problems. First, there is almost no open information on the evacuation of the considered population category. For example, from the official speeches of officials of the Ministry of Justice of Ukraine, the following facts are known: 1) people were evacuated from such correctional institutions as: Orkhiv Cor-

rectional Colony No. 88, Vilnius Correctional Colony No. 20, Vilnius Penitentiary No. 11; Sofiivska Correctional Colony No. 55, Selydivska Correctional Colony No. 82, Toretzka Correctional Colony No. 2, Kholodnohirska Correctional Colony No. 18, Pokrovska Correctional Colony No. 17, Khrolivska Correctional Colony No. 140, Pre-trial detention center No. 6 in Bakhmut; b) part of the persons who were in places of deprivation of liberty remained in the temporarily occupied territories (the availability of opportunities to avoid such a situation should be analyzed within formalized procedures by the competent authorities), therefore they need further evacuation (Padiryakova, 2022).

Second, the right to the possibility of replacing a preventive measure or serving a sentence with an obligation to protect the Ukrainian state has a special significance for meaningful updating of the state policy regarding the rights of persons in prison. Thus, according to the Department of Criminal Punishments of the Ministry of Justice, as of March 5, 2022, the President of Ukraine pardoned 363 convicts who were serving sentences in correctional centers and had short sentences and non-violent articles. The decision-making procedure assumes that the convict writes a petition, the colony administration submits it to the Commission under the President of Ukraine on issues of pardon. After that, the Commission sends the lists to the President of Ukraine, who signs them.

The pardon decision is sent to the prison and the person must be released. Thus, the administrations of penal institutions should inform convicts about the possibility of release and explain the relevant procedures for persons who have expressed a desire to protect our nation. Similarly, it is possible to cancel the preventive measure for military service under conscription during mobilization, for a special period, or change the preventive measure for a suspect or accused who was in custody during the pre-trial investigation or trial (Law of Ukraine No. 2125-IX, 2022). Third, the right of persons in prisons to reliable and up-to-date information and the right to receive humanitarian aid for this category of persons must be ensured.

The obligation of the Ministry of Justice of Ukraine to ensure access to information on the evacuation status of the specified category of persons, as well as options for ensuring their rights in general, is expedient.

CONCLUSIONS

The article examines the theoretical and practical foundations of the formulation and application of state policy under martial law through the lens of a combination of institutional and instrumental systems designed to identify the signs of state policy in accordance with the segmental principle, namely: in the areas of national security, corruption prevention, and the respect for the rights of those who are imprisoned.

It is noted that issues of state policy in the field of national security are at the approval stage. The quality of implementation and provision of the declared ideas of national security will be reflected in all spheres of public relations. As of now, what is primarily important is not the formation, but the implementation of policy in the field of national security.

In the issues of the specification of the state anti-corruption policy, the features of the substantive part of the anti-corruption policy were established (absence of substantive and procedural normative changes in the application of anti-corruption measures; enforcement of administrative liability for violations related to corruption and criminal liability for corruption offenses taking into account the aggravating circumstance – committing in under the conditions of a special period; the NAC's exercise of powers regarding the clarification of basic categories that are important during the application of measures to prevent corruption) and its formal reflection (the need to approve the Anti-Corruption Strategy for the relevant period without reservations regarding the implemented martial law in the state).

It was established that due to the circumstances of the martial law regime, a prominent place is given to ensuring the right to evacuation, among the rights of persons who are in places of detention. The institutional mechanism and legal basis for the evacuation of persons who are in places of deprivation of liberty are analyzed. The key reasons for making a decision on the need for evacuation are: factual basis - the existence of a threat to the safe stay of persons in places of deprivation of liberty in certain territories, the list of which is not permanent and is determined in accordance with the situation; normative basis - a set of provisions of normative legal acts that determine the substantive and procedural principles of evacuation; the procedural basis is the decision of the military administration to evacuate persons who are in places of deprivation of liberty located on the territory of the relevant administrative-territorial unit.

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