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LEGAL NATURE OF CONTRACTS IN THE IT SECTOR

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Contractual regulation is an effective way to implement the economic content desired by the parties due, in particular, to the possibility of finding compromise solutions based on the principle of freedom of contract. The basis for the regulation of contractual relations in Ukraine is the Civil Code of Ukraine (Civil Code of Ukraine, 2003). In addition, taking into account the peculiarities of the information technology sector, the legislator adopted the Laws of Ukraine 'On Information', 'On Electronic Communications', 'On Stimulating the Development of the Digital Economy in Ukraine', etc. At the same time, the need to determine the legal nature of contracts governing relations in the IT sector remains quite relevant.

When considering the legal nature of these agreements, in our opinion, we should refer to the classical approach to understanding an agreement in the field of civil law enshrined in the Civil Code of Ukraine, namely, the interpretation of an agreement as a legal fact resulting in the emergence, modification or termination of civil rights and obligations. This approach is most successful in the context of determining the legal nature of contracts in the IT sphere, as well as the rights and obligations of the parties to such contracts.

Thus, in the context of studying the sources of IT law, D.D. Pozova rightly notes that a civil law contract should also be included. As the researcher argues, most information technology relations are civil in nature. Given that the legal regulation of the IT sphere today is rather fragmentary and is carried out by adapting existing legal structures and norms to more progressive and innovative in their content and content of social relations in the IT sphere, it is the construction of a civil contract that is able to take into account the peculiarities of this area and allows to overcome the existing gaps in legislative regulation. Possibilities for this are laid down in the wording of Article 6 of the Civil Code of Ukraine, according to which the parties have the right to enter into an agreement that is not provided for by acts of civil law but complies with the general principles of civil law (the so-called ‘unnamed agreements’). In addition, it is provided that the parties may enter into one of the agreements provided for by acts of civil law (the so-called ‘named agreements’), but regulate their relations in it that are not regulated by these acts at all, or if regulated, to deviate from the provisions of acts of civil law and regulate them at their own discretion. The only caveat to this is the impossibility of derogating from the mandatory provisions of civil law acts, namely: 1) if these acts explicitly state this; 2) if the binding nature of the provisions of civil law acts for the parties follows from their content or from the essence of the relations between the parties (Pozova, 2017). In this context, it is necessary to take into account the fragmented regulation by the legislator of provisions defining specific requirements for contracts governing IT relations (in the context of, for example, the conclusion and execution of gig contracts). For the most part, national legislation does not contain provisions that would fully establish the requirements for contractual regulation of these relations. In particular, this is due to the rapid development of this area and the lack of sufficient attention to this issue by researchers, which, in turn, creates the problem of insufficient legal certainty.

In view of the above, it should be noted that contracts in the IT sector are predominantly dispositive. The terms of such agreements are dictated by the requirements of the industry and time, and the impact of the current legislation is minimal and mainly in matters that are common to any agreement, regardless of the scope of their conclusion (essential terms, form, etc.). This leads to a certain flexibility of contractual structures in the IT sector, the ability of the parties to such relations to choose the most favourable and profitable model of contractual regulation for them. Thus, for example, N. Davydova, considering the contractual regulation of the Software as a Service (SaaS) model, provides a wide variety of legal formalisation of these relations, such as: a contract for the hire (lease) of a software and hardware complex, a contract for the hire (lease) of a computer program (copy of a work), an information storage contract, a licence agreement, a service agreement, a mixed contract (Davydova, 2021).

At the same time, one should take into account the problems arising from the above circumstances when concluding and performing IT contracts. In particular, the relevant legislative gaps complicate the interpretation and amendment of such agreements, since their creation is accompanied by a combination of the named contractual structures established by the Civil Code of Ukraine, taking into account the principle of freedom of contract and general mandatory rules of civil law. In this context, one can speak of a certain 'precedent-setting nature' of such agreements, since such contractual structures have only recently emerged in domestic practice.

Thus, it should be noted that today there is no single legal nature of contracts governing relations in the IT sector. National legislation only fragmentarily regulates certain contractual structures used in the IT sector, leaving specific issues inherent in relations in this area unaddressed.

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LITERARY FICTION IN A FOREIGN LANGUAGE CLASS: INTERCULTURAL INTEGRATION

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The study of the reading process as a receptive language activity elicits considerable scholarly interest in linguistics, literary studies, and other humanities disciplines. Academic works by both foreign and domestic scholars are dedicated to examining the peculiarities of reading, which entails the activation of an individual's cognitive abilities aimed at the realization of sequential operations: perception and comprehension of the text, interpretation, analysis, synthesis, and emotional response.

Contemporary researches demonstrate a considerable effectiveness of integrating literary texts into the process of foreign language teaching and learning due to the inherent features of literature to be a source of intercultural interaction. Works of fiction serve as aesthetic, cultural, social, and emotional means of shaping a personality. The study of linguistic, compositional, and genre-stylistic features of literary text, the adaptation of original literature, the expediency and technologies of its use at foreign language lessons are in the focus of attention of linguists and educators. For example, Spanish linguist M. P. Llatch (2007) substantiates the importance of using literature as a tool of language learning, since through fiction, students are exposed to authentic, linguistic, social, linguistic and cultural material. Research papers of Ukrainian scholars – L. D. Slabinska, M. M. Trakun, L.M. Prybluda, S.V. Pashko are devoted to the interpreting the concept of "text" and the delineating the main features of literary discourse. Y. Li, J. Flowerdew, B.T. Rashid, M.N. Hasan outline the didactic potential of literary texts in a foreign language classroom and provide methodological recommendations for subject teachers.

As a literary text is a social and semiotic representation of language, literature can be viewed as an embodiment of a society's culture (Khawlah, 2014). The development of students' sociolinguistic and pragmatic competence is actively promoted through literary texts that highlight the values, customs, historical experience, and peculiarities of the mentality of native speakers. Students’ engagement with the text that involves the analysis and interpretation of characters, imagery, motifs and symbols and the multiplicity of their interpretations, makes literature to be a bridge between cultures.

Within the framework of the Common European Framework of Reference for Languages, aesthetic use of language (literature, music, theater, etc.) is an integral part of language education, as it contributes not only to the development of language skills and speaking abilities, but also to the formation of a holistic personality and the expansion of cultural horizons (CEFR, 2001). Fiction is a mirror to its era, reflecting the aesthetics, values, and ideals of the epoch, embodied in the characters of literary texts. Reflection on what has been read shapes ethical priorities, aesthetic preferences, and criteria for evaluating artworks.

Furthermore, the analysis of literary characters' set of values infers a wide range of emotional responses from the reader, which, in turn, stimulates personal judgments and deepens the understanding of the surrounding world. American researchers D. Kidd and E. Castano argued that reading fiction contributes to the development of emotional intelligence, as it "uniquely engages the psychological processes needed to gain access to characters' subjective experiences" (Kidd, & Castano, 2013, p. 377). Through artistic interpretation, wordsmiths represent the diversity of human experience, with its ethnic and social distinctiveness. Thus, literature, as a powerful tool for self-discovery and personal development, fosters empathy and a deeper understanding of human nature.

Language and literature educations are inseparable processes. Literature is considered inextricably linked to language at all linguistic levels – phonetic, grammatical, lexical, stylistic, and syntactic (Koosha, 2015). Literary language is marked by a high degree of standardization, a wealth of linguistic and stylistic devices, a variety of grammatical structures, and serves as a carrier of the cultural code of a nation, making literary texts an effective tool for improving foreign language proficiency and cultural awareness. The analysis and interpretation of literary devices contribute to the expansion of students' active and passive vocabulary, the understanding of contextual and implicit meanings at various levels of text organization, the stylistic potential of syntactic structures, etc. Thus, the integration of literary texts in foreign language learning has a positive impact on the development of foreign language communicative competence.

The State Standard of Basic Secondary Education systematizes the requirements for learning outcomes focused on the development of key competencies (State Standard of Basic Secondary Education, 2020). The competency-based approach in foreign language teaching is implemented through foreign language curricula for educational institutions, which specify that the main learning outcome is the students' acquisition of linguistic, speech, communicative, sociocultural, and activity-based competencies. Consequently, reading literary texts is an effective tool for developing the set of competencies stipulated by the State Standard. In particular:

1. linguistic competence, which is formed by acquiring systematic knowledge about language as a means of communication and language skills, including vocabulary enrichment and improvement of grammatical skills; the development of pronunciation and intonation skills is primarily facilitated by reading authentic foreign language literary texts aloud;
2. speech competence, formed by improving speech skills; for example, listening to audiobooks, reading authentic and adapted texts, expressing one's own opinion on what has been read, writing short pieces (reviews, stories, poems) aims to improve not only written perception skills, but also mediation skills of text and both spoken and written production;
3. communicative competence, which is improved through formulating personal judgments and evaluating what has been read, exchanging opinions, appealing to one's own reading and life experiences, etc.;
4. social and cultural competence through familiarization with the culture of the foreign language country and national literary achievements. A writer renders cultural realities, social ideals, and values through portraying characters and depicting their relationships;
5. activity-based competence, the development of which is carried out through the performance of various tasks related to the mediation and interpretation of literary texts, such as creating an outline, writing a review, participating in literary discussions, other forms of interaction with the text, and interpersonal communication of participants in the educational process during work with specific literary works in a foreign language;
6. intercultural competence, facilitated by familiarization with the historical, spatial and temporal, cultural paradigm of literary texts, relying on the geographical and social context of the target language country; linguistic and

cultural studies competence, the main ways of forming which are familiarization with the culturally marked linguistic and speech inventory of the target language.

In conclusion, it can be stated that the use of English literary texts in foreign language teaching is an effective means of improving foreign language linguistic, speech, and communicative competencies. Literature, as a carrier of cultural code, contributes to raising awareness of cultural and literary interaction, expanding country studies knowledge, fostering empathy and a tolerant attitude towards representatives of other cultures.

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THE ROLE OF THE SUPREME COURT IN RESOLVING CUSTOMS DISPUTES RELATING TO ASSESSMENT AND COLLECTION OF CUSTOMS PAYMENTS

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The court practice regarding the customs disputes plays an important role in several aspects. Firstly, it is an indicator of the efficiency of the justice system; secondly, it is a “driver” for proper reform of the Ukrainian customs law; thirdly, it is an important and efficient tool to protect and restore the rights during and upon the completion of the customs procedures. The reasons and prerequisites for emergence of the customs disputes have been set out in the studies of a number of national scientists. In particular, if we focus on the customs disputes arising out of the procedures related to assessment and collection of the customs payments, S. Denysenko (2021) marks the incompetence of customs officials, presence of plethora of evaluative concepts (e.g. the lack of objectivity in assessing the value of goods and classifying the commodities at hand as one type or another), deliberate overestimation of customs payments in order to increase the incomes due to the state budget of Ukraine, deliberate provision of false information by the declarant when declaring the goods (in order to understate the amount of the customs duties and illegally take advantage of the tax benefits).

The Ukrainian court practice demonstrates that each of the foregoing reasons has its own role and fosters the emergence of the court precedents, which, in their turn, affect the key trends in the customs disputes resolution procedures. In particular, on 11 December 2018 the Supreme Court considered the cassation complaint of the Limited Liability Company "Khimresursy" against the resolution of the Kharkiv Appeal Administrative Court dated 12 September 2018 in case No. 820/898/18 as initiated based on the administrative court claim to the Principal Department of the State Fiscal Service of Ukraine in the Kharkiv Region on the recognition of illegality and cancellation of the tax notices-decisions. In this case, the tax authority, upon completion of the customs procedures, ruled to reclassify the vehicle from one customs code to another, i.e., from the code related to the vehicles with electric motors (subdivided into those equipped exclusively with electric motors and "others") to the code named "other vehicles with spark-ignition internal combustion engines and crank mechanism", which is of a more general nature and does not correspond to the key properties of the vehicle undergoing the customs clearance. Importantly that neither the state authority in the inspection report, nor the courts of previous instances during the court proceedings established the circumstances that would prove (i) the claimant's intentional failure to provide technical documentation or (ii) the provision of false information, which, in turn, would explain the authority's erroneous determination of the product code at the time of customs clearance of the vehicle. Taking into account the aforesaid, the issue lays in the defendant's failure to prove the existence of the elements of an alleged offense underlining the disputed tax notices-decisions, and the unjustified increase of the monetary liabilities for excise tax, value-added tax and import duty (Supreme Court, 2020).

The above conclusions made by the Supreme Court further served as the legal basis for other Ukrainian courts when considering the similar disputes. As one of the numerous examples, the Odessa District Administrative Court in its decision dated 29 April 2020 in case No. 420/23/20, being guided, among others, by the court practice of the Supreme Court, satisfied the court claim to the Odessa Customs Office of the State Customs Service and cancelled the decision to refuse the customs clearance of a vehicle due to the allegedly incorrect determination of the code under the Ukrainian Classifier of Goods of Foreign Economic Activity (UCGFEA). This confirms that the legal conclusions set out by the Supreme Court promote the uniformity of the court practice of the lower instances courts. Bearing the above in mind, it is worth recalling that the court decisions (except for the judgments passed by the European Court of Human Rights) are not officially reconized as the source of law in Ukraine. In this context, the author considers as reasonable to analyze the opinion expressed in the legal doctrine regarding the place of the court practice in the system of sources of law.

It looks reasonable to argue that, although the higher state courts do not create the law, they ensure a proper interpretation of its facets and its correct application by issuing the clarifications and recommendations (Berehovoi, 2006). Thus, the court practice does not create the new legal norms, but it aims to eliminate gaps in the legislation as a whole, and within the customs legal relations in particular. Such approach is quite typical for the most states belonging to the continental legal system; however, if we look into the practice of some other countries thereof, we will see that the precedential nature of court decisions is rising. Thus, we may allege that a gradual convergence of two legal systems is unfolding (i.e., continental and common law). In this context, N.Betetto (2012) notes that the judicial reforms in Slovenia demonstrate the recognition of the case law as an important legal source, which, in turn, leads to the development of the legislation through such case law and positioning of the higher courts as guarantors of uniformity and universality of the case law.

Similar conclusions were made by I. Bickovics (2012), who emphasized that the Supreme Court is an unalienable part of the European judicial system and it plays the most important role in implementing the ECHR practice in Latvia. In addition, he pays tribute to the place of the Supreme Court in the process of ensuring the uniformity of the court practice. In the efforts to ensure the unity and the consistency in the application of the law, the parties to judicial proceedings may refer to the court decisions rendered in the previously considered cases, and the courts must evaluate the applicability of the reasoning set forth therein. Thus, although I.Bickovics does not support Latvia's transition to the countries of the Anglo-Saxon legal system, he marks the growing role of precedents in the exercise of justice. Similar conclusions were also inferred by G. Kryževičius (2012), who emphasized that the Supreme Court of the Republic of Lithuania is not only a guarantor of the uniform interpretation and application of law (which provides the society with stability, certainty and predictability), it also inspires the legislation, boosts its development and significantly improves the level of legal culture in society. Importantly that a draft law is not voted for and passed by the Lithuanian Parliament until it receives the professional expert opinion and approval from the Supreme Court.

The above confirms that the states of the continental legal system do not dare yet to recognize the court judgments, *inter alia*, the Supreme Court decisions as a source of law; however, they have already stepped on the track to doing so by, *de facto*, recognizing the special role and place of the court precedent within the process of the law application.

In the context of the customs disputes relating to assessment and collection of customs payments, it is reasonable to highight an especial role of the Supreme Court practice therein due to the conflicting nature of this kind of disputes and direct involvement of the state in legal relations giving rise to such disputes. Moreover, the Ukrainian reality evidences that even existence of a fair court decision passed by the Supreme Court does not necessarily disciplines the customs authorities to act in compliance with the applicable law. The ECHR judgment in case "Polimerkonteyner v. Ukraine" (Application No. 23620/05), passed on 24 November 2016, may serve as an illustrative example for the above assertation. The enterprise-applicant challenged each allegedly illegal decision of the customs authorities to the national courts and sought the recovery of the overpaid customs duties. The applicant argued that, if the classification of the imported goods was carried out correctly, it would be obliged to pay the customs duty at the rate of 1% only (instead of 5% as assessed by the customs authorities). The goods, being the subject to the customs clearance, each time were seized pending the outcome of the trial. Importantly that, although the national courts each time ruled in favor of the applicant, the problems were faced even at the stage of enforcement of the respective court decisions due to the illegal inactivity of the customs authorities. Ultimately, upon exhausting all domestic remedies, the company referred to the ECHR in order to protect and restore its rights (European Court of Human Rights, 2016).

The author opines that there is an objectively determined necessity to strengthen the role of the Supreme Court's decisions in the context of the customs dispute resolution. A set of steps in this regard shall eventually reduce the number of appeals to the ECHR based on the alleged violation of the right to peaceful enjoyment of possessions under Article 1 of Protocol No. 1 to the ECHR Convention. The author is of the opinion that, if the resolutions of the Supreme Court become the source of law, the efficiency of justice will rise and the reputation of Ukraine will not suffer to such a great extent as a result of plethora of the ECHR decisions against Ukraine. Furthermore, it seems reasonable to ensure the involvement of the Supreme Court's representatives in the lawmaking procedures, in particular in the context of the reform of the customs law.

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ONCE UPON A TIME IN THE WILD EAST: HOW SUBSIDIARITY PRINCIPLE TRANSFORMS A LAW FROM A BARRIER TO THE VEHICLE OF UKRAINIAN RECOVERY

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CURRENT CHALLENGES

According to the Kyiv School of Economics, by early 2024, more than 50% of the housing stock in many eastern cities and towns had been damaged or destroyed. For example, 90% of the housing stock in Sievierodonetsk has been damaged, while cities like Bakhmut and Marinka have almost no intact buildings left (Kyiv School of Economics, 2024). Such destruction, together with the challenge of landmines and unexploded shells, raises the question of how quickly cities could be rebuilt and whether they should be rebuilt in the same place.

There is no unified national plan for recovery, and existing laws partly contradict each other. According to the bylaws adopted under the Law of Ukraine 'On the Principles of State Regional Policy', the Comprehensive Recovery Programme is required to prepare the Recovery Plan. In contrast, the Law of Ukraine's 'On Regulation of Urban Development' makes the Comprehensive Recovery Programme optional (Center for Political and Legal Reforms, 2023).

We investigate if the Ukrainian state – both legislator and government – has continually failed to support reconstruction efforts by failing in its job of legal regulation. Our research focuses on legal solutions that may seem out of the box while being from different boxes: foreign ones or historical Ukrainian ones from the past times. We aim to learn how law can be used to unleash human potential instead of hampering it. We hypothesize that restoring civilization takes what created it in the first place: human freedom to pursue happiness with respect to the rights of others and with help, not control, from central authorities. This principle of help is called subsidiarity, and we illustrate how it meets reality with the following examples.

FREEDOM of ASSOCIATION

State and local self-government fulfills our interest in regulating our relationship with others by the power of law. We have been subject to state-produced law for so long that we treat them as inseparable. However, the state is not the only possible source of legal regulation. In recent decades, multinational corporations like Wal-Mart (Backer, 2007) have undermined the regulatory monopoly of states. Legal regulation can be seen as a product – and as any other product, it's subject to market forces. The more a producer of law is sensitive to its consumers, the more successful it becomes. The success of such private law global legislators is to be admired, studied, and learned from. If we want to go beyond reconstructing the destroyed, if we want to build thriving cities, we need to find an effective legal way to protect international capital.

Historical examples like America's settlement expansion resemble a more traditional, state-oriented approach. For example, in the USA, the Northwest Ordinance of 1787 allowed west-expanding settlers to self-govern in their communities, even before becoming full-fledged states. They could pass local laws according to local needs, like taxation, property, business regulations, law enforcement, and education.

More recent examples include post-WWII changes in the regulation of local communities in the USA and Germany. We explore how the American experience of Homeowners' Associations and the relative German experience of housing cooperatives (Wohnungsbaugenossenschaften and Siedlungsgemeinschaften) can be used to change Ukrainian legislation still infused with URSR legacy of imitation of local self-government. These associations allow individuals to effectively resolve internal conflicts through mediation and external conflicts by allowing collective legal action.

JUSTICE: CONFLICT RESOLUTION

Ivan Nechyi-Levitsky's classic 'Kaidash Family' illustrates how ineffective a state can resolve conflicts and how effective it can be in deepening them. We explore mediation alternatives for local communities based on trust towards an arbiter.

FINANCIAL SELF-GOVERNING

How communities benefited from the financial decentralization that started in Ukraine in 2014 is widely known. We explore how to lift the taxation burden from recovering or emerging communities even further. If you received 15.000 UAH of your official salary every month in 2024, you got 140.336UAH for yourself and paid 132.459UAH in taxes for that year (COST.UA, n.d.). You spent 55.419 UAH supporting current pension receivers, so the solidarity pension system was your most significant cost. It is unclear who will pay for your pension, since each year there are more old people than working ones. Changing our solidarity pension system to a funded one is possible, as most civilized countries have done. Every individual has the right to govern their savings as they please.

SECURITY

Policing in rural Ukraine has always been lax. Some communities resolved this by putting volunteering 'sheriffs' on a payroll (Community Policing Ukraine, n.d.). There is still no law for municipal law enforcement.

However, it is not realistic to expect even local police to protect everyone everywhere all at once in such a low population density. A possible solution is to legalize small firearms. Right now, they're to be legalized in '5 years after martial law' with restrictions that render their legal ownership useless. It seems we have a lot to learn from our past Cossack experience of protecting ourselves. Otherwise, there is a risk of adopting the Sicily mafia model: where there is no lawful security coverage, unlawful coverage emerges.

Ukraine still has a landmine legacy from WWII. We can't expect a state to be more effective with landmines legacy of current war. Law must allow private companies to landmines and unexploded shells.

LAND OWNERSHIP

It took 30 years for Ukraine to finally legalize the free market of land, even though it' not fully free yet. If we expect international investment, we need to remove law barriers for non-Ukrainian companies to buy land.

NATURAL RESOURCES

All water resources in Ukraine are owned by the state. If business comes to a recovering town and wants to use water from its water creek or river, it must apply for a permit for a state license. Income from such licensing goes to state budget, and only a small fraction may be transferred back to the community. In contrasts, in some US states communities cannot sell or auction water rights directly, which results in the most effective use of water for the most beneficial price – market price. Similar system was adopted in Chille, and as a result big majority of avocado in our markets are of Chille origin.

EDUCATION and BABYSITTING

In the past, Ukraine has changed the orphanage support program to voucher system, a so-called money-follows-a-child system. Ukraine can adopt similar vouching system to education. It would grant new private schools in de-ocuppied territories more service-based financial support. Every human has a right to decide how to educate their children. If they choose private school, they don't need to pay for the state one too.

CONCLUSION

This was just a brief illustration how theoretical aspirations for human right to govern themselves take form in legal deregulation of human choice.

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MIGRATION AND NATIONAL SECURITY: CHALLENGES AND THREATS

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Migration is one of the most significant phenomena of the modern era, shaping economic, social, and political landscapes across the globe. While migration can contribute to cultural diversity and economic growth, it also poses substantial challenges to national security (Adamson, 2006). This paper examines the complex relationship between migration and national security, focusing on three critical areas: illegal migration, human trafficking, and the potential links between migration and terrorism. By analyzing these issues, the study aims to provide a comprehensive understanding of the threats posed by migration and propose effective strategies for addressing them.

The research is based on an analysis of international legal frameworks, statistical data, and case studies. The findings emphasize the need for a balanced approach that enhances security while respecting human rights and fostering international cooperation (Castles, 2000).

Illegal migration is a pressing challenge for national security, as it undermines a state's ability to control its borders and maintain social stability. Uncontrolled migration flows can lead to increased competition for resources, such as jobs, housing, and social services, which may exacerbate tensions between migrants and local populations (Rudolph, 2003). For example, the European migrant crisis of 2015-2016 highlighted the difficulties of managing large-scale migration, with many countries struggling to accommodate the influx of refugees and asylum seekers.

Moreover, illegal migration is often linked to organized crime, including drug trafficking, human smuggling, and the exploitation of vulnerable migrants. Criminal networks frequently charge exorbitant fees for illegal border crossings, exposing migrants to dangerous conditions and violating their rights (Gallagher, 2001). This not only endangers the lives of migrants but also undermines the rule of law in destination countries.

To address these challenges, states must adopt a multifaceted approach. This includes strengthening border controls, enhancing surveillance technologies, and improving intelligence sharing between countries. Additionally, establishing legal pathways for migration can reduce the demand for illegal routes and provide migrants with safer alternatives (Europol, 2016).

Human trafficking is a grave violation of human rights and a significant threat to national security. Migrants, particularly women and children, are often targeted by traffickers who exploit their vulnerability for forced labor, sexual exploitation, and other forms of abuse (UNODC, 2020). The link between migration and human trafficking is particularly evident in the context of irregular migration, where migrants lack legal status or access to protection.

For instance, the ongoing conflict in Ukraine has led to a surge in migration, creating opportunities for traffickers to exploit displaced individuals. According to the United Nations Office on Drugs and Crime (UNODC, 2020), human trafficking is a transnational crime that requires coordinated efforts to combat. Effective measures include stricter law enforcement, victim protection programs, and public awareness campaigns.

International cooperation is also essential, as trafficking networks often operate across multiple jurisdictions. For example, the European Union has implemented various initiatives to combat human trafficking, such as the EU Anti-Trafficking Directive and the establishment of specialized law enforcement units (Europol, 2016). These efforts demonstrate the importance of a coordinated approach to addressing human trafficking and protecting the rights of migrants.

The potential links between migration and terrorism have been a subject of intense debate. While the vast majority of migrants are not involved in terrorist activities, there is a risk that terrorist organizations may exploit migration routes to infiltrate countries and carry out attacks (Adamson, 2006). For example, the European migrant crisis raised concerns about the possibility of terrorists posing as refugees to enter Europe. Although such cases are rare, they highlight the need for robust security measures, including thorough background checks and intelligence sharing between countries.

At the same time, it is crucial to avoid stigmatizing migrants or conflating migration with terrorism. Policies aimed at enhancing security must be balanced with respect for human rights and the principles of international law (Castles, 2000). For instance, the United Nations Global Compact for Safe, Orderly, and Regular Migration emphasizes the importance of addressing the root causes of migration, such as poverty, conflict, and climate change, while ensuring the protection of migrants' rights.

Migration is a complex phenomenon that presents both opportunities and challenges for national security. While illegal migration, human trafficking, and the potential links between migration and terrorism pose significant threats, these challenges can be addressed through effective policies and international cooperation (Rudolph, 2003).

Key recommendations include:

1. Strengthening border controls and enhancing surveillance technologies to prevent illegal migration.

2. Establishing legal pathways for migration to reduce the demand for illegal routes and protect migrants' rights.

3. Combating human trafficking through stricter law enforcement, victim protection programs, and public awareness campaigns (Gallagher, 2001).

4. Promoting international cooperation to address the transnational nature of migration-related security threats (Europol, 2016).

By adopting a comprehensive and balanced approach, states can manage migration in a way that enhances security while upholding human rights and fostering social cohesion.

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INTERNATIONALIZATION OF HIGHER EDUCATION AS AN INTEGRAL COMPONENT OF THE GLOBALIZATION PROCESS

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Higher education is a stage of life which undoubtedly determines our future. Higher education institutions (HEIs), where a postgraduate degree can be obtained, are used as a way to build a successful career. HEIs connect students with academic stuff, alumni, and peers. These networks can lead to mentorship, internship, job opportunities, and collaborations. They often provide access to research facilities, guidance, and funding, encouraging innovation and potentially leading to groundbreaking discoveries or startups.

Placing internationalization at the top of agenda exposes students to a variety of viewpoints and prepares them for an interconnected world. Both internationalization and globalization are crucial topics for educational institutions to concentrate on. This emphasis promotes international cooperation, stimulates creative research, and improves the HEIs' standing, drawing bright teachers and students from all over the world.

We share the opinion of the professor from University of Toronto, who defines internationalization as "the process of integrating an international, intercultural or global dimension into the purpose, functions and delivery of post-secondary educations" (Knight, 2008). This definition has shaped how HEIs understand internationalization since then. However, this phenomenon began emerging in the period after Second World War, but it has significantly expanded over the past 35 years or so.

This study aims to find out the main priorities and drawbacks of internationalization of higher education, following current European trends in the development of educational services market.

A key aspect of fully understanding internationalization is recognizing its connection to globalization. Globalization is a part of the twenty-first century reality in the context of economic and academic trends. However, one has to realize that globalization and internationalisation of higher education proceed hand in hand as a result of these trends (Barrett, 2017). Globalization is the overarching process of worldwide integration, whereas internationalization represents the strategic efforts by higher education institutions to adapt to and engage with this global context. Internationalisation takes place at universities while globalization takes place outside of them (Ota, 2018).

Internationalization manifests itself in different shapes. For instance, a huge array of student exchange programs and international placements are now offered at universities. They aim to provide participants with international exposure, cultural immersion, and academic enrichment. These exchanges enable students to study abroad for a semester or a full academic year, allowing them to experience different educational systems, improve language proficiency, and gain a global perspective, preparing students for an increasingly interconnected world. One of the most well-known programs nowadays, Erasmus+, states their initial goal as follows: «It looked to promote closer cooperation between universities and higher education institutions across Europe. This meant setting up an organised and integrated system of cross-border student interchanges» (Erasmus +).

Scientific studies highlight the advantages of such exchange programs. Research conducted by Brandenburg and Federkeil (2007) suggests that student mobility enhances employability, cross-cultural competence, and academic success. Similarly, Teichler (2015) found that international mobility positively affects students' problem-solving skills and adaptability. Moreover, studies indicate that students who participate in exchange programs exhibit higher levels of intercultural competence and professional readiness.

Moreover, internationalization broadens not only students' range of possibilities but also plays a huge role in the improvement of the professional skills of professors and teachers. **A**cademic staff regularly participate in exchange programs, short-term teaching assignments, and collaborative research projects at international institutions. These opportunities allow them to engage with diverse academic environments, exposing them to new methodologies, cultural perspectives, and technological advancements. For example, initiatives like the Fulbright Program and the Marie Skłodowska-Curie Actions provide funding for scholars to conduct research and teach abroad. Such mobility not only enhances the professional development of faculty members but also enriches the learning experience for students, as returning academics often incorporate global insights into their teaching. Moreover, cross-border research collaborations can lead to groundbreaking discoveries, joint publications, and can raise an international ranking level of an educational institution. However, inequality in access to mobility opportunities, particularly for scholars from developing countries, remain a challenge that needs to be addressed through inclusive policies and funding initiatives.

While internationalization in higher education brings many benefits, it also faces several challenges and criticisms. Financial barriers can limit access for students from underprivileged backgrounds, and there is a risk of prioritizing Western academic models over diverse local traditions (Altbach and Knight, 2007). It occurs because financial limitations sometimes prevent students from disadvantaged backgrounds from participating in exchange programs or training abroad. Such inequalities can further widen the gap between advantaged and disadvantaged students, both within and across countries. Furthermore, internationalization is often criticized for promoting Western academic models and values, which may sideline local knowledge systems and cultures. This phenomenon, also known as “academic imperialism”, raises the question of whose perspectives and traditions have superiority in international collaboration (Zeiny, 2019). Language barriers and cultural differences can also be challenges for international students, affecting both academic performance and social integration. Furthermore, while internationalization is often spoken of as a pathway to mutual understanding, talented students and scholars from developing countries may pursue opportunities abroad, leaving the resources and expertise of their home institutions at a standstill. To address these challenges, a more inclusive and ethically grounded approach to internationalization is needed to ensure that its benefits are shared equitably among diverse communities.

In conclusion, it should be noted that internationalization of higher education provides valuable opportunities for academic, cultural and professional growth, but it is not without complexities. The challenge lies in ensuring that internationalization is ethical and sensitive to diverse traditions, rather than reinforcing existing inequalities and western-centric models. As globalization continues to shape the educational landscape, institutions must adopt strategies that promote equal access, cross-cultural exchange, and integration of local knowledge systems. In doing so, the true potential of internationalization will be realized by creating a higher education environment that benefits students, institutions, and societies around the world.

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EFFECTIVE LEGAL WRITING: THE INTERSECTION OF LAW AND LANGUAGE

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Mastery of language is a vital asset for a lawyer and the cornerstone of a successful career. In numerous legal settings, specific types of written communication are essential. Lawyers and paralegals depend on written communication to present arguments, dissect intricate issues and convince others on behalf of their clients (Edwards, 2019). Strong writing skills are fundamental to performing their duties and responsibilities. Therefore, it is crucial to understand how to use language to achieve desired outcomes and write persuasively.

Many people believe that legal documents must be complicated. However, this is not true. The golden rule of effective writing is to be clear, precise and to the point. It should not resemble an obscure code that compels readers to constantly reference dictionaries or reread sentences multiple times. From the choice of words to sentence structure, legal writing must be comprehensible. As authors of Stylebook of the Supreme Court of the Philippines (2023) justify «While the law cannot be simplified, it need not be too complex». Good writing establishes connection with the audience. Lawyers should always assume that the readers do not understand legalese. Different figures of speech, clichés, archaic legal terms and phrases contribute little to the overall meaning of the sentence and may confuse the reader. Frequently, the clearest expression of an idea is the simplest form that accurately conveys the intended meaning. Writing in plain language makes justice more accessible, allowing even laypeople to understand it; this also reduces ambiguities and misinterpretations, which are critical in legal contexts where every word carries significant weight.

Moreover, it is important to note that the writing must be well-structured. Understanding logic and modern rhetoric is essential for creating effective legal texts. Logic constructs the argument, while rhetoric assists in persuading the audience to accept it. Legal analysis methods (IRAC, CREAC) help the readers identify, understand and accept your position. In a very simplified form, dealing with a legal issue should follow four steps:

1. *Issue* — identifying and formulating the question or problem based on known facts and assumptions;
2. *Rule* — finding norms and extracting rules that govern these facts;
3. *Application/Analysis* — determining how the rules apply to the facts.
4. *Conclusion* — summarizing the results of the legal analysis.

IRAC is just one of the non-complex argument formats that lawyers use in both education and practice. Another useful format is CREAC, which follows the principle of a five-paragraph essay: Conclusion, Rule, Explanation, Application, Conclusion. CREAC includes two conclusions – one at the beginning of the analysis to indicate the final conclusion, and the second at the end of the analysis based on the application of legal rules and facts of the case (Webley, 2016).

All the above-mentioned principles apply to various types of legal writing, each has a specific function. According to the Legal Information Institute, there are generally two types of legal writing. The first type involves a balanced examination of a problem or issue. For instance, legal memoranda and client letters. These documents are clear, concise, and well-organized, often following the IRAC structure. The second type of legal writing is persuasive. Examples of this type are appellate briefs and negotiation letters written on a client's behalf. Lawyers must convince their audience without causing hostility by being respectful and avoiding unnecessary details. While submitting documents to a court or administrative agency, they must adhere to the required format. Drafting legal documents, like contracts and wills, is another form of legal writing. They often need to tailor the "form" to the specific facts of the case. Poor drafting can result in unnecessary litigation and harm the client's interests.

Effective legal writing is a skill that demands attention to details, practice and a constant improvement. As the jurisprudence evolves, the importance of language in shaping discussions remains significant for further interdisciplinary research. From a practical perspective, working on legal writing standards benefits legislators, judges, and legal practitioners by ensuring that legal documents successfully achieve their purpose. Integrating linguistic methods into legal writing not only enhances its clarity but also promotes fairer legal processes. From a theoretical perspective, these findings highlight the need for legal education to prioritize writing as an essential aspect.

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THE FORMATION OF SOLIDARITY IN UKRAINIAN SOCIETY: THE MIGRATION LAW CONTEXT

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The opening of negotiations on Ukraine’s accession to the European Union contributed to the acceleration of the resolution of issues related to Ukraine’s achievement of the membership criteria, including the harmonization of national legislation with the current EU law and ensuring its effective implementation and application. The EU migration policy falls under the Justice, Freedom and Security pillar, which is part of the first cluster that defines the foundations of the EU accession process. It is well known that the EU is an attractive destination for many migrants. The high standards of human rights in the EU is not the least reason for such attractiveness.

The principle of solidarity can be referred to as a principle derived from the nature of the EU law, which means a fair distribution of both the benefits of integration and the difficulties between Member States. Since the principle of solidarity is often a key and a defining principle contributing to the implementation of migration policy within the EU, the issue of the basis for both the emergence and application of this principle is important in order to maximize understanding and ensure its implementation by Ukraine as a future EU Member State.

By ratifying the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their Member States, the parties committed themselves to strengthening the dialogue based on the basic principles of solidarity, mutual responsibility and partnership, and cooperation on migration, asylum and border management, using a systematic approach and paying attention to legal migration and cooperation in the fight against illegal immigration, human trafficking, as well as the effective implementation of the provisions of the Readmission Agreement.

Further development of the provisions of the Preamble of the Association Agreement on cooperation between the Parties on migration and asylum issues is reflected in Article 16 of the Association Agreement, according to which cooperation in the field of migration, asylum and border management, in accordance with relevant EU legislation and applicable national legislation, will, in particular, focus on the establishment of a comprehensive dialogue on asylum issues, in particular on the practical aspects of the implementation of the 1951 UN Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and other relevant international instruments, as well as by ensuring respect for the principle of «non-refoulement» *(*Association Agreement between the European Union and Ukraine, 2014).

However, as of today, it is difficult to state that the practical aspects of the implementation of the 1951 UN Convention relating to the Status of Refugees (1951) and the 1967 Protocol relating to the Status of Refugees (1967) in Ukraine are sufficiently consistent with the asylum policies operating in the European Union. Such conclusions are confirmed, in particular, by the Country Report on Human Rights Practices: Ukraine (2024), prepared by the US Department of State (USDOS) which maintains that: «Access to Asylum: Protection for refugees and asylum seekers was insufficient, due to gaps in the law and the system of implementation. The State Migration Service (SMS) stopped accepting and processing asylum applications following Russia’s full-scale invasion though they restarted some SMS activities in March in locations away from hostilities. … Human rights groups asserted the refugee law fell short of international standards due to its restrictive implementation of the refugee determination procedure. The law permitted authorities to reject many asylum applications without a thorough case assessment. In other instances, government officials reportedly declined to accept initial asylum applications without a legal basis, leaving asylum seekers without documentation and vulnerable to frequent police stops, fines, detention, and exploitation. Asylum seekers in detention centers were sometimes unable to apply for refugee status within the prescribed time limits and had limited access to legal and other assistance. Asylum seekers had five days to appeal an order of detention or deportation; some asylum applications were rejected without written notice, depriving asylum seekers of the right to appeal» (U.S. Department of State, 2024).

There were also reports suggesting that the government deported individuals to a country where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion. Besides, some human rights experts expressed concern that vulnerable citizens of Russia and Belarus were at risk of refoulement due to the cancellation of residence permits and inability to file for asylum (U.S. Department of State, 2024).

In Article 2 of the Treaty on European Union, solidarity is described as one of the principles that prevails when the common values on which the European Union is founded are respected.

Thus, the EU is based on the principle of solidarity.

The swift activation of the Temporary Protection Directive towards Ukrainians exemplifies an effective European response as a manifestation of solidarity.

Consequently, it becomes essential that Ukrainian authorities should also support the pro-European way of Ukraine and share common values with the EU society. Solidarity must not only be legitimate as it is vitally important for a community of states that pursue peace and security, freedom and welfare for its peoples. Becoming the EU-candidate, Ukraine should acknowledge that solidarity is a legal obligation.

In the context of Ukraine's ongoing European integration efforts, it is counterproductive to demand solidarity from others while failing to demonstrate it in return. This approach undermines the principle of justice and harms Ukraine’s credibility. Therefore, it is essential for Ukraine to actively express solidarity, reinforcing its commitment to shared values with the European Union.

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AI IN STUDYING FOREIGN LANGUAGES AT IHE: PRACTICAL APPROACH

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In recent years, integrating Artificial Intelligence (AI) into the educational landscape has opened new avenues for teaching and learning foreign languages. The practical application of AI technologies, such as Additional Intelligence, Chatbots, Multimedia Learning Technologies, Gamification, and «Grammarly for Education», has proven to be transformative in enhancing the learning process at institutions of higher education (IHE). This research explores how these tools can be effectively employed to improve foreign language acquisition and teaching at IHE.

1. Additional Intelligence in Language Learning

Additional Intelligence refers to the support systems complementing human learning and decision-making processes. This type of Intelligence can be harnessed in language learning to provide personalized learning experiences. AI-powered platforms analyze student performance and adapt learning materials to suit their needs, offering tailored exercises and real-time feedback.

For instance, intelligent tutoring systems (ITS) in foreign language courses can assess students' weaknesses and provide extra practice in areas where they struggle, such as grammar, pronunciation, or vocabulary. This dynamic approach to language learning ensures that students receive personalized guidance, making learning more effective (Gutiérrez, 2023, p. 180-191).

2. Chatbots for Interactive Learning

Chatbots have become indispensable tools in modern language classrooms or labs. These AI-driven systems simulate conversations with native speakers, allowing students to practice speaking and listening skills in risk-free environments. For instance, platforms like Duolingo and Babbel offer chatbot-based interaction to enhance learners' fluency in foreign languages.

Chatbots help students develop conversational skills, correct their mistakes in real time, and increase their exposure to new vocabulary and colloquial expressions by engaging students in continuous dialogue. Moreover, chatbots are available 24/7, allowing students to practice whenever it is most convenient for them, making learning more flexible and accessible (Shabani, Esmaili, 2020, p. 33-47).

3. Multimedia Learning Technologies

Multimedia learning technologies, including interactive videos, podcasts, and virtual reality (VR), offer immersive experiences that improve comprehension and retention in foreign language learning. These technologies expose students to the language in various contexts, such as cultural nuances, regional dialects, and real-world scenarios.

For example, virtual classrooms powered by VR allow students to simulate real-life interactions in the target language, from ordering food at a restaurant to engaging in professional dialogues. Such interactive and context-rich environments make learning more engaging and can be particularly useful in developing linguistic and cultural competency (Zhang, Li, 2020, p. 78-91).

4. Gamification in Language Learning

Gamification involves incorporating game-like elements into the learning process, such as rewards, points, and levels. Using gamification in language learning platforms like Memrise and Quizlet has significantly increased student motivation and engagement.

By structuring learning activities in a way that mimics video games, students are encouraged to achieve milestones and collect rewards, thus motivating them to continue studying and to track their progress over time. This approach transforms language learning into a more enjoyable and competitive activity, which can improve retention and enthusiasm among students (Anderson, Larson, 2021, p. 120-136).

5. «Grammarly for Education» in Language Learning

«Grammarly for Education» is an AI-powered writing assistant that provides real-time grammar, punctuation, and style corrections. It is beneficial for foreign language learners who are trying to improve their writing skills.

In addition to correcting errors, Grammarly offers suggestions for improving clarity, tone, and sentence structure. It enables students to understand and learn from their mistakes while reinforcing proper language use. Furthermore, Grammarly's plagiarism detection feature ensures that students produce original work, which is crucial in academic settings.

Using Grammarly in combination with other AI-powered tools can help students develop their writing skills in the target language by providing instant feedback and continuous improvement (Patel, Gupta, 2022, p. 45-57).

AI technologies are revolutionizing foreign language education at the institutions of higher education. By integrating tools such as Additional Intelligence, Chatbots, Multimedia Learning Technologies, Gamification, and «Grammarly for Education», IHEs can provide a more engaging, personalized, and effective language learning experience. These technologies enhance student performance and increase their motivation and engagement with the language.

Further research and practical application are needed to explore AI's potential in language education fully. However, the current trends suggest that AI will continue to play an increasingly important role in shaping the future of foreign language learning at IHEs.

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FEATURES OF INTERCULTURAL COMMUNICATION IN SWITZERLAND: UKRAINIAN EXPERIENCE

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Integration into a novel cultural milieu is a multifaceted process that necessitates adaptation to new norms, traditions, and communication rules. Switzerland boasts a distinct culture of interpersonal communication that significantly differs from that of

Ukraine in social, professional, and quotidian contexts. Also, the linguistic divide represents a significant challenge for Ukrainians seeking to relocate to Switzerland. Given that English does not serve as the primary means of communication, encountering difficulties in securing employment, establishing social connections, or effectively addressing day-to-day challenges is commonplace for those who do not possess proficiency in the local language.

Moreover, the Swiss tend to adopt a reserved demeanor in their interactions with new acquaintances, which can further complicate the integration process. To mitigate these challenges, it is recommended that individuals engage in local events, volunteer initiatives, and community organisations, thereby fostering a deeper understanding of the local culture and enhancing their ability to navigate and engage with the Swiss society. As Ukrainian citizens, we have observed the salient aspects of intercultural communication in Switzerland and the specific difficulties that foreigners encounter during the integration process. In light of the aforementioned points, the **relevance** of our research becomes clear.

One of the most salient features of Swiss culture pertains to the profound value attributed to punctuality, which is widely regarded as a paramount expression of respect for individuals. The act of arriving late, even by a minimal margin, can be interpreted as a manifestation of rudeness and unprofessional conduct, particularly within business contexts. The significance accorded to punctuality in Switzerland is so great that public transportation, including buses and trains, is meticulously scheduled to arrive at precise times. Even social engagements are meticulously organised in advance, and unanticipated invitations are seldom extended.

In order to arrange a social encounter with acquaintances or friends, it is necessary to announce the meeting in advance, with a lead time of one week to two weeks, or occasionally up to a month. If one were to express a desire to meet a Swiss person on a given day, there is a high probability, in excess of 99 per cent, that the request will be declined. It is interesting to note that the Swiss have a system of meticulous record-keeping, in which they document all their meetings in notebooks.

In Ukraine, the situation is somewhat divergent. While tardiness is viewed negatively in business, it is more common in social settings and meetings are often convened with less rigorous planning. Consequently, for Ukrainians adjusting to life in Switzerland, this can present a significant challenge, as they must adapt to a structured schedule and the requirement of advance event planning.

A distinctive attribute of Swiss culture pertains to the formal nature of communication, particularly within professional contexts. The use of formal addresses, such as *"Mr." (Herr) and "Mrs." (Frau/Madame),* in conjunction with surnames, is customary. Moreover, preserving a professional distance and refraining from discussing personal matters during the initial stages of acquaintance is deemed essential. In Ukraine, formality is a component of professional communication, however, individuals tend to adopt an informal style more expeditiously, especially following several meetings. This tendency may perplex Ukrainians residing in Switzerland, as Swiss individuals maintain a certain distance even in amicable relations and are not inclined to adopt the informal "ty" pronoun.

The Swiss are known to exercise caution when expressing their emotions. They typically refrain from sudden movements, loud tones or emotional reactions in public places, a tendency that is also evident in their professional sphere, where discussions are generally characterised by restraint and absence of argumentation (Smith, 2019).In contrast, Ukrainians have been observed to exhibit more uninhibited emotional expression, frequently employing facial expressions, gestures and intonation in their communication. This tendency may be perceived as overly expressive or even aggressive by Swiss individuals, potentially leading to challenges in fostering mutual understanding (Jones, 2021). In Switzerland, there is a strong adherence to legislation and norms, with strict regulations in place to control various aspects of public life. For instance, the issue of noise is strictly regulated, with restrictions on speaking loudly, listening to music, and using vacuum cleaners after 10:00 pm.

In relation to the legislation pertaining to the matter of silence, we found the statute prohibiting audible behaviour within the domestic environment between 12:00 and 14:00 to be of particular interest.In certain urban areas, it is not uncommon for electricity to be disconnected for washing machines during this time, and any disturbance to others during this period can result in the intervention of the police. Initially, individuals are issued with a warning; however, if the issue persists and the neighbours file a complaint, a fine is imposed.In Ukraine, rules also exist, but their implementation is more flexible, and people may not pay attention to noise at night or not adhere to strict requirements for garbage disposal (Zubko, 2019).

In the Swiss business environment, accuracy, responsibility and professionalism are held in high esteem, and the hierarchical structure of companies is clearly delineated, with work responsibilities being strictly defined. For Ukrainians accustomed to undertaking a wide range of tasks outside their designated role, such clarity may be unorthodox; however, it facilitates efficient organisation of work processes. Moreover, Swiss society places significant emphasis on aspects of everyday life such as maintaining order in public places and strict garbage distribution. Such minor details as improper parking or noise on weekends can become the subject of remarks from local residents.

In conclusion, Switzerland can be regarded as a nation characterised by a clearly defined structure, a high level of respect for personal space and strict adherence to rules, which collectively contribute to the creation of a harmonious and stable society.The transition to a more formal style of communication, punctuality and more distant relationships can be challenging for individuals accustomed to a different cultural milieu. However, when considered collectively, these cultural features play a pivotal role in maintaining order and stability within the society. The Swiss value precision, compromise, and mutual respect, which collectively enable them to create an efficient and balanced environment for living and working.

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CONSTITUTIONAL AND LEGAL STATUS OF THE UKRAINIAN LANGUAGE AS THE STATE LANGUAGE IN UKRAINE

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The Ukrainian language is integral to Ukraine's national identity and statehood. It is recognized as the state language in the Constitution and regulated by special laws. The state guarantees the development and use of the Ukrainian language in all spheres of public life and ensures the protection of the languages of national minorities.

The state (official) language is a language to which the state has granted legal status as the main means of communication in the public sphere of social life, for example, for use in legislation, official records, court proceedings, educational institutions, etc. According to Article 10(1) of the Constitution of Ukraine, the state language in Ukraine is Ukrainian.

The Ukrainian language is one of the fundamental elements of the Ukrainian national identity, so the state ensures its development and functioning in all spheres of public life throughout Ukraine.

The free development, use, and protection of other languages of national minorities living in Ukraine is guaranteed. The state also encourages the study of languages of international communication. The use of languages in Ukraine is guaranteed by the Constitution of Ukraine and regulated by law.

According to the Law of Ukraine "On the principles of the state language policy" of July 03, 2012, the state language policy of Ukraine is based on the recognition and comprehensive development of Ukrainian as the state language, ensuring the free development of regional languages, minority languages, and other languages, and guaranteeing the right of every person to linguistic self-determination and language choice.

On February 28, 2018, the Constitutional Court of Ukraine ruled on the case filed by more than 57 MPs regarding the constitutionality of the Law "On the principles of state language policy” of July 3, 2012. As a result, the law was declared unconstitutional as it did not comply with the Constitution of Ukraine.

On April 25, 2019, the Verkhovna Rada adopted the Law of Ukraine “On ensuring the functioning of the Ukrainian language as the state language”, which entered into force on July 16, 2019. This law significantly strengthened the status of Ukrainian as the state language.

The law aims to ensure the state status of the Ukrainian language and establish it as a language of interethnic communication and social integration. It guarantees the use of the Ukrainian language in all spheres of public life and promotes its development and popularization. It also provides for the promotion of sign languages, the preservation of national culture, and the spread of the Ukrainian language worldwide.

The Ukrainian language will dominate in the public and municipal sectors, as well as in local governments. It will be mandatory in military and law enforcement activities, government agencies, and enterprises of all forms of ownership. It will become the main language in education, science, medicine, and services. The use of the Ukrainian language will be extended to the media, including energy, industry, theater, and Internet sites.

Separate rules apply to cinematography. According to the Language Law, films broadcast online or on TV channels must be dubbed into Ukrainian, but foreign languages are allowed to be used without dubbing for up to 15% of the airtime, provided that subtitles are provided. Foreign-language films in cinemas are allowed to be shown with subtitles if their share exceeds 10% of the total number of screenings.

The president, prime minister, heads of government, and other public officials must be fluent in Ukrainian. It is mandatory for all applicants for citizenship. It is also required of lawyers and notaries, educators, doctors, employees of patronage services, and heads of state-owned enterprises.

Foreign languages and languages of national minorities may be freely used in private communication, religious ceremonies, and studying foreign languages. They are also allowed in scientific publications, provided they are Council of Europe languages and registered trademarks. The cultural rights of ethnic minorities are protected by separate legislation. Their use is also allowed in the work of border guards, doctors, and law enforcement officers when communicating with non-Ukrainian-speaking citizens.

The Law “On ensuring the functioning of the Ukrainian language as the state language” guarantees free language courses for everyone, including civil servants. It provides for the protection and development of Ukrainian dialects. Council of Europe and EU languages are also allowed in various areas. The Law guarantees the study of national languages.

The Law provides for fines and criminal liability for insulting and defaming the state language or attempting to promote multilingualism. Civil servants and judges may be penalized if they do not speak Ukrainian. Language quotas are controlled in films and media. Website owners are required to provide a basic version in Ukrainian. Fines are also imposed for violations of language requirements in business communication and document flow.

Legislative recognition of the Ukrainian language as the state language promotes its development, popularization, and protection. It regulates the mandatory use of the Ukrainian language in public life while guaranteeing the language rights of national minorities. It also introduces language quotas, requirements for civil servants, and liability for law violations. Implementing these norms strengthens Ukraine’s national unity, statehood, and cultural identity.

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COPYRIGHT FOR WORKS CREATED WITH THE HELP OF ARTIFICIAL INTELLIGENCE

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Today, artificial intelligence (AI) is an integral part of our lives, with its help images are generated, songs are composed, poems are written. This functionality significantly facilitates people's lives, but its legal regulation requires attention in order to protect the rights of artists.

Artificial intelligence, according to the Cambridge dictionary, is “a particular computer system or machine that has some of the qualities that the human brain has, such as the ability to interpret and produce language in a way that seems human, recognize or create images, solve problems, and learn from data supplied to it” (Cambridge Dictionary, n.d.). So, in this way, AI can be defined as a computer program that can process large amounts of information, and on its basis generate answers similar to the results of intellectual activity of a person.

Using the capabilities above, AI can create works in the field of science, literature, and art. In this regard, the question arose: is it possible to grant author's rights to artificial intelligence?

In 2023, amendments were made to the Law of Ukraine “About Copyright and Related Rights” (the Law), which partially determined the fate of works created using computer programs. Since, according to Art. 1 of the Law, only a natural person who created a work through his creative activity can be recognised as an author, the status of an author cannot be granted to a computer program that imitates the creative activity of a person.

According to Art. 5 of the Law, copyright consists of: personal non-property rights of an author and property rights of copyright holders. A natural person, using artificial intelligence, creates a qualitatively new work, which in essence differs from all other existing works. But does such a person have copyrights to the work they created? In this case, the legislator proposes to apply Art. 33 of the Law, according to which a non-original object generated by a computer program is an object that differs from existing similar objects and is created as a result of the functioning of a computer program without the direct participation of an individual in the creation of this object. Such non-original objects have rights of a special kind (sui generis), related to which there will be no personal non-property rights.

The problem of applying the legal norm above is that when creating such an object, a person shows creativity by formulating a corresponding request, on which the result will depend. Thus, AI is a tool used by a person to create a work. Therefore, in my opinion, it was appropriate to grant non-property rights to the person who formed the request and thus created the work, but with the obligatory indication that an AI program was used during creation.

Let's get back to Ukrainian legislation, where the rights of the special kind (sui generis) arise on a work created with the help of AI. Subjects of such right may be authors of such computer programs, their heirs, persons to whom the authors or their heirs have transferred (alienated) property rights to the computer program or lawful users of the computer program. The specified persons have property rights to the work: the right to use the work in any way (ways), as well as the exclusive right to authorize or prohibit the use of the work by other people.

In practice, in mid-2024, Ukrainian National Office for Intellectual Property and Innovations first registered copyright for works with images created by artificial intelligence. The certificate was issued to the collection “Easter Postcards”, which included images generated by a computer program (Закон України, 2022). Such copyright was registered specifically for the collection, not for the images, because copyright protection applies only to the part of the work that was created by a person.

Another problem that may arise when using AI technologies to create works is the violation of the copyrights of other artists, since by their nature, AI is trained using already existing works. In the US, artists Sarah Andersen, Kelly McKernan and Carla Ortiz filed a lawsuit against the developers of neural networks Stable Diffusion, Midjourney and DreamUp. They claim that these companies used five billion images found on the Internet without the permission of the authors, violating the rights of “millions of artists”. In addition, the Getty Images photo stock company filed a separate

lawsuit against Stability AI, accusing it of illegally using images during training their neural network.

The Law “About Copyright and Related Rights” protects rights of artists when their works are used to generate non-original objects. Part 7 of Art. 33 states that a non-original object generated by a computer program is the result of the use of copyright objects and/or objects of related rights, the relevant subject gets a special kind of right (sui generis) to such a non-original object, provided that it complies with the rights of the subject (subjects) of copyright or related rights, whose work was used. The situation is similar with the use of other non-original objects that were generated by the program earlier in time. If the copyrights of other artists are not respected, special kinds of rights (sui generis) do not arise at all.

Thus, we can conclude that the Ukrainian legislator paid special attention to the legal status of objects created with the help of AI. However, in my opinion, it would be worth granting personal non-property rights to the work of people who, through their active actions, using special tools (programs), created the specified works, with the obligatory indication that the AI program was used. Since in this case the formulation of the request is created by a person and is a manifestation of his creativity.

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MIGRATION AND NATIONAL SECURITY: CHALLENGES AND THREATS

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Migration is one of the most significant phenomena of the modern era, shaping economic, social, and political landscapes across the globe. While migration can contribute to cultural diversity and economic growth, it also poses substantial challenges to national security (Adamson, 2006). This paper examines the complex relationship between migration and national security, focusing on three critical areas: illegal migration, human trafficking, and the potential links between migration and terrorism. By analyzing these issues, the study aims to provide a comprehensive understanding of the threats posed by migration and propose effective strategies for addressing them.

The research is based on an analysis of international legal frameworks, statistical data, and case studies. The findings emphasize the need for a balanced approach that enhances security while respecting human rights and fostering international cooperation (Castles, 2000).

Illegal migration is a pressing challenge for national security, as it undermines a state's ability to control its borders and maintain social stability. Uncontrolled migration flows can lead to increased competition for resources, such as jobs, housing, and social services, which may exacerbate tensions between migrants and local populations (Rudolph, 2003). For example, the European migrant crisis of 2015-2016 highlighted the difficulties of managing large-scale migration, with many countries struggling to accommodate the influx of refugees and asylum seekers.

Moreover, illegal migration is often linked to organized crime, including drug trafficking, human smuggling, and the exploitation of vulnerable migrants. Criminal networks frequently charge exorbitant fees for illegal border crossings, exposing migrants to dangerous conditions and violating their rights (Gallagher, 2001). This not only endangers the lives of migrants but also undermines the rule of law in destination countries.

To address these challenges, states must adopt a multifaceted approach. This includes strengthening border controls, enhancing surveillance technologies, and improving intelligence sharing between countries. Additionally, establishing legal pathways for migration can reduce the demand for illegal routes and provide migrants with safer alternatives (Europol, 2016).

Human trafficking is a grave violation of human rights and a significant threat to national security. Migrants, particularly women and children, are often targeted by traffickers who exploit their vulnerability for forced labor, sexual exploitation, and other forms of abuse (UNODC, 2020). The link between migration and human trafficking is particularly evident in the context of irregular migration, where migrants lack legal status or access to protection.

For instance, the ongoing conflict in Ukraine has led to a surge in migration, creating opportunities for traffickers to exploit displaced individuals. According to the United Nations Office on Drugs and Crime (UNODC, 2020), human trafficking is a transnational crime that requires coordinated efforts to combat. Effective measures include stricter law enforcement, victim protection programs, and public awareness campaigns.

International cooperation is also essential, as trafficking networks often operate across multiple jurisdictions. For example, the European Union has implemented various initiatives to combat human trafficking, such as the EU Anti-Trafficking Directive and the establishment of specialized law enforcement units (Europol, 2016). These efforts demonstrate the importance of a coordinated approach to addressing human trafficking and protecting the rights of migrants.

The potential links between migration and terrorism have been a subject of intense debate. While the vast majority of migrants are not involved in terrorist activities, there is a risk that terrorist organizations may exploit migration routes to infiltrate countries and carry out attacks (Adamson, 2006). For example, the European migrant crisis raised concerns about the possibility of terrorists posing as refugees to enter Europe. Although such cases are rare, they highlight the need for robust security measures, including thorough background checks and intelligence sharing between countries.

At the same time, it is crucial to avoid stigmatizing migrants or conflating migration with terrorism. Policies aimed at enhancing security must be balanced with respect for human rights and the principles of international law (Castles, 2000). For instance, the United Nations Global Compact for Safe, Orderly, and Regular Migration emphasizes the importance of addressing the root causes of migration, such as poverty, conflict, and climate change, while ensuring the protection of migrants' rights.

Migration is a complex phenomenon that presents both opportunities and challenges for national security. While illegal migration, human trafficking, and the potential links between migration and terrorism pose significant threats, these challenges can be addressed through effective policies and international cooperation (Rudolph, 2003).

Key recommendations include:

5. Strengthening border controls and enhancing surveillance technologies to prevent illegal migration.

6. Establishing legal pathways for migration to reduce the demand for illegal routes and protect migrants' rights.

7. Combating human trafficking through stricter law enforcement, victim protection programs, and public awareness campaigns (Gallagher, 2001).

8. Promoting international cooperation to address the transnational nature of migration-related security threats (Europol, 2016).

By adopting a comprehensive and balanced approach, states can manage migration in a way that enhances security while upholding human rights and fostering social cohesion.

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THE ISSUE OF THE EXISTENCE OF "REASONABLE GROUNDS" FOR DETENTION UNDER ARTICLE 615 OF THE CRIMINAL PROCEDURE CODE OF UKRAINE

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The application of detention, like any other coercive measure within the framework of the Criminal Procedure Code of Ukraine in the conditions of martial law, raises reasonable concerns regarding human rights and the rule of law. Martial law, introduced in Ukraine under conditions of armed aggression, imposes certain restrictions on citizens' rights; however, these restrictions must comply with the principles of proportionality and necessity.

Scholars such as Harkusha A., Hlovyuk I., Drozdov O., Pelikhos E., Pototskiy M., Rogalska V., Teteryatnyk H. and Fomina T. have researched issues related to detention in criminal proceedings during martial law. However, despite the significant number of scientific studies, new problems continue to arise.

It should be noted that the war has divided not only time into "before" and "after" but also criminal procedural legislation. The standard detention procedure is provided in Part 1 of Article 208 of the Criminal Procedure Code of Ukraine, which sets out an limited list of grounds for detention by an authorized person without a court order from an investigating judge or court. However, Article 615 of the Criminal Procedure Code of Ukraine provides an alternative ground for detention: "there are reasonable circumstances that give grounds to believe that the suspect may flee to evade criminal liability - an authorized official has the right to detain such a person without a court order" (Criminal Procedure Code of Ukraine, 2025).

Thus, the grounds for detention have been expanded. However, following this expansion, a logical question arises regarding the definition of the term "reasonable circumstances," as this concept is rather vague and requires detailed legal clarification. The absence of a clear definition may lead to subjectivity in decision-making by authorized officials and violate one of the fundamental principles of criminal procedure—the principle of legal certainty. There is also a risk of abuse of power and arbitrary detention, which, in turn, undermines the democratic status of our country.

In his article "How to Protect a Person from Prolonged Detention on Fictitious Grounds," Pelikhos emphasized that the adoption of Law No. 2201-IX expands the powers of law enforcement agencies, allowing them to detain individuals based on a subjective assessment of their behavior, including the likelihood of escape. This creates risks of violating fundamental rights and freedoms, such as the right to liberty and personal security. The law significantly increases the likelihood of arbitrary actions by law enforcement officers. The lack of a requirement to prove the reasonableness of detention at the initial stage creates conditions for abuse, which may have negative consequences for trust in the judicial system and the rule of law (Pelikhos, 2022).

A similar opinion was expressed by Fomina and Rogalska. They noted that the expansion of grounds for detention in martial law conditions has a dual nature. On the one hand, such legislative changes do pose a risk of arbitrary detentions; on the other hand, it should be considered that these norms are introduced exclusively for a special period when the country is at war, and therefore, their application is conditioned by specific circumstances of crimes. The authors note that the risks of human rights violations by law enforcement agencies existed in peacetime and, unfortunately, will continue to exist. However, they emphasize that both in peacetime and wartime, the legislation provides mechanisms for verifying the legality of detention. In particular, these mechanisms are implemented within the framework of prosecutorial oversight, for example, when approving a notice of suspicion for the detained person, as well as in the process of judicial control, specifically during the review by an investigating judge under Article 206 of the Criminal Procedure Code of Ukraine (Fomina & Rogalska, 2022).

Regarding the prevention of potential abuses of detention powers in the context of Article 615 of the Criminal Procedure Code of Ukraine, Harkusha noted that special attention should be paid to strengthening prosecutorial oversight mechanisms to prevent widespread arbitrary violations of the right to liberty and personal security under martial law (Harkusha, 2023).

In contrast to the aforementioned opinions, Pototskiy, in his dissertation, argued that the institution of mandatory judicial control over detention is absent in national legislation. Currently, judicial review of detention may take place up to sixty hours after the moment of detention and after notifying the person of suspicion. The researcher believes that the parameters of "automatic" and "immediate" review of detention, as established by the European Court of Human Rights practice, are not observed in this algorithm. Based on his analysis, Pototskiy proposed that to ensure automatic and immediate judicial control over every instance of detention lasting more than three hours, a round-the-clock judicial review mechanism should be introduced, which must take place no later than twelve hours after detention (Pototskiy, 2022).

It should be noted that we have made an attempt was made to analyze the term "reasonable circumstances" in the context of detention, both during the adoption of the law on detention under martial law and in previous laws that introduced this term earlier. The presence of reasonable circumstances (Clause 3, Part 1, Article 208 of the Criminal Procedure Code of Ukraine) was initially introduced by Law No. 198-VIII on February 12, 2015, and later expanded by Law No. 2201-IX on April 14, 2022 (Clause 6, Part 1, Article 615 of the Criminal Procedure Code of Ukraine). However, as a result, no legal positions were found in the accompanying documents of draft laws 7183 (Draft Law of Ukraine on Amendments to the Criminal Procedure Code of Ukraine on the Procedure for Criminal Proceedings under Martial and Emergency Conditions) and 1660-d (Draft Law on Amendments to Certain Legislative Acts of Ukraine on Ensuring the Activities of the National Anti-Corruption Bureau and the National Agency for Corruption Prevention) regarding the interpretation of the term "reasonable circumstances" in the context of detention under Articles 615 and 208 of the Criminal Procedure Code of Ukraine.

Based on the analyzed scientific positions and our own research, it can be stated that since there is no unified understanding and interpretation of the term "reasonable circumstances" (particularly in normative acts), there is a real risk of its subjective interpretation, and consequently, possible arbitrariness. Arbitrariness is an unacceptable phenomenon and contradicts the Constitution of Ukraine, specifically

Article 29, whose purpose (Constitutional Court of Ukraine, 2017, reasoning part, subparagraph 2.1, point 2, paragraphs eight and nine) is to prevent arbitrary restriction (deprivation) of a person's liberty or personal security.

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SANCTIONS AS A BAR TO ENFORCEMENT OF ARBITRAL AWARDS

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Sanctions, although a fairly common tool in the practice of many States, were not known to Ukrainian law until 2014. The aggression against Ukraine launched by the russian federation in February 2014 – initially in the form of the occupation of the Autonomous Republic of Crimea and the city of Sevastopol (European Court of Human Rights, 2020, paras. 308-696), later as the occupation of certain areas of the Donetsk and Luhansk regions (European Court of Human Rights, 2022, paras. 690-696), and from February 24, 2022 in the form of full-scale aggression – for the first time since Ukraine gained its Independence in 1991, made evident the acute necessity for development of Ukraine's own comprehensive legal framework for the introduction of sanctions against the aggressor State.

In response to this challenge, the Law of Ukraine "On Sanctions" dated 14 August 2014 No. 1644-VII (hereinafter referred to as the "**Sanctions Law**") was adopted, which defines sanctions as "*special economic and other restrictive measures*" introduced "*in order to protect the national interests, national security, sovereignty and territorial integrity of Ukraine, counter terrorist activities, as well as prevent the violation, restoration of violated rights, freedoms and legitimate interests of citizens of Ukraine, society and the state*" (Law of Ukraine "On Sanctions," 2014). Given the relative novelty of the Sanctions Law, its unprecedented role for Ukraine, and the relatively limited scope of its application, and since it applies only to a relatively small number of persons subject to sanctions the almost ten-year practice of applying the Sanctions Law includes only a few cases of its application to international arbitration.

Unfortunately, domestic doctrine and law enforcement practice lack a well-developed understanding of the essence of sanctions from the point of view of private law (International Commercial Arbitration Court & Ukrainian Maritime Arbitration Commission, 2023). Given the relative historical "youth" of Ukrainian sanctions legislation, it is sensible to study the experience of other democratic states in imposing and applying economic sanctions, introduced by both individual States, the European Communities (unilateral sanctions), and the UN Security Council (multilateral sanctions).

The issue of the impact of sanctions on international arbitration in domestic and international legal doctrine has been studied, in particular, by Blessing, Born, Gaillard, Goldman, Cornel, Krat, Krishna, Kroll, Lalive, Lew, Mayer, Mistelis, Perepelynska, Fouchard, and others.

Perhaps the most important aspect of the impact of sanctions on international arbitration from a practical point of view is their impact on the process of subsequent recognition and enforcement of an arbitral award.

Here, Ukrainian and international practice have developed two parallel approaches. The first approach is that the application of sanctions against a party to the arbitration proceedings does not entail a refusal to grant permission for recognition and enforcement of the award, but only constitutes an obstacle to enforcement of the award at the stage of enforcement proceedings.

From a comparative point of view, this approach originates from the decision of the US Court of Appeals for the Second Circuit in the case of *Parsons & Whittemore Overseas Co.*, which held as follows:

"Under this view of the public policy provision in the Convention, Overseas' public policy defense may easily be dismissed. Overseas argues that various actions by United States officials subsequent to the severance of American-Egyptian relations — most particularly, AID's withdrawal of financial support for the Overseas-RAKTA contract — required Overseas, as a loyal American citizen, to abandon the project. Enforcement of an award predicated on the feasibility of Overseas' returning to work in defiance of these expressions of national policy would therefore allegedly contravene United States public policy. In equating "national" policy with United States "public" policy, the appellant quite plainly misses the mark. To read the public policy defense as a parochial device protective of national political interests would seriously undermine the Convention's utility. This provision was not meant to enshrine the vagaries of international politics under the rubric of "public policy." Rather, a circumscribed public policy doctrine was contemplated by the Convention's framers and every indication is that the United States, in acceding to the Convention, meant to subscribe to this supranational emphasis. Cf. Scherk v. Alberto-Culver Co., 417 U.S. 506, 94 S.Ct. 2449, 41 L.Ed.2d 270 (1974)." (*Parsons & Whittemore Overseas Co. v. Societe Generale de L'Industrie du Papier (RAKTA)*, 1974).

A similar approach was also taken by the Supreme Court (Civil Court of Cassation) in its judgment of 19 March 2020 in case No. 824/146/19 on the application of JSC “Northimpex” for permission to recognize and enforce in Ukraine a foreign arbitration award against PrJSC “Zaporizhtransformator”. The Supreme Court held as follows:

“*The legal concept of public policy exists in order to protect the state from foreign arbitration awards that violate the fundamental principles of fairness and justice in force in the state. These provisions are designed to establish a legal barrier to decisions made contrary to the cardinal procedural and substantive legal principles on which public and state order is based. They are also intended to prevent the possibility of recognizing and granting permission to enforce decisions related to corruption or unacceptable ignorance of arbitrators.*

Also, from a systematic analysis of the provisions of the [Sanctions Law] and the NSDC Decision, which was adopted on the basis of Article 5 of the said Law, it follows that special economic and other restrictive measures (sanctions) are imposed for a certain period (in the case of PERSON_1 and PERSON_2 - for three years), which indicates their temporary nature. In this regard, the application of sanctions does not exempt a person from fulfilling obligations, but is, by its legal nature, a postponement of the fulfillment of certain obligations, a postponement of the implementation of certain actions for a certain period on the basis of a special regulatory act (NSDC Decision). That is, the [Sanctions Law] and the NSDC Decision do not provide for the exemption of legal entities of Ukraine from fulfilling obligations under agreements concluded by them. As a result, even if sanctions were applied under the NSDC Decision to the award creditor, the relevant fact could not indicate that the arbitration award, which provides for the collection of funds from the debtor, would contradict the public order of Ukraine and, accordingly, would lead to a refusal to recognize and grant permission for its enforcement in Ukraine.” (Supreme Court of Ukraine, 2020, March 19, paras. 11-12)

The second approach is that sanctions form part of peremptory norms and public policy. Accordingly, a decision in favor of a sanctioned person is contrary to public policy.

The Supreme Court reached this conclusion in its ruling in case No. 824/100/19 dated 13 February 2020, on the application of Avia-Fed Service JSC for permission to enforce the decision of the ICAC at the RF CCI against Artem State-Owned Enterprise, holding the following:

"*The panel of judges believes that the case materials contain sufficient evidence that in the event of recognition and enforcement of the decision of the ICAC at the RF CCI from a state-owned enterprise that is of strategic importance for the defense of the state, funds will be collected in favor of a legal entity registered in the aggressor state that orders military goods and whose rights regarding its property, commercial activity and financial obligations on the basis of the Law of Ukraine "On Sanctions" are temporarily limited in view of Ukraine's need to protect the interests of society and the state from threats to national security, in particular, the security of people living in the territory of Ukraine.*

At the same time, the court proceeds from the fact that the application of temporary special economic and other restrictive measures against Avia-Fed Service JSC on the basis of the Law of Ukraine "On Sanctions" indicates that the actions of this person create the above-mentioned threats, as a result of which the execution of the decision of the ICAC at the RF CCI will violate the rules of Ukraine on public order, namely the fundamental political interests of the state in ensuring national security, including the safety of people living on its territory." (Supreme Court of Ukraine, 2020, February 13).

At the same time, the Supreme Court unequivocally dismissed the first approach:

"*The reliance of the court of first instance and the award creditor that the application of sanctions to the award creditor is a basis for suspending the implementation or non-implementation of coercive measures to collect debts from a defense complex enterprise and concerns the bodies that carry out the enforcement of decisions and cannot be a basis for non-recognition of the decision of an international* *arbitration court is not based on the law. The panel of judges notes that, in accordance with the provisions of Chapter 3, Section IX of the Code of Civil Procedure of Ukraine, the recognition of an international commercial arbitration award lies within the jurisdiction of the court, and not of the bodies that enforce court decisions. Therefore, the obligation to temporarily limit the possibility of collecting funds from an enterprise that operates in the defense sector and is of strategic importance for the security of Ukraine, in favour of an enterprise of the aggressor state that purchases military goods, rests primarily with the court, which, within the clearly defined period of validity of the sanctions against Avia-Fed-Service JSC, does not have the right to grant permission to recognize and enforce the decision of the ICAC at the Chamber of Commerce of the Russian Federation.*"

Conclusion: Despite the existence of two different approaches to whether sanctions are part of public policy, the recent practice of the Supreme Court seems to evolve in the direction of recognizing sanctions as part of public policy and regards the application of certain types of sanctions to award creditors (for example, blocking of assets) as a basis for refusing to grant permission for the enforcement of foreign arbitral awards.

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VERIFICATION OF THE CALCULATION OF CLAIMS IN CIVIL CASES ON DEBT RECOVERY UNDER CREDIT LEGAL RELATIONS

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The development of economic relations inevitably entails adjustment of legal relations arising in the course of protection of violated civil rights in this area. The protection of credit relations is no exception, and the protection of credit relations can be considered a separate category of civil cases, the diversity of which is indicated in the legal literature (Остапенко і Смоляна, 2024). This is substantiated by the data of the Unified State Register of Court Decisions. Thus, in 2024 alone, the CCC of the Supreme Court reviewed 426 acts of justice in cassation proceedings. The cassation review of court decisions is a specific type of review of these acts for their legality, since, unlike the appellate review, it contains procedural filters provided for by the national civil procedural law, as indicated in the scientific literature (Гусаров, 2011).

At the same time, proper judicial protection of credit relations requires, among other things, compliance with the requirements for the form and content of the statement of claim, one of the elements of which is the determination of the price of the claim and the calculation of claims. This entails the obligation to verify the validity of the calculation of claims when making a decision on the merits of the disputed legal relationship. At the same time, an important element of proof is the substantiation of the legal position of the parties, which was the subject of one of the scientific works of V. Y. Mamnytskyi (Мамницький, 2002).

The analysis of the Supreme Court case materials shows that in many cases courts make mistakes when deciding on the merits of claims, accepting the plaintiff's calculations without proper investigation. For example, when reviewing a court decision in cassation in the decision of the Grand Chamber of the Supreme Court of 04.12.2019 in case №917/1739/17, it is emphasized that the court, when determining the amount of the defendant's debt, is obliged to properly examine the evidence submitted by the party (in this case, the calculation of the debt made by the plaintiff), check it, evaluate it in the aggregate and in relation to other evidence available in the case, and in case of disagreement with it in whole or in part, indicate legal arguments to refute them and provide its own calculation in the decision. This is defined as a procedural duty of the court (Велика палата Верховного суду, 2019, грудень 4).

Such a conclusion indicates errors in the application of the law by the courts of first instance or appellate courts when considering a civil case on the merits.

The specifics of verifying the calculation of the price of a claim in civil cases on debt recovery under credit relations are as follows, and are not only related to the analysis of the loan agreement and the plaintiff's arguments. In the category of cases in question, the loan agreement requires research and careful analysis. In particular, the loan amount, interest rates, repayment terms and penalties - to determine the legitimacy of the plaintiff's claims. The lender is obliged to provide a detailed calculation of the debt, including the principal amount, accrued interest, penalties and fines. The court, in turn, checks the accuracy of the calculation. First of all, it checks whether the interest does not exceed the maximum daily rate established by law.

The court should pay special attention to payment documents (receipts, payment orders) and bank statements confirming the flow of funds and compliance with the terms of the agreement. The statements must be signed by authorized persons and be consistent with other evidence. If an act of reconciliation of mutual settlements is provided, the court should check it for compliance with the terms of the contract, payment documents and statements. These elements will allow the court to establish the validity of the claims and ensure the protection of the parties' rights.

We strongly suggest that the court cannot ignore the verification of the calculation of claims, as it is a key element for making a reasoned decision. If the court fails to verify the calculation, this may be grounds for setting aside the decision in a higher court due to violations of substantive or procedural law.

During martial law, the court is also obliged to take into account the difficult financial situation of the debtors and possible difficulties in obtaining evidence. Failure to comply with these rules may result in the decision being set aside, so judges must ensure that the principles of fairness and good faith are observed when considering such cases.

When considering cases on debt collection on consumer loans, the court is obliged to take into account the provisions of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on Improving State Regulation of Financial Services Markets" №3498-IX dated 22.11.2023, which limits the maximum daily interest rate. According to the amendments to Article 8 of the Law "On Consumer Lending", the rate may not exceed 1% after the end of the transitional period (240 days). During this period, temporary restrictions apply: 2.5% (first 120 days) and 1.5% (next 120 days). The court is obliged to verify the debt calculation provided by the creditor and reject claims that exceed the established limits.

Court protection of credit relations requires a thorough and comprehensive analysis of all aspects of the case, including the correctness of the debt calculation, compliance with the terms of the loan agreement and compliance with applicable law. The court is obliged to verify the validity of the claims, including the principal amount of the debt, accrued interest, penalties and fines, and to take into account the maximum interest rate limits established by law. Failure to comply with these requirements may result in the court decision being set aside. It is especially important to take into account the difficult financial situation of debtors during martial law, which requires judges to adhere to the principles of fairness and good faith when considering debt collection cases.

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KEY PRINCIPLES OF DATA PROTECTION ACT (DPA) 2018 AND UK GENERAL DATA PROTECTION REGULATION (GDPR) AS LEGAL GUIDELINES TO USE OF OSINT

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Open-Source Intelligence (OSINT) refers to gathering and analyzing publicly available information for intelligence purposes. This information can come from various sources, including social media, news articles, blogs, websites, public records, etc. OSINT is widely used by governments, businesses, and organizations for tasks such as threat assessment, competitive analysis, and cybersecurity. The key advantage of OSINT is that it leverages data that is already publicly accessible, making it a cost-effective and legally compliant method of intelligence gathering. However, the main challenge lies in sifting through vast data to extract relevant and actionable insights.

The key task of Ukrainian criminal proceedings, as defined by Article 2 of the Criminal Procedure Code of Ukraine (CPC of Ukraine), is the obligation to conduct a prompt, complete, and impartial investigation and trial to ensure that everyone who has committed a criminal offense is held accountable to the extent of their guilt, that no innocent person is accused or convicted, that no person is subjected to unjustified procedural coercion, and that each participant in the criminal proceedings is afforded due legal process (CPC of Ukraine, 2012).

The current version of the Criminal Procedure Code, namely Chapter 2 of the aforementioned normative act, proposes a set of general principles for criminal proceedings within which the parties of the prosecution and defense must act when exercising their rights and obligations within the proceedings. These principles must also be considered when implementing direct procedural measures within the framework of inquiry or pre-trial investigation, particularly when performing investigative (search, including covert) actions by authorized employees of the pre-trial investigation bodies.

Korystin et al. highlight that OSINT can potentially provide state security and law enforcement agencies with critically important capabilities to supplement and enhance their intelligence capabilities. Targeted and legal monitoring, analysis, and visualization of public open-source data should be considered as mandatory requirements of any national security strategy. Furthermore, the ability to quickly gather, accurately process, and analyze open-source data can be of significant assistance during investigations and can also be used for strategic crime-fighting planning at the national level, including terrorism (Korystin & Svyrydiuk, 2024).

The methods of obtaining OSINT information have repeatedly proven their effectiveness in obtaining intelligence and other valuable information in the field of national security within the conditions of the Russian Federation's invasion of Ukraine.

This provides sufficient grounds for their effective application by law enforcement agencies of Ukraine in combating and fighting crime.

According to the study conducted by Loskutov on the types of legal regulation in criminal procedure, the activities of criminal proceedings' subjects (investigator, prosecutor, investigating judge, judge) are governed by a special-permissive type of legal regulation, which is based on a general prohibition and specific permission. These above-mentioned subjects may carry out procedural activities only in the manner explicitly prescribed by the provisions of criminal procedural legislation in exercising their powers to counteract crime. (Loskutov, 2015).

Therefore, the use of OSINT methodologies by law enforcement representatives should align both with the general principles of criminal procedural activity in Ukraine and with future specialized regulations aimed at establishing legal grounds and clear boundaries for the application of OSINT within criminal proceedings, which are currently absent in the relevant legislative acts in the field of criminal procedural law.

Under such conditions, it is advisable to explore the possibility of considering foreign experience in regulating the use of OSINT methodologies within criminal proceedings, particularly through the adoption and further unification of relevant national norms with leading examples of legal acts in this field, which have demonstrated legal effectiveness in their practical application in various countries.

To achieve those objectives, special attention should be given to the safeguard provisions of the United Kingdom's Data Protection Act 2018 (hereinafter referred to as the Data Protection Act). Adopted as a replacement for the previous Data Protection Act of 1998, which no longer met contemporary realities and effective European practices in this area, the legislative act of the UK Parliament serves as an implementation of the provisions of the European Union's General Data Protection Regulation (GDPR), taking into account the specifics of the United Kingdom's legal system.

The legal basis for obtaining or processing personal data under Section 2 of the Data Protection Act, including the use of OSINT methodologies, should be based on the following fundamental principles:

- **Lawfulness, fairness, and transparency** – data collection and processing must be conducted on legal grounds and with transparency in the acquisition process;
- **Purpose limitation** – data and information collection may be accomplished only for specified purposes;
- **Data minimization** – information should be obtained only to the extent necessary (within reasonable limits);
- **Data accuracy** – acquired data must be proved as accurate and up-to-date information;
- **Storage limitation** – processing and storage of acquired information should not be longer than necessary within a given legal procedure;
- **Integrity and confidentiality** – data acquisition and processing must be carried out with security measures (Data Protection Act, 2018).

These fundamental principles of UK personal data protection legislation are further development of the core principles successfully implemented in the European Union. These applied by OSINT users in the United Kingdom principles should be considered as a solid foundation for future developments in regulating the proper application of OSINT methodologies in Ukraine and may also be taken into account by Ukraine legislators in the creation of future legal acts on this matter.

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EUROPEAN STANDARDS OF FAIR TRIAL IN THE CONTEXT OF JUDICIAL PRACTICE

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Article 6 of the *Convention for the Protection of Human Rights and Fundamental Freedoms* enshrines an important right and guarantee in civil proceedings. It states that in the determination of his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

First of all, it should be emphasised that the main focus of legal protection under Article 6 of the Convention "*is not to ensure the correctness of the decision*", but rather "*to ensure that each person has an adequate opportunity to present his or her position*" in the case (Karalevičius v. Lithuania, 2002). Moreover, it can be concluded that ensuring the unity of judicial practice at the national level is also not the main focus of this Article.

At the same time, in certain cases, differences at the domestic level of judicial practice may become so serious that it violates the Convention right to a fair trial, as the parties to civil proceedings will not be able to have reasonable expectations regarding the outcome of the case.

In its case law, the European Court of Human Rights identifies the criteria, which can be used to establish the seriousness of the differences in domestic practice. These criteria include, first of all, *1) duration of the differences and 2) profoundness of the differences.*

As the Court emphasises, **the duration of conflicting judgments**, especially when the contested difference concerns a large number of applicants, may in certain circumstances create a state of legal uncertainty that may undermine public confidence in the judicial system, which is one of the most important components of a state based on the rule of law (see § 38 of the judgment of May 10, 2012, in *Albu and Others v. Romania*, Application No. 34796/09).

At the same time, as the Court points out, if a higher court within a state makes an effective decision and unifies different practices quickly (i.e. within a year), the difference in practice cannot be considered a violation of Article 6 (see §§35-44, *Albu and Others v. Romania*).

As for the **profoundness**, it may depend on the specific circumstances of a particular case and, therefore, may be reflected in completely different aspects of the case.

For example, there were *differences in the case law of the highest court* in Romania. As determined by the ECtHR, this was reflected in the decisions made by the lower courts, which also issued contradictory judgments. Thus, a large number of entities suffered from inconsistent judicial practice, which had a significant impact (see § 124 of the judgment of November 29, 2016, in *Greek Catholic Parish of Lupeni and Others v. Romania*, Application No. 76943/11).

In other case, the factor was the *importance of the outcome of the legal issue* for the outcome of this and similar cases to which this case law relates.

Thus, the Court resolved *Filippa Roberta LO FERMO v. Italy*, Application No. 58977/12, in which the applicant complained of a violation of Article 6 of the Convention due to the inconsistency of the judgment in his case with the judgments in similar cases. The discrepancy was in the court's interpretation of Italian law as providing access to specialised training (internships) only for doctors working in the public health sector. Instead, the applicant pointed out that in a similar case, another panel of the same authority had previously interpreted the same law to mean that private sector doctors had the same rights to participate in training (internships).

In this case, the court took into account that the dispute between the parties arose from the fact that the applicant, as a private sector doctor, was not granted access to training (internship) and the issue with which the applicant applied for national protection was itself related to access to training (internship). In this case, the applicant's grounds for claim were itself the contradictions between different interpretations of the same legal provision.

As the ECtHR emphasised in its judgment (§§ 54-55), *'..the divergence did not involve a secondary matter but the pivotal aspect of the case, namely the meaning of the substantive domestic provision determining whether the applicant's claim could be granted or not... The Court therefore considers that the divergences in the interpretation of the scope of Article 35 § 4 of Legislative Decree no. 368 of 17 August 1999 could be viewed as profound.'* (see (§§ 54-55 of the judgment of June 20, 2023, in *Filippa Roberta LO FERMO v. Italy*, Application No. 58977/12).

In conclusion, it should be emphasised that only a combination of both criteria (duration and profoundness) will result in a violation of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

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THE INTERNATIONAL CRIMINAL PROCEDURE WITHIN THE SYSTEM OF INTERNATIONAL CRIMINAL JUSTICE AND ITS ESSENTIAL CHARACTERISTICS

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At the current stage of the development of international criminal justice, one of the key issues remains the study of such a crucial component as international criminal procedure. It serves several functions. Primarily, international criminal procedure is designed to ensure impartiality and fairness both in the pre-trial investigation of the most serious crimes and in their judicial proceedings. Additionally, it regulates cooperation between international judicial institutions and states. The relevance of this issue is driven by ongoing debates surrounding many aspects of international criminal procedure. In particular, we will focus on two of them: the determination of the place of international criminal procedure within the system of international "criminal" relations and its essential characteristics.

Turning to the definition of the role of the international criminal procedure, it is frequently incorporated into the system of international criminal law. For instance, in one scholarly work, the authors, while examining the principles of international criminal law, emphasize its nature as a comprehensive field. Consequently, in addition to general principles typical of domestic criminal law, criminal procedure, and penal enforcement law, it also encompasses the principles of the international criminal procedure and the execution of criminal penalties (Lukianova, Serkevych, 2020). In another study, the authors point out the existence of two sub-branches within international criminal law: vertical and horizontal. It is argued that the former regulates not only the substantive legal grounds for holding individuals accountable under international criminal law but also the structure and functioning of international criminal courts and proceedings. Within this sub-branch, there is a notable trend toward consolidating procedural norms into the international criminal procedure (Andreichenko, Vladysheska, 2022).

However, there exists an alternative approach that involves distinguishing between international criminal law and the international criminal procedure. To achieve this, it is necessary to employ another category mentioned earlier, namely international criminal justice. Thus, in examining the relationship between these three concepts, it can be stated that: International Criminal Justice (ICJ) is a broader concept that encompasses both International Criminal Law (ICL) and International Criminal Procedure (ICP). International Criminal Law constitutes the substantive component of international criminal justice, while International Criminal Procedure represents its procedural component (Chiarini, 2024). Given the current stage of development of the international criminal procedure, including it within the framework of international criminal law is erroneous, and therefore, this approach merits full support.

Moving on to the second question, let us outline the key characteristics of the international criminal procedure. The significance of this aspect lies in the fact that, although certain elements of the procedure emerged over a prolonged historical period, it coalesced into a coherent system only in 1993–1994 with the establishment of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. While some procedural norms can be traced back to earlier historical judicial proceedings, it was the creation of these tribunals that endowed the international criminal procedure with a clear structure and systematic nature. In this context, a question arises: why cannot previous historical tribunals, such as the Nuremberg and Tokyo Tribunals, be regarded as fully establishing the international criminal procedure? Although they possessed statutes that formally defined the rules of judicial proceedings, their foundation remained vulnerable due to breaches of the principle of judicial impartiality. Consequently, the international criminal procedure can function effectively only if three fundamental requirements, which constitute its essential characteristics, are met: 1. Respect for the fundamental principles of independence and impartiality of judges and their competence in either criminal or international law, resulting in a hybrid composition of the bench; 2. Presence of a statute or institutional charter that regulates in detail the unbending rules of procedure and evidence, rights of the accused, and victims' rights; 3. The hybridization of the rules of procedure and evidence and the statutory law blending the common law and the European legal traditions, the results of a dialogue and clash promoted by dissenting, separate, and concurring opinions (Chiarini, 2024).

At the current stage, the most comprehensive embodiment of these requirements is the Rome Statute of the International Criminal Court, which meets all the aforementioned criteria and serves as the key source of international criminal procedure.

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RULE OF LAW: POLITICAL IDEAL OR A LEGAL PRINCIPLE?

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Rule of law is a fundamental legal principle, that has been evolving since Antiquity, changing its meaning, structure, and implications. The very idea of the rule of law, originating in Greek city-states, carried an essential concept of constraining governmental powers by making the rulers and the ruled ones bound by law and responsible before the court, driven by the concept of “rule of law, not men” (Canevaro, 2017).

However, such a narrow understanding of the rule of law caused its complicated issues to appear further during the Middle Ages. Being interpreted as a ruler's instrument by Roman lawyers, the rule of law ideal excluded the body creating the law itself from the law's jurisdiction. This famous formula, found by the Medieval glossators in Corpus juris civilis, remained dominating throughout the Medieval period. Magna Carta, adopted in 1215 in England, is considered to be one of the first constitutional acts that ceased unlimited monarch power by making the king bound by law and reason and starting a whole new generation in legal thinking (Tamanaha, 2004). Common law, the law of courts and precedents, relies upon the fundamental concept of law, that stands above the state and acts as an autonomous phenomenon. The historical turmoil led British society toward the term "rule of law" described by A.V. Dicey in 1885 as a set of formal legal sub-principles, including equality before the law, publicity of laws, their open promulgation, court independence, and absence of arbitrariness (Dicey, 1885).

Despite the horrors of the two World Wars, the positivist views on the rule of law have not disappeared, continuously causing fierce discussions in science and legal practice. Since the creation of the European Union, where many different legal traditions merged into one supranational legal order, an important question has become even more crucial: what is the rule of law exactly, how can it be defined, and if it can, what does it consist of?

Since the end of the XIX century, when the issue began to be discussed academically, legal science has generated an abundance of rule of law definitions. Most of them can be divided into two categories: formal and substantive. While formal definitions concentrate on properties of law such as generality, clarity, procedural adequacy, etc., substantive definitions strongly connect the rule of law with human rights and substantial freedoms such as democracy, freedom of speech, property rights, and other aspects. The representatives of the substantive branch strongly disagree with the formal approach advocates, stating that every law should comply with moral and ethical virtues to avoid massive human rights violations. On the other hand, the formalists oppose by asserting that overloading an essentially legalistic principle with the questions of morale, ideals of welfare, and sustainable development would cause nothing more than the principle's depreciation due to its vague content (Tamanaha, 2004).

The immense variety of the rule of law definitions causes concern among scholars due to the obscurity of the concept, reinforced by its frequent usage by politicians. The UN and its rule of law initiatives serve as an example of a principle, often mentioned without a precise explanation of its content. Commitment to the rule of law, expressed in numerous declarations and resolutions, lacks clarity and involves various interpretations of the same ideal by the representatives of the UN Member States. Despite the effort to define the rule of law, made by Secretary-General Kofi Annan in 2004, merging formal and substantive elements into one principle, a consensus has yet to be reached among states that express vastly different positions on the rule of law (*The rule of law and transitional justice in conflict and post-conflict societies,* 2004).

The main problem of the creation of a common model of the rule of law among different states and other subjects of international law lies within the very core of national and international legal systems and their profound differences. As has already been rightfully stated in many publications concerning the problem, unlike domestic law, international law has no central legal or enforcing authority, with subjects being the creators, enforcers, and objects of the same legislation in the form of international norms and principles they agree to be bound by (Arajärvi, 2021).

Hence, domestic legal principles cannot be transformed into international ones easily. Therefore, a huge discussion among scholars also involves the problem of rule of law in international scope. The narrowest understanding implies the "rule of international law" and "international rule of law" as synonyms, defining the rule of law as the duty of subjects of international law to follow their international obligations and honor them accordingly. The widest conception, on the other hand, presents the rule of law as a complex of fundamental principles, that stand above legal norms, allowing the legal order to operate (Tamanaha, 2004).

Within the UN, the rule of law is understood as the principle of governance every country should maintain to preserve peace and security within its borders. General

Assembly Resolutions, Security Council debates, and legal documents of the organization, along with peacekeeping initiatives, present the rule of law as a principle that must be used to install peace and justice regionally (*The promotion and strengthening of the rule of law in the maintenance of international peace and security*, 2004). However, despite declaring the rule of law as a principle that exists both on domestic and international levels, the majority of viable practice exists in regional and interstate cooperation.

Regional and international intergovernmental and non-governmental organizations have been conducting extensive research on the matter of the rule of law standards for more than three decades now. One of the most successful ones is the Council of Europe and its consulting body – the European Commission on Democracy through Law (Venice Commission), issuing an extensive Rule of Law Checklist, used to evaluate the presence of the principle in domestic legal systems (European Commission for democracy through law, 2016). World Justice Project, another major non-governmental organization, conducts its' annual Rule of Law Index research, encompassing, alongside the traditional demands to law such as clarity, equality, generality, etc., absence of corruption, criminal and civil justice consistency (The World Justice Project, 2024). Though there are a lot of organizations and institutions with volumes of factual material, those studies rarely define the rule of law, decomposing it according to their methodologies.

The most significant endeavor to unify the understanding of the rule of law and its application is the EU as a unique international sui generis formation that has managed to create a separate legal order with its principles and constitutional paradigm. Starting from the late XX century, the extensive practice of the European Court of Justice has clearly stated that the EU is a "community, based on law" (Case C-294/83). The EU is the only regional legal order based on international law that has managed to install the rule of law not only as an ideal and a guiding principle, but also as a binding legal obligation, set out in its Founding Agreements.

However, the EU is facing a serious challenge to the rule of law enforcement. The latest disputes of the EU supranational bodies with Poland and Hungary concerning their controversial judicial, constitutional, and administrative reforms, have clearly shown that the EU lacks effective means of law enforcement. The actions, undertaken by the European Commission, mainly involve soft-law measures, based on dialogue, that are clearly unable to tackle open and defiant violations.

The notion of so-called “rule of law backsliding” has been spreading throughout the world, including Europe, at an alarming rate. The inability of the contemporary international and domestic institutions to maintain legal order and avoid human rights violations has fueled opinions of the rule of law as an “empty politicized motto with no real meaning”. Even legal scholars agree that the rule of law has been used in so many contexts, that it has become hard to identify its original scope and meaning. The variety of scientific interpretations of the rule of law as a “meta-principle” caused a lack of clarity that populist forces exploit. To tackle this problem, a common vision of the rule of law as a principle, which combines uniform law application and essential human rights and freedoms should be formed. However, its political dimensions should not be entirely overlooked. Political will is one of the factors that holds states, such as Member States of the EU, together under one set of values and mutual aims. Being able to accumulate political will and keep law an autonomous guardian of essential qualities of modern society is a challenge to be met by future generations.

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PROTECTING THE INTERESTS OF AN EMPLOYEE IN RELATIONS UNDER NON-DISCLOSURE AGREEMENTS IN COMMON LAW SYSTEM

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Non-disclosure agreement is a legally enforceable contract that establishes the obligation of the recipient party to keep the confidential or other sensitive information of the disclosing party secure and not disclose it to any third party. Both the standalone non-disclosure agreement and confidentiality clothes are widespread in contemporary trade, employment and other relations due to the growing importance of legal mechanisms for protecting of sensitive information in the context of informatization of all spheres of public production. For example, a study by Natarajan Balasubramanian, Evan Starr, and Shotaro Yamaguchi estimates that approximately 57% of employees in the United States in 2017 were definitely or probably bound" by a confidentiality agreement, with 8.5% not knowing if they were bound (Hrdy & Seaman, 2024). Per contra, the common use of non-disclosure agreements is becoming the root of legal issues, particularly in relation to maintaining a balance between the legal interests of employers and employees. This thesis examines the correlation between freedom of contract, from one perspective, and the necessity of special protection for employees, as a vulnerable party, from another perspective in common law legal system.

In the United Kingdom, spurred by the #MeToo movement, two public bodies, the House of Commons' Women and Equalities Committee and the Equality and Human Rights Committee, considered the problem of sexual harassment in the workplace. Most people who had been sexually harassed were women. Both bodies concluded that it was apparent that the sexual harassment of women was a major problem, one compounded by 'corrosive cultures which silence individuals and normalize harassment', and of which there was, correspondingly a lack of awareness of the extent of sexual harassment in the workplace. A principal reason identified in both reports for this lack of awareness was the use of non-disclosure agreements which operated to silence discussion of both the harassment and the employer's response, or lack thereof, to it (MacMillan, 2022).

In the USA. acting on the momentum of the #MeToo and #TimesUp movements, state legislators have leapt into action, hoping to do more to protect employees and others who have been subjected to or opposed sexual harassment. This legislative term, in the wake of the #MeToo and #TimesUp movements, California legislators have introduced bills that would help those who have been sexually harassed (Mizrahi, 2018).

For instance, in 2022 the United States Congress passed the Speak Out Act, which limits judicial enforceability of nondisclosure and nondisparagement contract clauses relating to sexual assault disputes and sexual harassment disputes. **(**Speak Out Act, 2022**).**

We can find similar provisions in legislation, adopted by state-level legislatures. California Fair Employment and Housing Act defines as illegal any employer`s action, that require an employee to sign any agreement or documents, which has the purpose or effect of denying the employee the right to disclose information about unlawful acts in the workplace (California Legislature, n.d.).

The United Kingdom Parliament is currently considering Bill No. 131 (2022-23) on Non-Disclosure Agreements, which proposes a ban on the conclusion of non-disclosure agreements that have the purpose or effect of concealing information about instances of bullying, harassment, or discrimination. This prohibition applies to agreements between a person who has experienced or reported such actions and a person who, under the law, bears the duty to prevent bullying, harassment, or discrimination (UK Parliament**,** 2022). However, the modern reserchers of common law highlights a low level of employee security, party of the non-disclosure agreement, noting, that the existing statutory framework provides a partial and inadequate protection, at best, from the possible abuse that can be caused by a non-disclosure agreement which serves illegitimate ends (MacMillan, 2022).

In conclusion, modern approaches to regulating legal relations under non-disclosure agreements in common law system tend to restrict the principle of freedom of contract emphasizing the necessity of protecting the interests of an employee as a vulnerable party. At the same time, the comprehensive concept of balancing the interests of employers and employees, as parties to an non-disclosure agreement through the unenforceability of agreement provision, that place employee in vulnerable position is remains in developmental stage.

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FORMATION OF AN ALTERNATIVE POSITION OF PROFESSIONAL REALIZATION AMONG STUDENTS OF A FRONTLINE METROPOLIS

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Any society is a living organism that is constantly in its development experiencing certain historical milestones that affect its economic, political, cultural, educational sphere and many other spheres. This is exactly what can now be observed in Ukrainian society, science education, culture and in many other spheres of the country. One of the foundations of any society is the education system, because it is it that prepares future specialists who will be able to satisfy the needs of modern society in all its spheres. But speaking of society, one should not forget that one of the signs of a healthy society is people who feel protected and realized in this society, that is, in this way we can say that society and man are those matters that influence each other, since any society consists of people. It is in this aspect that the education system of higher educational institutions plays an important role in the preparation of future specialists.

Modern Ukrainian society is going through difficult times today, having been in a full-scale war for more than three years, defending its borders, its society, its people, its culture and its existence as a nation. It should be noted that different regions suffer from the war to different degrees. There are regions where there is less destruction, less shelling and, accordingly, pupils and students are gradually starting to work within the walls of their institutions, only moving to bomb shelters during times of alarm. There are regions that are occupied and on whose territory active fighting is taking place, where, of course, educational processes do not take place and people with children have moved to safer cities of Ukraine or abroad in order to be able to receive education and provide their children with access to Ukrainian education, to the learning process. And there are front-line regions where a large number of people live who did not leave at all, or returned to their homes after the cities became more or less quieter. Of course, in such cities, educational processes also continue, but they continue online, or, as in Kharkiv, metro schools have been created for schoolchildren, where children who live in the city have the opportunity to attend classes. But only schoolchildren have this opportunity, unlike students of higher educational institutions who study online.

The topic of forming an alternative position for the professional realization of students of foreign philology in frontline megacities who study online is quite relevant today, since the problem of Ukrainian society is to keep young specialists in the field for which the higher educational institution prepared them. In frontline megacities, one can observe how difficult it is for students to gain knowledge, and then, as university graduates, to get a job in their hometown and stay there, meeting the requirements of the professional environment and remaining competitive.

The educational process during the war takes place according to the curriculum, as it was before the war, but, of course, taking into account the fact that classes are held online, students do not always have the opportunity to join the classes, since one of the negative factors of today is power outages, which are the results of enemy shelling of power systems. For such cases, students are offered to complete tasks asynchronously and send completed tasks to the teacher. But even under such conditions, the educational process follows the program, giving students the opportunity to gain knowledge in the subjects specified in the educational program.

It should be noted that university students are already used to working online, since a few years before the war, the educational process at the university, as well as at other universities in Ukraine, switched to the online system due to the coronavirus epidemic. Despite the fact that three years before the war, students began attending classes offline, lectures remained online in terms of safety for students and reducing the risk of spreading the virus. The war forced university students to return to online learning again. But there is one difference that should be noted, which is in the educational process, during which an alternative position of professional realization of students is formed. This difference is the completion of the internship. The internships that students undergo take place only online. There are several reasons for this: firstly, it is the safety of those who conduct the internship and those who undergo it; secondly, these are destroyed institutions, which is why many enterprises and educational institutions that are the basis for completing the internships work online; the third reason is the absence of students in the city or even in the country. That is why online internships are an option for conducting it in universities located in front-line cities, because it is the internship that is one of the main tools that contribute to the formation of an alternative position of professional realization of students, since in practice students have the opportunity to try themselves as a teacher or translator, thereby forming an understanding of the field in which they will be able to realize themselves as professionals and achieve success. In turn, understanding and awareness of the field in which they can be implemented and understanding of their importance in the profession can encourage university graduates to stay in their city after receiving a diploma.

The purpose of the educational program for the preparation of future foreign philologists is not only to form their knowledge in subjects related to foreign philology, translation and teaching of foreign languages, but also to familiarize students with those areas where they can be implemented as professionals in classes and practices that are included in the list of subjects included in

The practices that students undergo are of great importance in the educational process not only because they provide students with the opportunity to apply their theoretical knowledge in practice, but also introduce potential employers to those students who, after graduating from university, can take jobs in their organizations. Very often there are cases when, after practice, students are invited to work in these organizations. This is how another goal is achieved, which is aimed at forming an alternative position of professional realization of students of frontline megacities - to stimulate our youth to stay in their hometown, providing them with a job, because many graduates leave the city not because there is a war, but because they do not have a place of work where they could realize themselves. That is why it is so important to form an alternative position of professional realization among students of frontline megacities.

An example of organizing the educational process for students of the specialty "Philology" in O.M. Beketon National University of Urban Economy in Kharkiv proves that even during the war, the educational process not only does not stop, but also takes place in full. Students not only receive knowledge, but also have the opportunity to apply it in practices conducted according to the curriculum. The combination of practical classes and practice is an important tool in forming an alternative position of professional realization in students of front-line megacities, stimulating them not only to remain in the profession that they received at the university, but also to remain in the country and in their hometown. And the question is whether we, as university teachers, as education workers, will be able to build the educational process in such a way as to contribute to the formation of an alternative position of professional realization in students of front-line megacities in such a way that our youth, who are our future, not only remain in Ukraine, but also have the opportunity to realize themselves here as professionals. We can observe today that, on the one hand, there is a shortage of workers in any field, since many left Ukraine during the war and left their jobs, on the other hand, there are many university graduates who do not see themselves in the profession they received, which is the result of many social problems in Ukraine. Therefore, the task of universities is to form in students an understanding of where exactly they can realize themselves as professionals after receiving a diploma, to introduce them to all the areas where they may be needed, to give them the opportunity to try themselves in these areas, so that they not only have an idea of where their profession is needed, but also how much they are ready to work in this profession, develop and improve themselves. This will help them understand their calling and stay in the profession, and we will keep our youth in our country and have workers who are ready for professional development and self-realization in their profession.

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LEGAL REGULATION OF PERSONAL DATA PROTECTION IN THE INFORMATION ERA: THE PROBLEM OF ITS COMPLIANCE WITH THE REQUIREMENTS OF THE RULE OF LAW

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The information era is characterized by the exponential growth in the collection of personal data, which occurs through various home gadgets, websites, applications, as well as any financial, banking, or logistical activities of individuals in today's world. According to a study by International Data Corporation (IDC, 2018), 33 zettabytes of diverse data, including personal data (a zettabyte is 10 to the power of 21 bytes), were accumulated worldwide in 2018, and by 2025 this figure will rise to 175 ZB. We often consent to the collection of such information or upload it ourselves to the network or onto our devices. These personal details may be stored on private company servers, transferred to law enforcement or regulatory authorities, or become the target of illegal actions by third parties. The state attempts to regulate these relations by setting requirements for data protection while simultaneously seeking ever-greater access to this information for its own purposes.

In this context, the right to privacy and the protection of personal data becomes critically significant and requires careful legal regulation. At the same time, such regulation must comply with the requirements of the rule of law: it must be predictable, proportionate, non-discriminatory, and, most importantly, subordinate to the priority of human rights. The main objective of this work is to analyze how the legal regulation of personal data aligns with the principles of the rule of law.

According to the law of the European Union as well as the law of the Council of Europe, “personal data” is defined as information relating to a specifically identified person or a person who can be specifically identified (Council of Europe, 1981). Every individual has the right to the protection of such personal data. These data must be used appropriately for specified purposes and on the basis of that person’s consent or other justified grounds established by law. Everyone has the right to access the data collected about them and the right to correct errors in it (European Union, 2000). It is important to note that the right to personal data protection is not absolute; it should be considered in conjunction with its function in society and balanced against other fundamental rights in accordance with the principle of proportionality (European Parliament and the Council of the EU, 2016).

The practice of the European Court of Human Rights allows interference with this right if a “legitimate aim” is at stake. Such an aim may be dictated by public interests or by one of the protected rights of other individuals. Legitimate interests that may justify interference, pursuant to Article 8(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms, include the interests of national and public security, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others (European Union Agency for Fundamental Rights & Council of Europe, 2018).

Meanwhile, the implementation of such regulation must meet the requirements of the rule of law, in particular legal certainty, proportionality, and the primacy of human rights. Thus, Convention 108+ of the Council of Europe and the recommendations of the European Data Protection Board (EDPB) underline the necessity of clearly defining the boundaries and procedures for accessing personal data, so as to prevent arbitrary or discriminatory interference. Moreover, any limitations on privacy must be subject to appropriate judicial or independent oversight, thereby confirming the direct effect of the rule of law principle.

In practice, the realization of the principles of proportionality and legitimate aim in the sphere of access to personal data often encounters security-related challenges. One vivid and timely example was reported by The Washington Post in a publication dated February 7, 2025: the UK government is demanding that Apple create a so-called "backdoor" for accessing users' encrypted data stored in the iCloud service. This implies that British intelligence services could gain access to iPhone backups or other Apple products used by any person globally, without their knowledge. Apple, known for its commitment to customer privacy, may completely terminate its enhanced data protection service in the UK in order not to violate its obligations to users. Some representatives of other governments have asserted that the UK should not be allowed to secretly monitor its citizens. Additionally, if Apple makes such access technically feasible, geopolitical adversaries, such as China, may also take advantage of it. Other tech giants, including Google and Meta, maintain that they neither provide nor intend to create any "backdoor" enabling such access to their services (The Washington Post, 2025).

This is not the first time Apple has faced demands to grant access to information stored on devices it produces. In 2016, the FBI demanded access to the phone of an individual suspected of committing a terrorist act in San Bernardino. The tech company stated that it did not have the ability to access encrypted data on the phone, so the court order sought to compel Apple to create a special operating system disabling key security features of the device. Apple objected to this action, emphasizing its illegality and unconstitutionality. The company argued that it would create a dangerous precedent for the future and undermine the security of all the devices it manufactures. Ultimately, the case did not reach a final judicial resolution, as the FBI announced it had independently gained access to the phone without Apple’s help, and the court proceedings were thus halted (EPIC, n.d.).

As can be seen from these two examples, various governments are attempting to gain access to users’ personal data, primarily from mobile phones. It is clear that states justify this on grounds of national security, yet a mobile phone often “knows” more about its owner than a close relative, storing a vast array of data about the person, their habits, whereabouts, and more. All of these details form part of the right to respect for private life, which is enshrined in the European Convention on Human Rights (Council of Europe, 1950), other international treaties, and national regulations. Interference with this right is permitted only in specifically defined instances and must be substantiated by proportionality, a clear legitimate aim, and compliance with the requirements of the rule of law.

In the examples given, the state effectively aims to acquire universal access to devices without adequate correlation between this demand and its expediency, legitimacy of aim, or alignment with the fundamental principles of the rule of law. The irony lies in the fact that the rationale of “national security,” intended to justify the creation of backdoors or technical mechanisms of covert access, may itself pose an even greater threat to national security. Indeed, if such a technical capability is embedded in the algorithms or firmware of devices, there is a high probability that malicious actors will eventually exploit it.

Hence, in the information era, personal data becomes an especially vulnerable element of human rights, as any “backdoor” creates the risk of massive and unrestricted interference in private life. To prevent intrusion into personal data from turning into an instrument of total or selective surveillance, states are obliged to strictly adhere to the requirements of the rule of law—above all, legality, legal certainty, respect for human rights, and access to justice (including judicial review of any interference with an individual’s rights to assess its proportionality, the lawful grounds for such interference, its expediency, necessity, and the balance it strikes).

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INTERNATIONAL RELATIONS THROUGH THE PRISM OF DIGITAL DIPLOMACY

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In the age of globalization and information progress, digital platforms have become a key component of international communication and diplomacy. Due to the rapid progress in science and technology, "digital diplomacy" has widely spread, making public diplomacy more accessible to citizens of all countries. Nowadays, social networks and media can not only be used to transmit information, but also act as a "soft power" tool that can help strengthen international relations or, conversely, worsen conflicts (Kononenko, Komarova, 2024). Therefore, the study of the role of media is crucial for understanding how it can influence the process of international communications. This is what allows us to say that our paper is **relevant**.

Digital public diplomacy uses media as a tool to create a positive image of the state abroad, establish relationships with foreign audiences and influence public opinion. Society considers traditional media to be a reliable source of information because they are operational and proven. Reputable international media, such as the BBC World Service or CNN International, report from the scene in a particular country. Eventually, information concerning this nation will extend outwards, impacting how other countries' officials and their governing bodies perceive it (Карпчук, 2018).

The significance of social networks, especially popular platforms used worldwide like Twitter, Facebook, or Instagram, should not be diminished. What's more, different nations' administrations, along with diplomats and global bodies, utilize them to interact or to issue official pronouncements, keeping the public informed of crucial shifts or plans. This improves the ease and availability of communication between the authorities and the public (Мірошниченко, Федорова, 2022).

Recently, Ukraine's digital diplomacy has become one of the most impressive examples, which has spread after russia's full-scale invasion and remains extremely important. As a result of the active information sharing on social media and the media, an increasing number of foreign partners and international citizens are becoming aware of the actual events in Ukraine and the crimes committed by russia. The backing of Ukraine by the global community is reinforced through this. Concurrently, the dissemination of russia's disinformation campaigns becomes more difficult. Information campaigns like #StandWithUkraine clearly show how digital platforms can be a powerful force on the world stage.

It's important to keep in mind that in some countries, authorities fully control the media, so potentially leading to news and articles that are not entirely truthful. Some governments, operating within certain states, actively utilize media outlets as tools for propaganda. They disseminate false information, often referred to as fake news, with the express intention of impacting political landscapes and social dynamics in foreign countries. Modern diplomacy finds itself directly challenged by the robust proliferation of disinformation campaigns, which are strategically designed to undermine faith in democratic frameworks and to intensify existing disputes. In this case, disinformation and propaganda processes will expand globally, causing citizens from various states to accept false information, which will complicate international communication.

It can be concluded that digital diplomacy in a globalized world is a form of public diplomacy and as an effective tool in diplomatic relations and international communication. Due to the successful integration of new technologies into diplomacy, it has become a practical way of communicating between representatives from different countries, even if it has some shortcomings like disinformation. Although the basics of diplomacy remain unchanged, today much of the information is expressed in digital ways. This phenomenon will demonstrate further growth, reaching new heights of efficiency over time, which will provide even greater accessibility, versatility and reliability.

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THE CHALLENGES OF ENFORCEMENT OF INVESTMENT ARBITRATION AWARDS AGAINST RUSSIA

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Since the Russian invasion of Ukraine in 2014, a number of legal and economic challenges have emerged. Recent research indicates that the total direct damage to Ukraine's infrastructure has reached nearly $170 billion (KSE, 2025). While multiple mechanisms exist for seeking compensation, today, one of the most actively discussed is investment arbitration proceedings based on the *Bilateral Investment Treaty between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on the Encouragement and Mutual Protection of Investments, dated November 27, 1998* (hereafter – BIT). According to Article 9(2) of BIT, a dispute between an investor and a state may be submitted to 1) the competent court or arbitration of the Contracting Party where the investment was made, 2) the Arbitration Institute of the Stockholm Chamber of Commerce, or 3) an ad hoc arbitration tribunal under the UNCITRAL Arbitration Rules.

Investment arbitration has proven its effectiveness as, throughout the years, Ukrainian investors have consistently obtained favorable awards against Russia. Some notable cases include *Kolomoisky and Aeroport Belbek v. Russia, PrivatBank and Finilon v. Russia, Everest Estate LLC et al. v. Russia, Naftogaz v. Russia, Oschadbank v. Russia, Ukrnafta v. Russia, DTEK v. Russia, etc.*

Generally, states recognize and comply with investment arbitration awards due to legal, economic, and political considerations. Aron Broches, the main architect of the International Centre for Settlement of Investment Disputes (hereafter – ICSID) system, stated in 1968 that *"since any state against which an award was granted would have undertaken in advance a solemn international obligation to comply with the award, the question of enforcement against a State was somewhat academic."* Similarly, Ibrahim Shihata, former Secretary-General of ICSID, noted in 1986 that "*enforcement against states was "unlikely to arise" given their obligations under the ICSID Convention and reputational motivations"* (Gaillard & Penushliski, 2020).

However, this is not the case with the Russian Federation, which consistently refuses to comply with arbitral awards despite its obligations under the BIT and other international treaties. Instead, Russia actively obstructs enforcement by challenging every procedural decision and using all available legal means to delay proceedings and increase claimants' costs. A striking example is the *Hulley Enterprises Limited (Cyprus) v. The Russian Federation (so-called "Yukos" case).* Although back in 2014, the Hague Court ordered Russia to pay the largest arbitration compensation in history – $50 billion, the award has still not been fully enforced.

Given Russia's refusal to comply voluntarily, forced enforcement remains the primary means of executing arbitral awards. Enforcement within Russia itself is improbable, as Russian authorities consistently invoke public policy exceptions to reject the recognition of awards involving entities from so-called "hostile countries." Simultaneously, enforcement of the award against Russia in Ukraine may also be largely ineffective, as most Russian state and corporate assets in Ukraine have already been nationalized or remain under seizure.

Therefore, a viable alternative nowadays is to enforce the award in foreign jurisdictions where the Russian Federation or its state-related companies hold assets. Investment arbitration awards are enforceable in over 170 countries under the 1958

New York Convention. However, such enforcement is often challenging due to the principle of sovereign immunity, which protects most state-owned assets from seizure. The United Nations Convention on Jurisdictional Immunities of States and Their Property implies that without the consent of the foreign state, it cannot be brought as a defendant in legal proceedings, and it is impossible to impose interim measures on its property or enforce a court or arbitration decision against that property. Traditionally, sovereign immunity was absolute, but nowadays, most jurisdictions around the world, including the US, the UK, Canada, Singapore, Australia, New Zealand, and most member states of the European Union, have adopted the restrictive doctrine of state immunity, limiting immunity to state assets used for sovereign functions (Allens & Overy LLP, 2023). This is especially relevant in situations where immunity contradicts fundamental principles of international law, such as military aggression and the occupation of Ukrainian territories by Russia. Thus, the Supreme Court, in its ruling dated April 14, 2022, in case №308/9708/19, concluded that the Russian Federation is not entitled to state immunity, as "*acts of armed aggression by a foreign state are not an exercise of its sovereign rights, but rather constitute a violation of the obligation to respect the sovereignty and territorial integrity of another state*."

Additionally, the alter ego doctrine is increasingly utilized in arbitration proceedings to seize assets of state-owned companies if they are proven to function as mere extensions of the state. Although “non-commercial” assets, such as the property of diplomatic mission, military assets, or cultural property, are immune from enforcement (Nagy, 2024), sovereign direct investments, for example, Russian assets of Rosatom, Gazprom, Rosneft, Roscosmos, etc, can be used to satisfy investment awards. Besides being seen in cases against other jurisdictions, such as *Rubin v. the Islamic Republic of Iran and Crystallex v. Venezuela*, the Ukrainian court in *Everest Estate LLC et al. v. Russian Federation case* also applied alter ego doctrine, permitting the seizure of assets of Russian banks and state-owned enterprises (Yurydychna Hazeta, 2024).

Besides choosing jurisdictions that provide favorable conditions for the enforcement of the award, identifying Russian assets within these states is crucial.

Given the complex and evolving sanctions landscape, there is the risk that valuable Russian assets in the chosen jurisdiction may already be frozen or expropriated. In addressing this problem, some countries have begun legislating statutes that would facilitate the seizure and repurposing of frozen assets due to "*the severity of crimes committed by Russia*." (Gardyne & Grier, 2022).

Despite procedural challenges, some cases demonstrate notable success in securing award enforcement through pre-emptive asset freezes. For example, Naftogaz and six other companies initiated investment arbitration proceedings against Russia in October 2016. In April 2023, the company was finally awarded $5 billion in compensation for lost assets in Crimea and has since pursued enforcement in multiple jurisdictions. Notably, courts in the United States and the United Kingdom have confirmed the Hague arbitration ruling, enabling asset seizures in these countries. The prominent success was reached with the Helsinki District Court granting Naftogaz's request to seize Russian state-owned assets in Finland, including real estate valued at tens of millions of dollars (Naftogaz, 2024).

Therefore, despite the positive dynamic in awarding compensation to Ukrainian investors from Russia, the enforcement of investment arbitration awards presents both legal and political challenges. Nevertheless, recent cases demonstrate that persistent and strategic efforts can achieve successful results and enhance the prospects of recovering awarded damages in the future.

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CONTROLLED FOREIGN COMPANIES: BASICS OF LEGAL REGULATION AND TAX IMPLICATIONS

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Introduction

The globalization of markets has led to an increase in aggressive tax planning with reduced tax burdens, including through offshore entities. That is why many jurisdictions have introduced rules on controlled foreign companies (CFCs). The purpose of such an approach is to prevent tax evasion by shifting the income of foreign subsidiaries to their controlling shareholders in the country. This paper examines the legal framework for CFC regulation, its tax implications, and challenges in enforcement, incorporating comparative analysis and recent research findings.

Definition and Legal Framework

A controlled foreign company is a legal entity incorporated in a foreign jurisdiction that is controlled by a tax resident of another country. CFC rules usually include the following elements:

Control criteria: a legal entity may be recognized as a CFC based on ownership thresholds, management influence, or economic substance.

Passive income taxation: In many jurisdictions' CFC rules are primarily applied to passive income, e.g. dividends, royalties, and interest.

Exemptions and thresholds: Some countries offer exemptions when a CFC pays a sufficient amount of taxes in its jurisdiction or participates in genuine economic activities. For example, in Ukraine, such exemptions are:

1) if the country of registration of the CFC and Ukraine have a tax treaty and one of the following conditions is met:

a) the CFC profit tax rate in the country of registration is higher than 13;

b) the CFC income mainly comes from active sources (for example, from commercial activities);

2) the annual income of all CFCs of a controller is less than 2 million euros (clause 39-2.4 of article 39-2, Tax Code of Ukraine, 2024).

Major jurisdictions, like the United States (Subpart F rules), the European Union (ATAD directive), and the OECD (BEPS Action 3), have established CFC regulations to deal with tax avoidance. Recent research has identified weaknesses in CFC frameworks when hybrid financial instruments, such as equity-like profit participation rights are involved, which may lead to tax avoidance in certain jurisdictions (Kollruss, 2025).

Tax Implications of CFC Rules

Here are important tax consequences of CFC rules application:

Increased tax burden: CFC income may be subject to taxation in the shareholder’s home country, even if it is not distributed.

Compliance costs: Companies and individuals must keep detailed records and reports to demonstrate compliance.

Impact on investment decisions: Stricter CFC rules may affect offshore investment or push businesses into tax-efficient structures.

Comparative analysis of CFC rules in Spain, Germany, and Austria shows significant variations in their effectiveness. While Spain’s rules prioritize participation in a CFC’s results, Germany and Austria rely more on share capital ownership, leading to potential loopholes for tax avoidance (Kollruss, 2025). Ukraine has taken steps to implement CFC regulations to prevent tax avoidance, but there is room for improvement. Spain's model, which taxes profits rather than relying solely on ownership percentages, has proven to be more effective in ensuring income is taxed properly. In contrast, Germany and Austria's reliance on ownership thresholds makes it easier for companies to use hybrid financial instruments to bypass taxation (Kollruss, 2025). Similarly, Ukraine's approach, while comprehensive in taxing both active and passive income, still has vulnerabilities when it comes to hybrid instruments. For Ukraine, it could be more beneficial to adopt Spain’s profit-based model. This approach would help ensure a broader range of income is taxed. In addition, it could prevent companies from exploiting loopholes if we adopt clearer tax thresholds and stricter oversight of hybrid financial instruments.

Aligning Ukraine's laws with international standards, such as the OECD's BEPS initiative (OECD, 2015) and the EU's ATAD directive, would also strengthen enforcement and increase transparency. Since tax avoidance strategies constantly change, regular updates and better international cooperation are necessary to keep CFC regulations effective (Schön, 2010).

Challenges in Enforcement

Despite the wide adoption of CFC rules, enforcement remains a challenge:

Tax treaty conflicts: CFC taxation may lead to double taxation, and it requires coordination between tax authorities.

Corporate structuring strategies: Multinational companies use complex structures to mitigate CFC difficulties, particularly through hybrid instruments.

Evolving tax policies: The global tax landscape is changing, particularly with the OECD's Pillar Two initiative, when a global minimum tax rate was introduced.

Conclusion

CFC rules play a crucial role to prevent base erosion and profit shifting. However, it makes harder to balance anti-avoidance measures with the need to attract foreign investment. Comparative studies show that legal frameworks should integrate measures to address hybrid financial instruments to prevent tax avoidance. Future regulatory developments should focus on international cooperation and harmonization to ensure effective enforcement.

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POPULISM IN EASTERN EUROPE AND ITS IMPACT ON POLITICAL SYSTEMS

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In legal studies, there is no clear definition of the concept of populism. For example, in Europe, populism is linked to ‘irresponsible politics’, while some scholars believe that populists are bound by unjustified political promises. Jan-Werner Müller, however, points out in one of his works that psychological explanations of populism often highlight emotions such as anxiety, fear, and, perhaps most notably, public anger Mueller attempts to define populism as a particular form of moralistic imagination about politics, a way of perceiving the world that contrasts a morally pure and completely unified (fictional) people with small minorities, often elites, who are separated from the real people. Thus, he tried to characterise populism through the following features (Mueller, 2017):

- anti-elitism, according to which populists seem to divide society into ‘real people’ and ‘corrupt elite’;
- anti-pluralism: populists deny any opposition, declaring the opposition to be enemies of the people; and
- exclusive representation of the people, where only populist politicians have the right to represent the ‘real people’.

We would also add such a characteristic of populists as basing their policies and election programmes on a very quick solution to acute political or social problems. By focusing their attention and rhetoric on such acute problems as illegal migration, unemployment, etc., populists win over a fairly large share of the population that is most affected by such problems.

- If we try to analyse the emergence of populism in Eastern Europe, using the example of countries such as Hungary and Poland, we can see that this is not only a trend of the mid-2010s, but populism in these countries dates back to the 1990s. It is worth emphasising that democratic institutions in these countries were quite weak after communist rule. Some scholars believe that post-communist democracies were born with an ‘empty core’ because there was a lack of mass civic and political activity in support of liberal ideals (Bohle & Greskovits, 2012). Gábor Galmály emphasises that widespread support for democratic principles has never been achieved at the level of behaviour and attitudes (Halmai, 2018). It is worth noting that these regions are also characterised by illiberal narratives such as ethnic nationalism and social conservatism (Dawson & Hanley, 2016).

In addition to weak democratic institutions, Bojan Bugarič states that the global financial crisis of 2008 reduced public trust in European integration and neoliberalism. In Hungary, the national debt increased to 79% of GDP, while unemployment rose to 10%. This economic instability led to a demand for new political ideas, which populists effectively developed, placing blame on elites and migrants. For example, in Poland, the populist Law and Justice party focused on low-income and unemployed voters who had been strongly affected by the 2008 financial crisis and had to reduce spending further.

Law and Justice gained support with policies such as a family allowance of PLN 500 per month per child, paid for by a tax on banks and large businesses, as well as a reduction in the retirement age for men and women. The 2015 migration crisis made nationalist feelings even stronger. Populists took advantage of this rising frustration by mixing nationalist messages with socially focused economic policies (Bugarič, 2019).

Hungary and Prime Minister Viktor Orban and his Fidesz political party are an example of how populists can deftly use various legal methods to consolidate their power. In 2011, Hungary adopted a new constitution that replaced the 1989 constitution, which was the result of the so-called post-communist democratic transition. The ruling party, led by Viktor Obran, made a number of changes that helped to consolidate and extend its influence on political processes in Hungary.

Théo Fournier argues that the new constitution contains populist language. In particular, he believes that Article U is aimed at the Hungarian Socialist Party, which was the second most powerful political group at the time. This suggests that Fidesz wanted to weaken the opposition. The constitution also creates the idea that Hungary's transition to democracy was a revolution, even though, in reality, the communist government negotiated with opposition parties, leading to free elections. Article U accuses the Socialist Party of nine different offenses, extending responsibility to its successors, including the current Hungarian Socialist Party. This is especially significant because the amendment was passed just a few months before the 2014 elections (Fournier, 2019).

It should be noted that one of the charges against the Socialist Party is 'the suppression of the Revolution and the War of Independence that broke out on 23 October 1956, the subsequent reign of terror and retribution, and the forced flight of two hundred thousand Hungarians from their homeland by bloodshed, in collaboration with the Soviet occupation forces'. Such a statement seems all the more ironic given Viktor Orban's policy of a full-scale Russian invasion of Ukraine.

In addition to this, Fidesz amended the electoral law, reducing the size of the parliament from 386 to 199 and changing the electoral rules in majority districts. After these changes, Fidesz won 66% of the seats in parliament with 45% of the vote (Dawson & Hanley, 2016).

The new Hungarian constitution also contains Article IX, which restricts press freedom. It defines it not as a guaranteed right, but as a state duty, making the protection of press freedom dependent on state policy. In order to strengthen media control, the constitution delegates the regulation of media control to a fundamental law, which requires a two-thirds vote of the deputies present, making it difficult to change. The Fourth Amendment to the constitution also restricted political advertising outside of election campaigns. This change prevents the opposition from responding quickly and effectively to the ruling party's policies. This is a significant restriction on freedom of speech, especially given that the Constitutional Court had previously censored similar provisions in the 2011 election law. Fidesz found a way around this by adopting a constitutional amendment (Dawson & Hanley, 2016).

The amendment also cancelled all decisions of the Constitutional Court made prior to the adoption of the new constitution. This undermined the principle of legal certainty, as many key decisions guaranteeing the protection of human rights were annulled. Previously, the Constitutional Court itself had determined the approach to the constitutional transition: if the provisions of the new and old constitutions were the same, previous decisions remained in force. The Fourth Amendment abandoned this principle, which jeopardised the consistency of Hungarian law with European human rights standards (Halmai, 2018).

In conclusion, populism in Eastern Europe has had a significant impact on political systems, especially in countries with weak democratic institutions that began to recover from the communist past in the 1990s. It intensified significantly after the 2008 financial crisis and the 2015 migration crisis. Populist parties use anti-elite rhetoric, social promises and nationalist narratives to mobilise voters. Through constitutional changes and restrictions on independent institutions, populists weaken the system of checks and balances and limit press freedom. Populists are not only trying to win the vote, but are also doing everything they can to maintain and strengthen their power.

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THE INFLUENCE OF CULTURAL STEREOTYPES ON VERBAL COMMUNICATION

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Verbal communication is an important element of human interaction, especially in today's globalised world, where contacts between people from different cultures are becoming more frequent. However, communication does not always go smoothly and one of the important factors that can affect its effectiveness is cultural stereotypes. They play an important role in the process of intercultural communication, influencing the perception of information, the interpretation of statements and the behaviour of interlocutors. On the one hand, stereotypes can help you to quickly understand the cultural characteristics of another person, but on the other hand, they can form prejudices and cause communication barriers that make it difficult to understand each other. In light of the above, let us state the **relevance** of our research.

Cultural stereotypes are generalized ideas about members of a particular culture based on social, historical, and personal factors. They can be both positive and negative. The sources of stereotypes can be historical experience, traditions, media, and the process of socialization, during which a person learns certain ideas about other cultures (Солощук, Трач, 2024). For example, there is a stereotype that representatives of Eastern cultures are more reserved and polite in their communication, while Western cultures are associated with directness and openness. Such generalizations may be partially true, but they also ignore the individual characteristics of people, which can lead to communication errors.

The impact of cultural stereotypes on language communication is multifaceted. They can facilitate communication because they help you to quickly navigate the interlocutor's language and behavioral characteristics. For example, knowing about the traditions of a particular culture, you can anticipate possible reactions of the interlocutor and avoid awkward situations. However, stereotypes can also create communication barriers when biased attitudes or misconceptions affect the perception of information.

One of the manifestations of cultural stereotypes in language communication is the use of language clichés and stereotypical expressions. In different languages, there are idioms that may contain stereotypical ideas about certain peoples, professions or social groups, such as: *Dutch concert means fake singing, noise; Mexican breakfast – a cigarette and a glass of water; French help – to observe and not participate* (Sukalenko, 2024). Sometimes their use may be acceptable within a particular culture, but in intercultural communication they can cause misunderstanding or even offence. For example, humorous statements or jokes based on cultural stereotypes may not be well received in an intercultural context, as what is funny in one culture may be offensive in another.

An important aspect of intercultural communication is overcoming the negative effects of cultural stereotypes. One of the key ways to do this is to increase the level of intercultural competence. This includes not only knowledge of the characteristics of other cultures, but also the ability to critically evaluate personal stereotypes and avoid their influence on communication. It is also important to use a tolerant and neutral vocabulary to promote better understanding between interlocutors.

Thus, cultural stereotypes are an integral part of human thinking, but their impact on verbal communication can be both positive and negative. On the one hand, they can contribute to a quicker understanding of the interlocutor's cultural characteristics; on the other hand, they can create prejudices and hinder effective interaction. To communicate successfully, it is necessary to critically evaluate one's own perceptions of other cultures, develop intercultural competence and strive for open and tolerant communication.

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UNIFICATION OF COURT COSTS ALLOCATION IN CIVIL LITIGATION ACROSS EU COUNTRIES: A HISTORICAL RETROSPECTIVE

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The unification of civil procedural law across European jurisdictions has a long-standing tradition, within which the legal integration of general principles governing the apportionment of court costs plays a significant role.

The development of a coherent framework for the normative regulation of court costs and their allocation is a natural response of the European legal community to the challenges of globalization. These challenges stem from the expansion of cross-border economic activity, the growing complexity of traditional legal relations involving foreign elements, and the rising proportion of transnational disputes adjudicated by national courts.

The purpose of this study is to conduct a historical analysis of the evolution of the doctrine of a pan-European civil procedure through the lens of the mechanism for apportioning court costs.

Notably, court costs have not been a primary focus of European legal integration. The standardisation of cost allocation rules has progressed alongside the harmonisation of other procedural institutions at the European level. The prerequisites for the convergence of civil procedural law in European states started to emerge in the late 19th and early 20th centuries, finding expression in the conventional mechanisms of the first international legal acts adopted within the framework of the Hague Conference on Private International Law.

The 1896 Convention on Civil Procedure generally established the principles of national treatment for foreigners, including in matters of court costs. This document introduced mechanisms for exempting foreigners from security deposits, guarantees, and other mandatory financial assurances of court costs *(caution judicatum solvi)*, as well as procedures for the enforcement, within the territory of one Contracting State, of cost-related judicial decisions rendered in another Contracting State (Articles 11–12) (Hague Conference on Private International Law, 1896).

Subsequently, as diplomatic and other forms of interaction between the Contracting States evolved, the rules on court costs were further clarified and elaborated through the signing of the Additional Protocol of 1897, followed by the adoption of the 1905 and 1954 Conventions on Civil Procedure. These developments facilitated the simplification of procedures for recovering court costs and the enhancement of regulations governing the reimbursement of expenses in cross-border judicial proceedings.

Due to their specific subject matter and limited scope of legal regulation, the Hague Conventions focused solely on certain aspects of intergovernmental cooperation in civil procedure. Moreover, these conventions were applicable only in cases involving foreign elements. Predictably, court costs remained largely peripheral to these normative instruments, except for specific provisions addressing the legal status of foreigners as litigants. It became evident that the existing legal framework was insufficient to ensure the genuine unification of rules and institutions of civil litigation at a pan-European level.

A significant contribution to the creation of a harmonised legal space in the field of civil procedure in Europe was made by the project of a working group led by the Belgian professor Marcel Storme. Between 1987 and 1994, procedural law scholars, known as the Storme Group, developed a series of proposals under the title "*Approximation of Judiciary Law in the European Union*".

The initial objective of the Storme Group was to create a model code of civil procedure to be implemented through an EU Directive. However, after identifying substantial divergences between the procedural systems of EU Member States, it was decided to focus on 16 specific areas that could be harmonised. Among the key priorities of the Storme Group was the development of recommendations for the unification of rules governing court costs and their apportionment at the EU level (Van Rhee, 2018).

The history of unification efforts has also encompassed initiatives for the global convergence of civil procedural law. One such effort was the joint project of the American Law Institute and the International Institute for the Unification of Private Law (UNIDROIT), known as the *ALI/UNIDROIT Principles of Transnational Civil Procedure* (hereinafter referred to as the Principles) (American Law Institute & UNIDROIT, 2006). The preamble to this document asserts that the Principles serve as standards for resolving transnational commercial disputes, while also being suitable for adjudicating most other types of civil disputes, thus forming a basis for future initiatives in civil procedure reform.

The issue of court costs and their allocation is specifically addressed in Principle 25, "*Costs*". To implement a universal mechanism for the reimbursement of court costs in transnational commercial disputes, the document proposed two key rules:

(1) **The general rule** – the *loser-pays rule*, according to which the winning party ordinarily should be awarded all or a substantial portion of its reasonable costs, including court filing fees, fees paid to officials such as court stenographers, expenses such as expert-witness fees, and lawyers' fees;

(2) **The special (exceptional) rule**, which regulates departures from the general rule and provides a framework for judicial discretion in cost allocation. Specifically:

a) In exceptional cases, the court may withhold or limit the winning party's costs if there is clear justification;
b) The court may adjust the award proportionally, reflecting the costs associated with genuinely disputed issues, and deny costs to a winning party that raised unnecessary matters or otherwise litigated unreasonably;
c) The court, in determining cost allocations, may consider procedural misconduct by any party during the proceedings.

Remarkably, the normative model established in Principle 25 is based on the universalisation of the *loser-pays rule*, also known as the *English Rule*, which characterises most European countries. However, this rule is not prevalent in jurisdictions such as the United States, Canada, Brazil, the Philippines, Israel, and some other countries, which adhere to the *American Rule* or its modified versions. Under the

American Rule, opposing parties in all or certain categories of cases must cover their own litigation costs regardless of the case outcome.

At the European level, the Principles did not achieve widespread adoption or practical enforcement. Nevertheless, as one of the earliest significant steps towards the development of shared procedural standards, they provided a theoretical and legal foundation for further regional regulatory refinement. This effort culminated in the development of the *ELI-UNIDROIT Model European Rules of Civil Procedure* (hereinafter – the Rules) (European Law Institute & UNIDROIT, 2021).

The Rules, developed between 2014 and 2020 through the joint efforts of the European Law Institute (ELI) and UNIDROIT, constitute a progressive, integration-driven reconsideration of civil procedure. They seek to establish unified pan-European civil procedural rules, incorporating regional procedural frameworks and legal traditions.

The issue of court costs and their allocation is also addressed within the Rules (Part XII). The substantial differences among national European legal systems regarding (a) the regulation of court costs; (b) judicial funding policies; (c) approaches to legal representation fees, and (d) the delegation of judicial powers for resolving certain procedural matters[1] to court assistants, clerks, and other court personnel, necessitated the inclusion of cost reimbursement provisions into the Rules.

To achieve harmonisation among diverse national cost allocation frameworks, the Rules establish seven fundamental principles:

(1) Judicial authority to determine cost allocation in the final judgment;
(2) Definition and quantification of recoverable costs;
(3) General application of the loser-pays rule;
(4) Criteria and procedures for appellate review of cost decisions;
(5) Requirements for security for costs;
(6) Functioning and scope of legal aid provisions; and

[1] Such matters include the mathematical calculation of the claim's value and court fees, the determination of reimbursable amounts, and the proportional allocation of costs in cases of partial claim satisfaction, among others.

(7) Recognition of third-party funding and success fees.

Ultimately, over the course of more than a century, the unification of court cost allocation mechanism in Europe has progressed from limited international agreements to comprehensive models incorporated into the Principles and the Rules. These instruments embody the outcome of a concerted academic and practical endeavour to reconcile national legal specificities with ubiquitous procedural standards. The universalisation of the *loser-pays rule*, the development of broadly accepted approaches to cost allocation, and other integration initiatives contribute to the convergence of national procedural systems and the establishment of unified procedural mechanisms. The fair distribution of litigation expenses remains a fundamental component of the broader European integration process, aimed at strengthening access to justice and enhancing judicial efficiency across the continent.

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LEGAL BASIS FOR IMPLEMENTING NATO STANDARDS IN THE FUNCTIONING OF THE ARMED FORCES OF UKRAINE

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Ukraine began developing relations with NATO in the first years of Ukraine's independence.

The basic document that defined the principles and main directions of Ukraine's interaction with NATO was the Charter on a Distinctive Partnership between Ukraine and the North Atlantic Treaty Organization, which was signed in Madrid on August 9, 1997 (Charter on a Special Partnership between Ukraine and NATO, n.d.).

According to the document, the interaction of Ukraine and NATO takes place on the basis of the norms and principles of international law. Unlike full membership, the Charter did not provide for the extension to Ukraine of Article 5 of the NATO Charter, which concerns collective defense in the event of an attack on one of its members (5 facts about the special partnership between Ukraine and NATO, n.d.).

As of the beginning of 2021, a certain system of regulatory and legal support for the implementation of NATO standards had been formed in the state. At the general legislative level, the introduction of NATO standards is determined by the Law of Ukraine "On National Security of Ukraine" (On the National Security of Ukraine, n.d.).

At the legislative level, the Law "On National Security" generally determines that Ukraine's acquisition of NATO membership is a fundamental national interest of the state. The state policy in the field of national security and defense is aimed at achieving this goal.

The basis of the operational subordinate legislation level is the Comprehensive Assistance Package (hereinafter referred to as the CAP) in support of Ukraine, which was approved following the results of the Ukraine-NATO summit held in Warsaw on July 8-9, 2016. According to the Minister of Defense of Ukraine at that time, the CAP is a certain success in the development of the domestic Armed Forces (Military portal Defense Express, n.d.).

In May 2018, the Package of Partnership Goals of Ukraine and NATO was approved. According to it, more than 200 NATO standards and documents are subject to introduction into the activities of the Ministry of Defense of Ukraine and the Armed Forces of Ukraine (Information material on the introduction of NATO standards and guiding documents, n.d.).

The basic subordinate legal documents that ensure the organizational and technical aspects of the implementation of NATO standards in the functioning of the Armed Forces of Ukraine are departmental regulations of the Ministry of Defense and the General Staff of the Armed Forces of Ukraine. This is the Temporary Instruction on the Organization of Work in the Ministry of Defense of Ukraine and the Armed Forces of Ukraine on the Implementation of NATO Standards, which was approved on September 9, 2016 (Muzhenko, 2018).

The implementation of STANAG in the practice of the functioning of the Armed Forces of Ukraine is the most difficult task, which requires a comprehensive review of the entire infrastructure of the domestic Military-Industrial Complex (MIC) and the functioning of the Armed Forces of Ukraine system. The transition to NATO standards will ensure a systematic increase in the level of combat capability of units and divisions of the Armed Forces of Ukraine, will contribute to increasing the efficiency of the use of state resources in the field of defense, improving the system of training military units and divisions that are part of multinational military formations, and increasing Ukraine's authority in the international arena (NATO standards: Mechanism and pace of implementation, adaptation to Ukrainian realities?, 2021).

Summing up, it should be noted that Ukraine has created basic regulatory and legal foundations for the implementation of NATO standards in the functioning of the Armed Forces of Ukraine and there is a steady trend to continue work in this direction. It should also be noted that the most urgent task regarding regulatory compliance regarding the introduction of NATO standards in the functioning of the Armed Forces of Ukraine should be the development of regulatory and legal mechanisms to accelerate the technical re-equipment of units of the Armed Forces of Ukraine, optimization of the military command system of military bodies, units and subdivisions, definition, re-equipment of the domestic military-industrial complex.

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PECULIARITIES OF PRESENTING EVIDENCE
BEFORE THE INTERNATIONAL CRIMINAL COURT

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The relevance of the issue arises from the adoption of the Law of Ukraine "On Ratification of the Rome Statute of the International Criminal Court and its Amendments" on 21 August 2024 (Law of Ukraine "On the Ratification of the Rome Statute of the International Criminal Court and its Amendments", 2024), which entered into force on 24 October 2024. This enactment occurred concurrently with the implementation of the Law of Ukraine "On Amendments to the Criminal Code and the Criminal Procedure Code due to Ratification of the Rome Statute of the International Criminal Court." In accordance with the Statute, Ukraine deposited its instrument of ratification with the Depositary on 25 October. The instrument is anticipated to enter into force on 1 January 2025.

This step is of the utmost importance for Ukraine's future state development. Ratification of the Rome Statute bestows upon Ukraine the right to engage in activities of the International Criminal Court (hereinafter ICC), including the right to vote in the Assembly of States Parties and the right to present a candidate for the position of judge. Despite the initiation of multiple criminal proceedings against officials of the russian federation, obtaining the status of a State Party to the Rome Statute grants access to additional legal mechanisms for holding the aggressor state accountable for the crime of aggression, as defined in the Amendment to the Rome Statute of June 11, 2010 (*Amendments to the Rome Statute of the International Criminal Court on the Crime of Aggression*, 2010).

This prospect necessitates an examination of the peculiarities of the process of collecting and presenting evidence before the International Criminal Court. Apart from State Parties, which are permitted to submit cases involving alleged crimes within the jurisdiction of the Court, any individual or legal entity is empowered to furnish the Office of the Prosecutor with information regarding potential criminal activities. In the latter case, the Prosecutor assesses the reliability of the submitted information and determines whether there are sufficient grounds to initiate an investigation. In the event that the Prosecutor deems the grounds to be substantiated, the next step is to apply to the Pre-Trial Chamber for authorisation to commence an investigation.

Subsequent to the initiation of proceedings upon the request of a State Party or at the Prosecutor's own initiative, the process of collecting any information relevant to the case and potentially admissible as evidence begins. To this end, the Prosecutor is entitled to request further information from States Parties, UN bodies, intergovernmental or non-governmental organisations, or other reliable sources that the Prosecutor deems appropriate.

Once the necessary information has been collected, the Office of the Prosecutor assesses its relevance and submits it for review by the Chamber. Only the Court has the authority to determine the admissibility of evidence. However, the admissibility requirements are significantly less strict compared to national legal systems (Law of Ukraine "On the Ratification of the Rome Statute of the International Criminal Court and its Amendments", 2024). In international legal instruments regulating the activities of the ICC, the criteria for the admissibility of evidence are not clearly defined. In practice, the ICC assesses the admissibility of evidence on a case-by-case basis, considering the proportionality between the probative value of the evidence and the potential harm it may cause to a fair trial (Caianiello, 2011).

The grounds for inadmissibility of evidence include fabricated or altered information; information obtained through deception, violence, or threats of violence; and information whose admission would be incompatible with the requirements of objectivity and a fair trial.

The trial before the International Criminal Court (ICC) cannot take place without the presence of the accused; therefore, one of the necessary measures is arrest, which is sanctioned by the Court through an arrest warrant. To obtain such a warrant, the Prosecutor must submit evidence to the Court, demonstrating reasonable grounds to believe that the person is involved in the commission of a crime under the jurisdiction of the ICC.

For the Pre-Trial Chamber to grant an arrest warrant, the submitted evidence must establish a well-founded suspicion regarding the suspect's involvement in the crime and the necessity of the arrest to ensure the suspect's appearance before the Court. If the Chamber finds insufficient grounds for an arrest, the Prosecutor has the right to request a summons to appear instead of an arrest warrant.

Following the apprehension or voluntary appearance of an individual suspected of involvement in a criminal act, a copy of the document detailing the charges is furnished to the accused and their defence lawyer. Additionally, they are given access to the evidence that will be presented during the hearing.

The collected evidence must be examined sequentially by two Chambers during the proceedings: first, by the Pre-Trial Chamber, which assesses only the sufficiency of the evidence to establish the fact of the crime committed, specifically concerning each count of the indictment. Secondly, the evidence undergoes a comprehensive evaluation by the Trial Chamber, which ultimately delivers one of the following decisions: conviction, acquittal, or case dismissal without a conviction.

Thus, the collection and presentation of evidence before the International Criminal Court is a time-consuming process, during which the evidence is thoroughly examined and verified by various judicial bodies of the Court. Throughout this period, the reliability and admissibility of evidence are carefully assessed, ensuring the protection of human rights and freedoms throughout the entire pre-trial and trial process before the ICC. By ratifying the Rome Statute, Ukraine has expanded its legal capacity to hold the aggressor state accountable for committed crimes, including the crime of aggression. Furthermore, this step strengthens Ukraine's position in the international legal system and enhances its ability to seek justice for international crimes.

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PROBLEMATIC ISSUES OF THE 'BONA FIDE MORTGAGEE' CONCEPT

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In recent years, the issue of protecting a bona fide mortgagee—an individual who unknowingly receives property as a pledge from an unauthorised mortgagor—has been widely discussed within the Ukrainian civil law community.

The concept of a '*bona fide mortgagee*' is essentially an adaptation of the bona fide purchase concept to the legal relations surrounding pledge, as explicitly described by the Supreme Court in its decision of September 9, 2024, in case No. 466/3398/21 (Supreme Court of Ukraine, 2024).

This analogy is not new; for instance, paragraph 1207 of the German Civil Code (2002), which addresses pledges of property by unauthorised persons, refers to paragraphs 932, 934, and 935, which regulate bona fide acquisition of property from unauthorised individuals. Similar protections for bona fide secured creditors are found in the *Principles of Definitions and Model Rules of European Private Law* (Von Bar, 2009) and civil codes of other countries.

In contrast to the German Civil Code, Ukrainian law does not explicitly address the consequences of receiving property as collateral from an unauthorised individual. However, the concept of a '*bona fide mortgagee*' has been evolving through judicial decisions.

Despite the clear need to protect bona fide mortgagees, as well as other good faith participants in civil relations, the application of this concept faces challenges that courts must consider when justifying their decisions. Additionally, these issues require attention from legislators within a broader political and legal context.

Firstly, the issue of bona fide mortgagees arises typically when property owners vindicate things previously taken from them and then dispute mortgages established by unauthorised mortgagors. These circumstances were present in case No. 466/3398/21 (Supreme Court of Ukraine, 2024).

Article 388 of the Civil Code of Ukraine (2003) characterises bona fide purchasers as those who "*did not know and could not have known*" about the illegitimate nature of the transaction and outlines scenarios in which property may be reclaimed from them. If a person does not meet the standard of good faith, the property may be reclaimed by default. In case the property has left the owner's possession against their will, a thing may be reclaimed also from a bona fide purchaser.

Thus, in cases defined by Article 388 of the Civil Code of Ukraine, the law does not impose negative consequences on the original owner caused by the unlawful alienation of their property. If the owner should not face consequences for the unauthorised alienation of their property, they likewise should not bear the repercussions of its wrongful subsequent transfer into a mortgage to the same extent (Civil Code of Ukraine, 2003).

Consequently, applying the concept of '*bona fide mortgagee'*, we inevitably face a contradiction when we must assume that the legal framework protects property rights, allowing the owner to reclaim their property, and at the same time preserves the consequences of unlawful possession and disposal of this property.

Secondly, the concept of a '*bona fide mortgagee*' conflicts with the "*most complete and absolute right in rem,*" as the ownership right was called by the Supreme Court in case No. 466/3398/21 (Supreme Court of Ukraine, 2024).

Protecting a bona fide mortgagee would, in effect, come at the expense of the owner's rights. The courts apply the principle of good faith to safeguard a bona fide mortgagee. However, it is essential to assess whether such protection aligns with the principle of justice in the context of the owner's property right violation. For example, in the aforementioned court case, a financial company may be recognised as a bona fide mortgagee in a new hearing, while the property owner was a minor at the time when the property was lost. The current judicial practice does not substantiate how to resolve the competition between two principles, only indicating the necessity of protecting bona fide mortgagee interests (Spasybo-Fateeva, 2024).

Thirdly, a good faith purchaser is protected not due to their righteousness or innocence, but to facilitate commercial transactions without requiring exhaustive investigations into the seller's property rights history. This approach promotes stability in civil turnover and the economy through the principle of good faith (Gilmore, 1954). However, there is not a harmonised method across legal systems regarding when a bona fide purchaser may obtain rightful ownership of things received from an unauthorised seller. For instance, under the *Market Overt Rule* applied in some jurisdictions, bona fide purchasers who buy goods from merchants are favoured over the owners of stolen goods, regardless of the efforts made to prevent theft or recover the property (Schwartz & Scott, 2011). In contrast, the Ukrainian law allows for the reclamation of stolen or lost property from bona fide purchasers.

Therefore, the protection of a bona fide mortgagee, as well as the bona fide purchaser is a policy choice which should be framed within the broader political and legal context, fundamentally rooted in the economic analysis of law.

Although the good faith principle has historically been used by courts to balance legal relations, policy decisions should be made by the legislative branch, especially when establishing a comprehensive legal institution like the protection of bona fide mortgagees. If the Ukrainian parliament intended to safeguard bona fide mortgagees, they would initiate amendments to the Civil Code of Ukraine, similar to the ongoing reforms concerning bona fide purchasers.

If the Supreme Court considers the protection of the bona fide mortgagee critically important, judges must provide this concept with specific content and explain why, in the absence of legislative regulation, the loss in these disputed situations should be shifted to the owner, rather than merely acknowledging the need for such protection.

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MODERN COMPLEXITIES IN THE APPLICATION OF THE HEARSAY RULE IN U.S. EVIDENCE LAW

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Generally, under the Federal Rules of Evidence (FRE), hearsay is defined as an out-of-court statement that is offered to prove the truth of the matter asserted (FRE 801). Hearsay is generally inadmissible due to reliability concerns and lack of cross-examination (FRE 802). However, there are many exceptions which are found in the three rules. Rule 803 lists twenty-three exceptions that apply whether or not the declarant is available. Rule 804 contains five exceptions that only apply if the declarant is not available. Rule 807 outlines a residual exception that permits the ad hoc admission of certain hearsay evidence (Federal Rules of Evidence, 2024).

The landscape of contemporary evidence law has been profoundly changed by the quick developments in technology, particularly in the areas of digital communication and artificial intelligence. U.S. courts are finding it more difficult to modify the conventional principles of hearsay to accommodate the emergence of new types of evidence, such as machine-generated data, social media posts, and AI-generated content.

The main problem with computer-generated content in the realm of evidence law is to determine its authenticity and reliability. In contrast to declarations made by human declarants, computer-generated content, such as AI-generated text, deepfakes, or automated messages, raises issues regarding whether the information is truthful or susceptible to manipulation or error. This complicates the application of traditional evidentiary rules, like hearsay, which rely on the credibility and reliability of the declarant. Additionally, there is the challenge of establishing whether such content can be considered a statement made by a 'person' since the rules of evidence are made for statements made by individuals rather than machines. Under FRE 801(a), a 'statement' refers to an oral assertion, written assertion, or nonverbal conduct that is intended by the person making it to be an assertion.

Nowadays, federal courts address the problem of machine-generated content in connection to hearsay in various ways. Distinguishing between hearsay and non-hearsay is one of them. As it was mentioned before, hearsay is defined as an out-of-court statement offered to prove the truth of the matter asserted. However, not all statements made outside of court are considered hearsay. For example, if a machine, such as a security system or automated software, generates a statement without the intent of a human declarant, it may not be classified as hearsay because it lacks the assertion of a person. Thus, courts often look at the purpose of the statement and whether it was made by a human declarant to determine whether it should be treated as hearsay. In this context, the following case should be mentioned. In *State v. Stuebe* (2020), the Arizona Court of Appeals addressed whether machine-generated content, such as an automated email and video from a security camera, could be considered hearsay under the Arizona Rules of Evidence. Jerry L. Stuebe was convicted of burglary, and the prosecution sought to introduce evidence from a motion-activated security system. The defendant objected, but the trial court admitted the evidence. On appeal, the Court of Appeals ruled that since the email and video were machine-generated, they were not considered statements by a 'person' as defined by the rules, and therefore, could not be classified as hearsay. The Court emphasized that 'person' refers to natural persons or entities like corporations, not machines. This ruling clarified that machine-generated content is not automatically subject to hearsay rules, and it paved the way for the admissibility of certain types of automated evidence, reflecting the growing need to adapt evidence law to modern technological realities. This case marks a significant step in addressing how emerging technologies are handled within the framework of U.S. evidence law.

A similar decision was made in the case *State v. Morrill* (2019), in which the defendant challenged the use of automated conclusions from Roundup and Forensic Toolkit (specialized software tools used in digital forensics) as hearsay, arguing they were statements made by the software or its developers. However, the New Mexico Court of Appeals ruled that the computer-generated results were not hearsay. The court found that the software, without human input, generated the results, and since the assertions were not 'statements by a person', they were not subject to the hearsay rule.

Another way used by courts to solve this problem is adapting the business records exception. The business records exception to the hearsay rule under FRE 803(6) allows records made in the normal course of business to be used as evidence, even if they are normally considered hearsay. This includes machine-generated records if they meet certain reliability standards. For these records to be accepted, they must be made as part of regular business activities, created near the time of the event, and used in the business for decision-making. Courts are increasingly allowing machine-generated content as evidence because these records are seen as reliable when created by automated systems following business processes. In the case *United States v. Kassimu* (2006), the defendant was convicted of conspiracy to possess with intent to distribute a controlled substance. The case involved the admission of drug trafficking evidence, including phone records and travel documents. One key issue was whether certain evidence, including records of phone calls and travel documents, were admissible under the business records exception to the hearsay rule (FRE 803(6)). The Fifth Circuit affirmed the conviction, ruling that the phone records and travel documents were admissible as business records under the hearsay exception. The court found that the records were generated in the regular course of business and met the reliability standards required for admission under the business records exception.

Federal courts are not changing the hearsay rules directly, they are employing existing principles and exceptions to address the challenges posed by machine-generated content, often focusing on reliability, intent, and the nature of the source of the statement.

Social media posts also present new challenges in the context of hearsay, as they often contain statements made by individuals outside of court. These posts can serve as relevant evidence in a trial, including party admissions or incriminating content. However, the admissibility of such social media posts raises concerns, particularly regarding the potential for forgery or fabrication. It necessitates careful scrutiny of their authenticity and reliability before they can be admitted as evidence in court.

The Federal Rules of Evidence may change in the future to specifically address the admissibility of computer-generated content and social media posts providing clearer guidelines on authentication and reliability and recognizing the increasing role of digital evidence.

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THEORETICAL PRINCIPLES OF TRANSLATION OF MODERN AMERICAN DRAMA

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The 20th century was a fruitful period in the development of the principles of literary translation, particularly the translation of drama. It was at that time that researchers began to focus their attention on developing theoretical and practical issues and methods of comparative analysis of original and translated dramas. The thesis began to dominate, that specific structural organization of dramatic works, compared to poetry and prose, poses special tasks for the translator, prompting him to search for and use techniques appropriate for the foreign-language interpretation of this type of artistic verbal creativity.

In modern translation studies, the thesis that translations of world dramaturgy have a general cultural and educational significance for any people is of fundamental importance. This thesis is also completely true regarding the significance of translations for Ukrainian literature. However, we should note that the emergence of Ukrainian translations of modern American drama plays a special cultural and ideological role for the Ukrainian readers today. After all, until recently, the number of translations into Ukrainian was meager, that is why each such translation is very significant.

Theoretical principles and practical criteria for assessing the adequacy, figurative and artistic value of translation have been productively developed in scientific works by foreign (S. Bassnett, K. Elam, S. Aaltonen, P. Pavis) and domestic researchers (R. Zorivchak, V. Koptilov, O. Kundzich, I. Korunets, O. Cherednychenko, O. Medvid`, etc). At the present stage, the Ukrainian theory of dramatic translation is intensively developing in the works of T. Nekryach, N. Bidnenko, V. Matyusha, I. Syrko. Continuing to develop the experience of their predecessors, the researchers substantiate the specificity of dramatic translation at different linguistic levels, due to the dualistic nature of drama. They emphasize the need to take into account the entire spectrum of components, and ensure an understanding of the self-sufficiency of drama as a separate type of fiction. They also motivate the framework of the translator's individual freedom, the limits of permissible deviations from the original text, etc.

Despite these research works, a number of questions related to the theory and practice of dramatic translation are still on the periphery of scientific studies. These, in particular, include the issue of the theoretical foundations of the translation of works of modern American drama. In domestic translation studies, the problems of translating dramatic works are traditionally considered in two directions: prose drama is analyzed as an epic work, and a verse play is considered as a borderline phenomenon. Regarding the latter, researchers primarily take into account the poetic features of the translation and the original (for example, their versification symmetry, adherence to rhyme) and pay almost no attention to the genre features of the drama itself.

Scientists emphasize that the lack of clarity in understanding the specifics of drama translation is largely due to incorrect genre division: in modern translation studies, it is carried out according to the principle of speech organization of the text (prose/poetry), and not according to the principle of generic differentiation (epos, lyrics, drama). Obviously, this is precisely why translators have paid increased attention to verse dramas and their translations. However, in twentieth-century literature, particularly American one, plays are usually constructed as prose rather than poetic texts, and this feature should be reflected in modern translation theory, with an emphasis on the specifics of the reproduction of prose language.

Another feature of a dramatic work, that must be taken into account when translating, is its orientation not only to the reader`s (like, for example, poetry and prose), but also to the audience`s perception, as well as to the staging, sound, and accompaniment by gestures in theatrical practice. This feature is conceptually important because it requires specific translation techniques and approaches aimed at the most adequate reproduction of the original text.

An important stage in the development of criteria for research and evaluation of translated versions of dramatic texts are the scientific works of S. Bassnett. The scientist emphasized that when translating dramatic works, the translator must take into account the orientation of this type of literature towards stage performance, and it is from this perspective that he should approach the translation of drama. According to S. Bassnett, the concept of stage performance implies the difference between the written text and its theatrical version. That is why, the translator must necessarily pay attention to the extralinguistic parameters, such as the style of the actors' play, space, audience, etc. (Bassnett,1991).

P. Pavis, *one of the most distinguished theatre scholars*, believes that translation for the stage takes a dramatic work beyond its literary-linguistic framework and transfers it into a cultural-theatrical field. The researcher is convinced that the true translation of drama takes place on stage. Motivating this position, he identifies several main criteria for assessing the adequacy and aesthetic value of drama translation for the stage and emphasizes the dominance of stage performance over the text (Pavis, 1999). It should be noted that this position is objected by S. Bassnett, who rejects the idea of staging as unproductive and impractical, and denies the effectiveness of the concept of translation focused only on theatrical performance. The researcher emphasizes the importance of the written text as author's work and the basis for translation interpretation.

The latest views on the principles and methods relevant to modern translation studies, in particular for the translation of dramatic genre, are summarized in the conceptual work of S. Aaltonen «Time-sharing on Stage: Drama Translation in Theater and Society». The researcher defends the idea that no dramatic text has a fixed reading, and each new reading creates a new (compared to the previous) text. Thus, we conclude that in Aaltonen's understanding, drama is a kind of cultural space, the semantic content of which is carried out by the persons involved in its interpretation: «Playwrights, translators, directors, costume designers, sound and lighting engineers, as well as actors contribute to theatrical texts when they move within them and make them their own» (Aaltonen, 2000). Also important is the scientist's statement that drama as a literary work and drama as a theatrical text are phenomena that differ in nature and in the way of aesthetic organization.

The famous Ukrainian translator H. Kochur emphasizes the need for two versions of translating a dramatic work – a text for reading and a stage version, thus supporting the idea of two types of target orientation of the translated version – for reading and for staging. At the same time, an academic translation with comments is intended for deep, meaningful reading, and a theatrical translation is created for instant perception (Kochur, 2008).

A significant contribution to the study of translations of dramatic works is made by V. Koptilov. Considering the features of the verse drama translation, he emphasizes the expediency and importance of preserving the initial form of the original. The scientist proves that when interpreting a play into a foreign language, it is necessary to preserve the *naturalness* of the language, and for this the translator should be less attached to each individual word (Koptilov, 1982).

A variety of linguistic means used to reproduce a specific individual style in the works of dramatic genre are analyzed by many young scholars. Developing the experience of their predecessors, they deepen the issues related to the specific dualistic nature of drama, the peculiarities of dramatic translation at various linguistic levels (phonetic, lexical, phraseological, grammatical, syntactic). They also motivate the framework of the translator's individual freedom, the limits of permissible deviations from the original text, etc.

The latest approach to the translation of dramatic works is suggested by T. Nekryach. The researcher emphasizes that differences in the systems of languages (semantic parameters, vocabulary, stylistic potential, etc.) inevitably lead to translation asymmetry – a discrepancy between linguistic signs. The translator's task is to minimize the consequences of undesirable deviations from the original, to find a counterpart that most fully reveals the author's intention. T. Nekryach's innovation in this context is determined by the fact that she distinguishes three types of asymmetry in the translation of dramatic works: *systemic*, *explicative*, and *situational*. In her opinion, systemic asymmetry is caused by differences in language systems, and therefore occurs in any translation, regardless of genre and style. Explicative asymmetry is mostly intratextual comments and explanations in a concise form, which are allowed for a more complete understanding of the author's intention. At the same time, situational asymmetry allows a wide range of substitutions that can cause a special reaction in the target audience (Nekryach, 2006). This approach helps to structure the translation strategies when interpreting a foreign-language dramatic work, as well as to explain the appropriateness or undesirability of certain deviations from the original.

In conclusion, it should be noted that the translation of dramatic works requires a special approach to its methodology and evaluation, since its specificity is determined by the dualistic nature of the dramatic genre. Focusing on various forms of perception, in particular audio and visual, leads to a wider range of transformations that cause translation asymmetries. So, the main goal of the translator should be «to create a text that is equivalent to the original and adapted to the system of the target culture» (Syrko, 2021).

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THE ROLE OF COMMUNICATION IN THE WORK OF AN INTERNATIONAL LAWYER

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Nothing is more carefully thought out than the language of diplomacy. In international diplomacy, there are three modes of communication: verbal, non-verbal, and the language of silence. Through the skillful use of these communication tools, international lawyers resolve complex conflicts, prevent crises, and, if misused, they can lead not only to awkward situations but also to a crisis in relations between countries. With this in mind, it can be argued that the topic selected for our research is **relevant**. Thus, the **object** of our investigation is the analysis of the role of language in international relations. To do this, we will examine each mode of communication separately.

Verbal communication. Throughout history, dominant languages have changed, but today English is the main language of international relations. In the 18th and 19th centuries, French was the dominant language. Before that, international negotiations were conducted in Latin. It is important to note that even if an official is proficient in a foreign language, it is still recommended to use the services of an interpreter. Why? First, it allows more time to consider a response, and second, due to the complex cognitive effort, there is a high chance of making a lexical mistake that can be costly. For example, one of the famous diplomatic gaffes occurred in 2000 during the official visit of German Chancellor Gerhard Schröder to the United Kingdom. He intended to say *"We are worried",* but due to a pronunciation error, he said *"We are buried".* Although the situation was quickly clarified, the phrase became an anecdote in diplomatic circles (Holly, 2019).

Another gaffe occurred during negotiations between the Presidents of Turkey and Azerbaijan at an official meeting, when the Azerbaijani president, in expressing respect for the Turkish side, used a word that has a positive connotation in Azerbaijani. However, in Turkish, it sounds like *pezevenk*, which is a crude insult meaning *"pimp".*

The Turkish president was momentarily taken aback upon hearing this word in the official speech. However, the interpreters quickly corrected the situation by explaining that in Azerbaijan, this word has a completely different meaning. Both leaders took the situation with humor, and the meeting continued in a warm atmosphere (Bayram, Ta, 2018).

These incidents serve as examples of the importance of using interpreters and understanding the cultural and linguistic peculiarities of even the closest allies.

Non-verbal communication. Non-verbal messages often carry more meaning than verbal ones. Diplomatic non-verbal language includes a wide range of elements, from gestures to clothing design. For example, former U.S. Secretary of State Madeleine Albright used brooches as diplomatic signals. After the Iraqi press referred to her as a *"snake",* she responded non-verbally by wearing a snake-shaped brooch at the next meeting with Iraqi representatives. From then on, she wore this brooch during negotiations with Iraq, turning the insult into a symbol of her firmness. It served as a reminder that she was not afraid of insults and was ready to respond with diplomatic *"bites".* Another incident occurred during an international meeting at the United Nations in 2010. The Ukrainian delegation unintentionally offended representatives of Arab countries when one of the Ukrainian diplomats crossed his legs during the negotiations. In Arab cultures, this gesture is considered rude, symbolizing disrespect and disdain for the conversation partner (Bayram, Ta, 2018). At the time, the diplomat was unaware that his posture could be perceived as an insult. This gesture caused dissatisfaction among the Arab delegations. Once the situation became known, Ukrainian diplomats quickly apologized, explaining that it was an accidental misunderstanding, with no intention to insult or demean anyone. This demonstrates that non-verbal signals can be just as significant as official statements.

The language of silence. The absence of a response in diplomatic correspondence, i.e., silence, is often more eloquent than the loudest statements. During diplomatic crises, countries may recall their ambassadors or leave requests unanswered to demonstrate dissatisfaction. One of the most famous examples of the "language of silence" in diplomacy was during the Gulf War in 1990. When Iraq invaded Kuwait, the international community, including the United States and other Western countries, repeatedly demanded that Iraq withdraw its forces. However, Iraq refused to engage in negotiations or provide any official response to these demands. This silence on Iraq's part only intensified international pressure and led to discussions about the possibility of military intervention (Holly, 2019).

Thus, whether activity or its absence, words or silence – in diplomacy, everything has meaning and purpose. On one hand, diplomatic language is clear and consistent, but on the other hand, it often employs deliberate ambiguity and hints. The proper, contextually appropriate organization of diplomatic language helps build mutually beneficial relationships with other countries, avoid and resolve conflicts.

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THE ROLE OF ENGLISH IN JURISPRUDENCE: PECULIARITIES AND CHALLENGES

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English plays a crucial role in jurisprudence, especially within the context of European integration and international legal interaction. It is the primary language of international judicial institutions such as the Hague Tribunal, the European Court of Human Rights, and the International Criminal Court. Most international treaties, agreements, and commercial contracts are drafted in English, making it a universal means of communication among lawyers from different countries.

One of the main characteristics of legal English is its terminology and stylistic features. It contains many Latin expressions that play an important role in legal documents and court decisions. Additionally, legal texts are marked by complex syntactic structures, archaic phrases, a large number of passive constructions, and technical terms, which increase their formality and precision but make them challenging to understand even for native speakers (Zadorovskyi, 2016).

A significant factor is the differences between legal systems. In Anglo-Saxon law, which dominates in the United Kingdom, the USA, Canada, Australia, and several other countries, legal practice is largely based on precedents. This means that court decisions have the force of binding or persuasive precedents, influencing future judicial practice. In international law, prevalent in most European countries, legal decisions are mainly based on normative acts rather than judicial precedents. Despite this, the terminology and approaches of Anglo-Saxon law are increasingly being adapted in international contracts and disputes, necessitating a deep understanding of English legal language even in the continental legal space.

A separate challenge is the complexity of translating legal texts due to the lack of exact equivalents for many terms in different languages. Legal English is not just a means of communication but a mechanism of legal regulation, so even the slightest inaccuracies in translation can lead to serious legal consequences (Roienko et al, 2021). For example, differences in interpreting terms such as “consideration” in contract law or “equity” in the British legal system can affect the outcome of a case or the execution of a contract. Therefore, professional legal translators and lawyers who possess near-native proficiency in English and understand the interpretation of most terms are of great importance.

English also plays a significant role in legal education. Many leading law universities worldwide, such as Harvard, Oxford, and Cambridge, teach law in English, and legal literature and research are most often published in this language. This necessitates the mastery of English for students, scholars, and practicing lawyers who aim to gain international experience or work in international legal structures.

Thus, English is not only a means of international communication but also an important tool for legal regulation. Its knowledge is necessary for work in international law, commercial arbitration, diplomacy, and corporate law. In this context, enhancing proficiency in legal English is a crucial task for lawyers aiming for a successful career in a globalized world.

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THE EU'S MUTUAL ASSISTANCE CLAUSE AS A VAGUE ALTERNATIVE TO ARTICLE 5 OF THE NATO TREATY FOR UKRAINE

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Ukraine's course towards NATO is enshrined in its Constitution. According to Article 102 of the Constitution of Ukraine, 'The President of Ukraine shall be the guarantor of the implementation of the strategic course of the State to acquire full membership of Ukraine in the European Union and the North Atlantic Treaty Organisation'. Additionally, Article 116 of the Constitution states that the Cabinet of Ministers of Ukraine shall 'ensure the implementation of the strategic course of the State to acquire full membership of Ukraine in the European Union and the North Atlantic Treaty Organisation' (The Constitution of Ukraine, 2020).

The unhidden essence and main aim of such a course is to gain the protection envisaged by Article 5 of the *NATO Treaty* and the benefits of a collective defense of its parties.

Article 5 of the *NATO Treaty* states:

'*The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.*

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security'

However, the recent statement made on February 26 by President of the USA Donald Trump, that Ukraine can forget about NATO, gives extra grounds to carefully examine similar clauses in other treaties, namely Article 42(7) of the *Treaty on European Union*, which establishes a mutual assistance mechanism in the event of military aggression.

According to Article 42(7) of the *Treaty on European Union*:

'*If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.*

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are *members of it, remains the foundation of their collective defence and the forum for its implementation*.'

Both articles are based on the principles of collective security but differ in their scope of application and activation conditions. The North Atlantic Treaty Organization was adopted in 1949 in the context of the threat from the USSR and the Cold War. The provisions of Article 42(7) of the *Treaty on European Union* were introduced in 2009 and were designed with Europe's post-Cold War security needs in mind (Navarro Serradell, 2024).

It is worth saying that the respective provisions from both treaties were invoked only once. NATO's Article 5 was invoked once, following the 9/11 attacks in the United States and Article 42(7) of the *Treaty on European Union* was activated by France after the 2015 Paris terrorist attacks (Navarro Serradell, 2024).

It should be noted that the architecture of defense under Article 42(7) of the *Treaty on European Union* has its disadvantages in comparison with Article 5 of NATO – the absence of a unified defense at the EU level and the widespread understanding that this article has largely symbolic meaning (at least until 2022, when Sweden and Finland officially reminded other member states of the European Union of their commitments under this article) (Mickonytė, 2024).

On the other hand, there are some drawbacks to the application of Article 5 of NATO. Firstly, activating NATO's Article 5 does not automatically mean military intervention, but rather allows for discussions on a collective response. In NATO, decisions require consensus among all member states. Secondly, Article 42(7) of the *Treaty on the European Union* legally obliges all EU members to provide assistance 'by all means in their power'. There is a view that this creates a stronger commitment than NATO's Article 5, which requires allies to take 'such action as they deem necessary' (Navarro Serradell, 2024).

However, most experts are in opinion that the language of Article 42(7) of the *Treaty on the European Union* provides flexibility in legal interpretation, emphasizing that Member States of the EU can choose different forms of assistance, including military and non-military measures such as sanctions and refugee support (Mickonytė, 2024).

In that respect, the provisions of Article 42(7) of the *Treaty on the European Union* do not meet the possible expectations of Ukraine concerning concrete security guarantees from the membership in the European Union.

Additionally, it should be acknowledged that there is NATO supremacy and EU's Secondary Role in the defense scope. As stated in the second paragraph of Article 42(7) of the *Treaty on the European Union*, its Members' obligations 'shall be consistent with commitments under NATO', which remains the foundation of collective defense for most EU Member States. Meanwhile, NATO is heavily U.S.A led (Navarro Serradell, 2024).

It does not mean that the hypothetical invocation of Article 42(7) of the *Treaty on the European Union* by Ukraine would be precluded by such a provision. At the same time, considering the current leading role of the USA in NATO together with an unwillingness of the USA to be a party to a defensive treaty with Ukraine, this can affect the forms of assistance provided to Ukraine by EU members that are also NATO members.

Thus, in order to obtain the desired guarantees of the collective defense for Ukraine, further work on defense agreements is needed.

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ENGLISH COMMUNICATION SKILLS AS ESSENTIAL COMPONENTS OF POLICE OFFICERS' ACTIVITIES IN WARTIME

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In today's globalized world, English has become an essential tool for effective law enforcement. The growth of international crime, cybercrime and migration processes require police officers to be proficient in English to communicate, exchange information and participate in international operations.

English is the primary language of communication in international law enforcement organizations such as Interpol and Europol. For example, Interpol uses English to coordinate international operations, exchange data and conduct training for police officers from different countries. Europol also emphasizes the importance of English in its annual reports, stating that English language skills enable law enforcement to respond quickly to transnational threats. This confirms that English is a key tool for successful international cooperation.

One of the main advantages of English language skills during the war is the ability to communicate effectively with foreigners and migrants. Police officers often need to communicate with foreigners during patrols, investigations or assistance. Learning professional terminology allows police officers to avoid misunderstandings and ensure the quality of their duties. In addition, English is used to work with international databases, which greatly facilitates access to the necessary information.

Effective communication is vital to the success of any military operation. Military personnel and police officers who speak English can communicate more effectively with their counterparts from other countries, enhancing coordination and reducing misunderstandings.

English language proficiency gives police officers access to international resources such as training materials, research and guidelines. This allows them to improve their skills and implement modern methods of work. According to the conducted research (Johnson, 2019) language barriers often become an obstacle to effective law enforcement, and English language proficiency helps to overcome them. In addition, English facilitates the rapid exchange of information with colleagues from other countries, which is especially important in the fight against transnational crime, in international operations to combat terrorism or cybercrime during martial law. Effective communication is a key success factor.

Cybercrime is one of the most pressing threats nowadays, and the fight against it requires international cooperation. English is used to exchange information between countries, analyze cyber threats and develop countermeasures. For example, Europol actively uses English to coordinate cybersecurity operations, which allows it to combine the efforts of law enforcement agencies from different countries. In addition, many cybersecurity training courses are conducted in English, making them accessible to police officers from around the world (Smith, 2020).

The use of English in law enforcement also has psychological and cultural aspects. English language skills help police officers to better understand the cultural characteristics of foreigners, which is important for effective communication and conflict prevention. Language training for police officers can significantly reduce tensions in situations involving intercultural communication. In addition, English allows police officers to participate in international trainings where they gain knowledge of best practices for working in a multicultural environment (Johnson, 2019).

Agencies should introduce training and guidance for frontline staff on the nature and impacts of language barriers, and best practice in overcoming them, including how to communicate with service users both with and without language support (Hunter and others, 2022).

Therefore, English plays a crucial role in improving the effectiveness of law enforcement. It is the main tool for international cooperation, professional communication and access to international resources. For police officers, English language skills are becoming not only a necessity but also a competitive advantage. The introduction of English language courses for law enforcement officers can significantly improve their professional training and performance.

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CURRENT STATE OF UKRAINIAN LEGISLATION ON INNOVATION: WAYS TO IMPROVE IT

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The technological era has been marked by the rapid growth of digitalization, transformational challenges, and society's response to change. This study is a retrospective analysis of Ukraine's legislation on innovation, focusing on the assessment of the effectiveness of the current state of regulatory support for the innovation sector and the identification of mechanisms for proper legislative regulation of the innovation space. The study contains important recommendations for further state policy, based on a holistic vision and taking into account the systemic interrelationships of building a regulatory system.

The foundations of the innovative model of economic development of the Ukrainian statehood were laid by the first laws of the late XX - early XXI century. The development of science and technology has become a determining factor in the progress of society, improving the welfare of its members, and their spiritual and intellectual growth.

The final strategic course of innovation development in the national legal system was enshrined in Article 54 of the Constitution of Ukraine, which guarantees citizens the freedom of scientific and technical creativity, protection of intellectual property and their copyrights. The same article regulates the role of the state in promoting the development of science and establishing scientific ties between Ukraine and the world community (Constitution of Ukraine, 1996).

The current regulatory framework for the legal regulation of innovation activity is represented by an extensive system of legal acts of different sectoral focus and hierarchical subordination. The conceptual aspects of the state innovation policy in their general reflection can be found in the Commercial Code of Ukraine. Chapter 34 of the Commercial Code of Ukraine contains general provisions of the legal regime of innovation activity, types of such activity, state regulation, and guarantees within the economic and legal order of the economic system of Ukraine, where business entities are the central link (Commercial Code of Ukraine, 2003).

The largest body of Ukrainian legislation in the area of innovation is represented by special laws and bylaws, which are unified by subject matter, material, and procedural focus, as well as the degree of influence on innovation processes in the country. The national regulatory framework for innovation includes the Laws of Ukraine "On Innovation Activities", "On Scientific and Scientific-Technical Activities", "On Investment Activities", "On Priority Areas of Innovation Activities in Ukraine", "On Scientific and Scientific-Technical Expertise", "On State Regulation of Activities in the Field of Technology Transfer", "On State Target Programs", "On Special Regime of Innovation Activities of Technology Parks", "On Science Parks", "On Public-Private Partnership", etc.

Also regulatory provisions on innovation activities are contained in numerous acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, as well as in the regulations of central executive authorities.

Another link in the development of modern legislation on innovation is the result of Ukraine's European and Euro-Atlantic course, the signing of the Association Agreement with the European Union, and accession to the World Trade Organization. This vector of development stipulated the need to bring national legislation in line with the norms of the international community, its gradual harmonization, and alignment with conventions and agreements within the framework of cooperation.

A retrospective analysis of the development of Ukrainian legislation on innovation activity reveals its inconsistent direction. The main drawbacks were the legislative lagging behind the results of scientific and technological progress available in the global economic paradigm, which, combined with the lack of a single development concept, led to a breakdown in the systematic nature of the legislative framework, fragmentation, numerous gaps and the absence of a real mechanism for implementing the regulated provisions.

In legal science, the positions of scholars are mostly unanimous. Thus, Atamanova (2009) rightly points out that the current legislation of Ukraine on legal regulation of innovation activity lacks systemic unity: general provisions are contained in Chapter 34 of the Commercial Code of Ukraine, the basic rules for innovation activity are in the Law of Ukraine "On Innovation Activity", and issues related to the turnover of rights to intellectual property rights are in Book 4 and Chapter 75 of the Civil Code of Ukraine. Many issues related to the implementation of innovation activities and the regulation of relations arising in connection with its implementation are resolved at the subordinate level, which has led to the dominance of subordinate legal acts in the legislation on innovation activities. Given these characteristics, the legislation on innovation activity fails to fully regulate relations arising from the development, creation, and distribution of innovative products and their implementation as innovations. It also cannot serve as the legal foundation for the creation and functioning of an effective national innovation system or the transition of the state to an innovation-driven model of economic development (Atamanova, 2009).

The Law of Ukraine "On Innovative Activity" adopted in 2002 became a new expectation, which for the first time regulated the legal, economic and organizational principles of state regulation of innovative activity in Ukraine, established forms of state stimulation of innovative processes. The categorical content of the Law suggested new terms. As of the moment of its adoption, the Law partially managed to regulate issues that were outside the field of legal certainty. At the same time, there was a weak integration of the Law and other normative legal acts in the field of innovation.

Today, the effectiveness of the regulatory framework for innovation is assessed by the degree of inclusiveness of innovation relations, the availability of effective mechanisms for implementing innovation projects, the degree of government involvement and support, and institutional means of protecting intellectual property rights.

Zhovnirchyk (2012) rightly points out that the current regulatory framework for innovation is quite controversial and does not meet the principles of a knowledge-based economy. In addition, the author points out the lack of a regulatory system for effective protection of intellectual property rights and the functioning of venture capital as a market institution. Another problem is the complication of the procedure for establishing individual innovation entities. Current legislation does not establish criteria for project innovation and does not distinguish between investment and innovation projects. The issues of objective expertise and competitive principles of budget funding for scientific, scientific and technical, and innovation programs and projects are not sufficiently regulated. A separate problem is the lack of compliance with current legislation and the inability of the judicial system to restore the violated rights of economic entities (Zhovnirchyk, 2012).

This state of affairs poses a challenge to revise and reform the legislation on innovation based on its compliance with global economic realities and systemic interconnections between different normative legal acts. Only work on a codified act – the Innovation Code of Ukraine – can become an effective legislative tool.

Zadykhailo notes that codification makes it possible to significantly reform and modernize the content, introduce new approaches to organizational and economic support of a particular type of activity, improve the content of regulation of economic and production relations in accordance with the current level of development of market relations, as well as business and judicial practice (Zadykhailo, 2010, p. 178).

In addition, the author notes that one of the tasks of codifying innovation legislation should be to promote the formation of a permanently functioning national innovation system, taking into account all factors of the national socio-economic environment (Zadykhailo, 2010, p. 179).

Thus, the commercialization of most spheres of public life and the organic dependence of economic development on the challenges generated by the global market necessitates the search for effective mechanisms of integrating influence to increase the competitiveness of goods and services. The primary role should be given to reforming the legislation on innovation. The study revealed the vulnerability of the legal and regulatory framework for innovation in Ukraine. Its contradictory nature and inconsistency with the current challenges of economic reality require revision with the subsequent adoption of a codified act – the Innovation Code of Ukraine. Only such a state of affairs will ensure the fullest integration of legal norms and comprehensive coverage of innovation relations.

Further research will focus on identifying the most optimal model for reforming innovation legislation.

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THE CJEU ROLE IN THE CONSTITUTIONALIZATION OF THE EU LAW

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Introduction

The Court of Justice of the European Union (CJEU) plays a crucial role in the legal evolution of the European Union (EU). As the judicial authority of the EU, the CJEU has not only interpreted but also expanded the scope of EU law, transforming it from an international legal framework into a quasi-constitutional order. This phenomenon, known as the constitutionalization of EU law, has significantly influenced the legal systems of the member states and ensured the uniform application of EU law across the Union.

The importance of the CJEU's role cannot be overstated, as it has fundamentally shaped the EU's legal landscape. Through a series of landmark rulings, the Court has reinforced the principles of EU law's supremacy, direct effect, and the protection of fundamental rights. By doing so, it has ensured that EU law is not only applicable but also enforceable at both national and supranational levels. This thesis explores how the CJEU has contributed to the constitutionalization of EU law, examining its key doctrines and their long-term implications for European integration.

1. The Concept of Constitutionalization of EU Law

Constitutionalization refers to the process by which legal norms acquire constitutional significance, shaping the entire legal order. While this process is typical for national legal systems, its application to the EU is unique due to the Union's supranational nature. Unlike traditional states, the EU lacks a formal constitution; however, its legal system has developed constitutional features through the CJEU's jurisprudence. The Court has played a crucial role in bridging the gap between international law and constitutional law, creating a legal framework that governs not only the relationships between member states but also between individuals and the EU institutions.

One of the earliest academic debates on this topic emerged in the 1960s when scholars and legal practitioners observed that the EU treaties were evolving beyond mere international agreements. The CJEU's rulings in landmark cases provided the foundation for this transformation, establishing principles that shaped the Union's legal order. Over time, these decisions have led to an increased acceptance of the EU's legal framework as a quasi-constitutional system, with the CJEU acting as its guardian.

2. The CJEU and the Principles of Supremacy and Direct Effect

The principle of supremacy ensures that EU law prevails over conflicting national laws. This principle was first established in the case *Costa v. ENEL* (1964), where the CJEU ruled that national laws cannot override EU legal provisions. This doctrine was further reinforced in subsequent cases such as *Internationale Handelsgesellschaft* (1970) and *Simmenthal* (1978), affirming that EU law holds primacy over all forms of national legislation, including constitutional provisions.

Without the supremacy of EU law, the integration process would be significantly weakened. National courts would be able to disregard EU legislation, leading to fragmentation and legal uncertainty. The CJEU's firm stance on supremacy has played a key role in ensuring the uniform application and effectiveness of EU law across all member states.

The direct effect principle, articulated in *Van Gend en Loos* (1963), enables individuals to invoke EU law before national courts. This principle ensures that EU legal provisions create rights and obligations not only for member states but also for individuals. The ruling in *Defrenne v. Sabena* (1976) extended this concept to include non-discrimination principles, further embedding direct effect as a key component of the EU legal system. The CJEU has also extended the direct effect principle to directives under certain conditions, as demonstrated in *Van Duyn v. Home Office* (1974) and the *Marshall* (1986).

3. The CJEU and the Protection of Fundamental Rights

Initially, the EU's founding treaties did not explicitly address fundamental rights, as the primary focus was on economic integration. However, through its case law, the CJEU gradually recognized human rights as general principles of EU law. This shift was evident in cases such as *Nold v. Commission* (1974), where the Court emphasized that fundamental rights must be protected as part of the Union's legal framework.

The adoption of the Charter of Fundamental Rights of the European Union in 2000 and its binding status under the Treaty of Lisbon (2009) marked a significant step in the constitutionalization of EU law. The CJEU has since played a crucial role in interpreting and applying the Charter, ensuring its effective implementation in member states. Cases such as *Digital Rights Ireland* (2014) and *Schrems* (2015) have further strengthened the protection of privacy and data rights within the EU legal order.

The role of the CJEU in ensuring fundamental rights extends to issues such as discrimination, data privacy, and labor rights. The Court's rulings in cases such as

Mangold v. Helm (2005) and *Kücükdeveci* (2010) have reinforced the principle of equal treatment, while decisions in *Google Spain* (2014) and *Schrems II* (2020) have set global precedents for data protection standards.

4. The Impact of the CJEU on EU Governance

Beyond shaping legal principles, the CJEU has influenced the institutional balance within the EU. By reinforcing the role of the European Parliament, clarifying the division of competences between EU institutions, and expanding judicial review, the Court has played a key role in ensuring effective governance within the Union. The CJEU's interpretations of the Treaties have frequently enhanced the power of supranational institutions, leading to increased integration.

One of the most significant developments in this area is the principle of state liability, established in *Francovich v. Italy* (1991). This ruling determined that member states can be held financially responsible for failing to implement EU law correctly, thereby ensuring greater accountability in the application of EU norms. This has had a profound impact on national legal systems, encouraging governments to ensure compliance with EU directives and regulations.

Conclusion

The constitutionalization of EU law, largely driven by the CJEU, has transformed the legal order of the Union. Through the establishment of supremacy, direct effect, and the protection of fundamental rights, the Court has ensured the effectiveness and uniformity of EU law. While the EU does not have a formal constitution, its legal system exhibits constitutional characteristics, underscoring the significance of the CJEU's role in shaping European integration. As legal integration deepens, the CJEU's jurisprudence will continue to play a defining role in the evolution of EU law.

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FORMATION OF A CULTURE OF ACADEMIC INTEGRITY

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At the moment, the Ukrainian scientific and educational community is actively focusing on issues of academic integrity and the implementation of international academic standards. In global academic practice, fundamental values of academic integrity receive key attention. From the perspective of global higher education standards, academic integrity serves as an essential tool for ensuring the quality of the educational process. It is a fundamental condition for maintaining the quality of education and scientific research. Academic integrity fosters a culture of responsibility, honesty, and respect for intellectual property. In the context of modern educational reforms and Ukraine's integration into the global educational space, the issue of academic integrity is becoming particularly relevant.

As N.V. Hrytsenko aptly notes, "…the main responsibility for academic dishonesty is attributed to the progress of internet technologies and the expansion of access to them" (On Education: Law of Ukraine, 2017). Web resources provide unlimited opportunities for finding pre-written essays, coursework, theses, or test answers. This encourages students to copy others' work without proper analysis or independent processing of the material. However, it is important to remember that the Internet is merely a tool. The responsibility for dishonesty lies entirely with the individual, their values, and their drive for self-development. While technological advancements have created new opportunities for academic dishonesty, the root of the problem lies in students' motivation, the quality of education, and the cultivation of academic ethics.

On June 6, 2024, the Verkhovna Rada of Ukraine, following the first reading, adopted the draft Law on Academic Integrity as a basis (On the adoption as a basis of the draft Law of Ukraine on academic integrity, 2024). This bill is unique, as it has no equivalents in any European country. Its provisions are aimed at raising the level of academic culture in educational institutions, strengthening the principles of academic integrity, and embedding them both in the academic environment and in society as a whole.

Legislation in the field on academic integrity is based on the Constitution of Ukraine and consists of the Laws of Ukraine "On Higher Education," "On Education" (Osvita.ua, n.d.), other Ukrainian laws and legal acts adopted in accordance with them, as well as the Standards and Guidelines for Quality Assurance in the European Higher Education Area. The key provisions of these standards include the development, implementation, and improvement of quality assurance policies, fair student assessment procedures, transparency in accreditation and monitoring processes, engagement of all stakeholders, and international cooperation (Standards and Guidelines for Quality Assurance in the European Higher Education Area, 2015).

Educational institutions and research organizations, regardless of their affiliation or form of ownership, are required to adhere to established policies and procedures for ensuring academic integrity, which form an integral part of their academic culture and internal quality assurance systems. Compliance with the principles of academic integrity in higher education institutions is a key factor in improving the quality of the educational process.

According to Unicheck's statistical data, in 2018, the average level of text similarity in papers checked by the system in Ukraine was 33.16%. At least 10% of young people admitted the possibility of purchasing ready-made coursework or theses, while 44% to 85% considered this practice categorically unacceptable. Specifically, among surveyed students, 31% to 53% acknowledged that they sometimes used essays downloaded from the Internet as their own work, while 41% to 63% believed that such practices in the educational process were unacceptable. The company GfK Ukraine, in collaboration with the CEDOS Analytical Center, concluded that cases of academic plagiarism most often occur among students whose motivation for education is insufficient (UkrSUZT, n.d.).

Preventing academic dishonesty requires a comprehensive approach that includes fostering an academic culture, implementing effective regulations, and applying control measures. It is crucial to conduct educational work, explaining to students the value of academic integrity and the consequences of violating it. Courses on academic writing can help teach proper citation and how to avoid plagiarism, while educators should serve as examples of honesty and openness. Technological tools, such as plagiarism detection systems, electronic submission platforms, and online monitoring, will contribute to ensuring compliance with academic integrity standards. At the same time, it is important to establish clear academic integrity rules, enshrine them in a code of ethics, and ensure their uniform enforcement in case of violations. Additionally, developing analytical thinking and research skills, providing academic consultations, and recognizing achievements can further support integrity. Educational institutions should cultivate a culture of honesty, train faculty to recognize violations, and periodically assess the level of academic ethics within their institutions. Thus, a combination of education, control, motivation, and clear rules will contribute to fostering academic honesty and responsibility.

In conclusion, academic integrity is not just about following established rules but also serves as an important indicator of culture, responsibility, and respect for intellectual effort. It is essential not only to combat violations but also to encourage students to engage in independent and honest work. The joint efforts of students, faculty, and academic administrators help create an educational environment based on honesty, transparency, and respect for knowledge.

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HUMAN TRAFFICKING IN UKRAINE DURING MARTIAL LAW

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In the current realities, it is necessary to analyze the problem of human trafficking in Ukraine, looking at the scale of the phenomenon, the factors contributing to its spread, and the legislative and law enforcement measures taken by the Ukrainian state. Despite the existence of laws, their practical application remains weak due to corruption, lack of clear legal definitions and insufficient protection of victims.

Ukraine is one of the countries with the highest level of human trafficking in the region of the former Soviet Union. According to the International Organization for Migration (IOM), some 420,000 women have been trafficked out of Ukraine in recent years. The main reasons are the following: economic instability, high unemployment among women, the destruction of the social protection system and the myth of a better life abroad (Trafficking, 2024).

Western countries restrict legal migration, which forces Ukrainian women to resort to illegal intermediaries. The greatest vulnerability is characteristic of women from rural areas and small towns, where it is difficult to find work. Lack of state support forces women to seek employment abroad, often through dubious agencies.

So, it is natural that in 1998, Ukraine was one of the first countries in Europe to criminalize trafficking in persons (article 124-1 of the Criminal Code). In 2001, Article 149 of the new Criminal Code of Ukraine was adopted, increasing penalties for human trafficking. Despite the changes, the laws remain ineffective due to vague wording, lack of clear instructions for law enforcement agencies, and corruption among judges and police officers. Corruption affects all levels of government, including police, prosecutors and courts. The lack of clear legal definitions (e.g., what constitutes "sexual exploitation" or "forced labor") complicates law enforcement. Victims of trafficking often do not report to the police because of fear of punishment or lack of protection (The Criminal, 2001).

Another problem is shortcomings of international cooperation. Although Ukraine is a signatory to the UN Trafficking Protocol (2001), its provisions are not fully implemented into national legislation. There are no effective bilateral agreements between Ukraine and EU countries to ensure the safe return of trafficked persons and their protection.

As for the suggestions to improve the situation, they are to amend legislation to include clear definitions of trafficking offenses; to improve the training of law enforcement officials, judges and prosecutors in combating human trafficking; to develop victim protection and rehabilitation programs, including psychological and legal assistance; to strengthen cooperation with international organizations and neighboring countries to suppress trafficking channels. Also, we can use confiscation of criminals' property to finance victim support programs. Ukraine officially recognizes the problem of human trafficking and is taking measures concerning it. However, in reality, law enforcement is faced with corruption, insufficient coordination between government agencies and a lack of victim protection mechanisms. Tougher legislation, more professionalized law enforcement, and stronger international cooperation are needed to effectively combat this phenomenon (Pyshchulina, 2023).

Thus, the problem of human trafficking in Ukraine remains topical and despite existing laws, their enforcement is not proper. Political will and systemic reforms are needed to truly combat this crime.

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CHARACTERIZATION OF THE ALGORITHM FOR A SPECIFIC TYPE OF EXEMPTION FROM CRIMINAL LIABILITY

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In the event of a criminal offense, a person is subject to criminal liability. At the same time, the state, as a subject of criminal-legal relations, has the right not only to impose criminal liability on this person but also to refrain from doing so if there are grounds provided by the Criminal Code of Ukraine (hereinafter referred to as the CC of Ukraine).

For the proper and effective application of the provisions of the CC of Ukraine regarding the exemption of a person from criminal liability, a clear and accurate interpretation is necessary. In the science of criminal law, each specific type of exemption from criminal liability is traditionally examined based on five consecutive characteristics: precondition, ground, procedure, condition, and consequences. The combination of all these characteristics forms the algorithm of criminal law elements, which is unique to each type of exemption from criminal liability and is stipulated by the corresponding article of the CC of Ukraine. Accordingly, this general framework is based on the stages of development of criminal-legal relations between a person suspected or accused of committing a criminal offense and a person exempted from criminal liability for that offense.

The **precondition** for exemption from criminal liability is the commission of a specific criminal offense by a person, as such exemption is possible only if there are grounds for criminal liability, as provided in Part 1 of Article 2 of the CC of Ukraine. Thus, according to Articles 45 and 46 of the CC of Ukraine, the precondition for exemption from criminal liability is the commission of a criminal offense or a reckless minor crime for the first time. Similarly, under Articles 47 and 48 of the CC of Ukraine, the precondition is the commission of a criminal offense or a minor crime for the first time.

An exception applies to corruption offenses, violations of traffic safety rules, and the operation of a vehicle by persons who were under the influence of alcohol, drugs, or other intoxicants, or who had taken medications that impair concentration.

Thus, the CC of Ukraine stipulates that a precondition for exemption from criminal liability is the commission of a criminal offense, a reckless minor crime, or a minor crime by a person for the first time. Only when both circumstances are simultaneously present it can be stated that the proper precondition for exemption from criminal liability exists: 1) the commission of a criminal offense of a certain severity and form of guilt and 2) the commission of a criminal offense for the first time.

While the first circumstance is quite clear, the severity of the criminal offense is determined by Article 12 of the CC of Ukraine, the second circumstance, the commission of a criminal offense for the first time, remains a controversial issue in the science of criminal law.

Under certain circumstances, a person may be considered to have committed a criminal offense for the first time, even if he or she actually committed the crime repeatedly. Thus, according to the Resolution of the Plenum of the Supreme Court of Ukraine No. 12 of December 23, 2005 *"On the Practice of Application by the Courts of Ukraine of Legislation on Exemption of a Person from Criminal Liability"*, a person who has not previously committed a crime or has previously committed a crime that has already lost its legal significance is considered to be a first-time offender. In other words, a person may be classified as a first-time offender either when they have actually committed a criminal offense for the first time or when they have legally committed a criminal offense for the first time—meaning that the legal relationship between the person and the state regarding a previously committed crime has ceased. This may occur due to factors such as conviction cancellation, decriminalization, or exemption from liability for a previously committed criminal offense. A criminal offense can only be considered as committed for the first time when the person is not in an existing criminal-legal relationship. At the same time, this approach of the legislator seems unreasonable to some scholars, in particular, O.O. Dudorov (2004), M.E. Hryhoriyeva (2007), G.I. Globenko (2008), and others. They propose introducing a legal prohibition on exempting from criminal liability those who have previously been exempted from it within a certain period.

The grounds for exemption from criminal liability should be considered a legal fact that enables the state to exercise its authority to exempt a person from criminal liability, as specified in the title or text of the relevant article of the CC of Ukraine. In other words, the grounds for exemption from criminal liability are: a) either certain post-criminal behaviour of a person encouraged by the state (for example, reconciliation with the victim, effective repentance, reporting a certain crime, etc.), or b) the occurrence of a certain event (for example, a change in the situation), to which the CC of Ukraine links the exemption from criminal liability, or c) a combination of a certain event and the relevant behaviour of the person (for example, the expiration of the statute of limitations and the behaviour of the person not related to evasion of pre-trial investigation or trial or the commission of a new crime of relevant severity).

The **procedure** for exemption from criminal liability refers to the nature of the authority and its documentation to exempt a person from criminal liability. This is, in other words, the state's activity to exempt a person from criminal liability. Such a procedure is established by the Criminal Procedure Code of Ukraine, according to which exemption from criminal liability can be granted only by a court, and the court shall issue a ruling on the closure of criminal proceedings in connection with the exemption of a person from criminal liability. Depending on each individual type of exemption from criminal liability, the court is either obliged, upon establishing the preconditions and grounds, to exempt a person from criminal liability, or may, i.e. has the right to either exempt or not to exempt a person from criminal liability. In the second case, the court, after establishing the existence of preconditions and grounds, must evaluate other circumstances of the case, for example, the nature and degree of specific social danger of the criminal offense committed by the person, characteristics of this person, other circumstances of the case, the presence of aggravating and mitigating circumstances. After assessing these factors, the court must make a reasoned decision either to exempt the person from criminal liability or to refuse such exemption.

A **condition** for exemption from criminal liability is a requirement for further behaviour of a person after he or she is released from criminal liability. Depending on the condition of exemption established by the CC of Ukraine, it may be unconditional or conditional. An unconditional release means that a person is released from criminal liability permanently, irrevocably, regardless of the person's further behaviour after the court decision on his or her release enters into force. Under a conditional release, a person is released from criminal liability on condition that he or she fulfils certain duties assigned to him or her within a certain period of time, for example, justifies the trust of the collective or maintains public order within one year, etc. In case of failure to comply with the assigned duties, a person may be held criminally liable for a previously committed crime.

The **consequences** of exemption from criminal liability are favourable (positive) or unfavourable (negative) changes in a person's legal status after he or she is exempted from criminal liability. The positive consequences include, most importantly, the non-application of personal, economic, or other limitations that the law would otherwise impose for committing a criminal offense, as well as the absence of a conviction. In contrast, the negative consequences of exemption are less clear and more complex. They stem from the fact that the state acknowledges the person has been exempted from criminal liability despite committing a socially dangerous act that contains all the elements of the relevant criminal offense. As a result, the exemption is considered to occur under non-rehabilitating circumstances. Negative consequences of exemption from criminal liability may also occur in case of failure to comply with the conditions of exemption. In this case, the court brings the person to criminal liability for the committed criminal offense.

Thus, the combination of all the above characteristics — preconditions, grounds, procedures, conditions, and consequences — forms a specific algorithm for characterizing each type of exemption from criminal liability. At the same time, each type of exemption is characterized by a unique algorithm.

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HUMAN RIGHTS IN THE DIGITAL AGE

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The rapid growth of digital technologies has significantly changed how human rights are protected and exercised. While technology offers many benefits, such as improving communication, supporting social development, and enhancing lives, it also introduces new risks and challenges. These changes have created a complex legal environment where older methods of safeguarding human rights may no longer be enough. As a result, understanding and addressing human rights issues in the digital age have become essential in modern legal discussions.

Traditionally, protecting human rights was seen as a duty of the state. Governments were responsible for ensuring that citizens' rights were respected. However, the rise of digital technology has blurred the lines between public and private spheres. Large technology companies now play a major role in influencing human rights. These corporations often control how information is shared, how personal data is handled, and how content is organized. Because of this, individuals are increasingly vulnerable to decisions made by these companies, which often lack the same oversight and accountability as governments. Consequently, there is growing pressure for businesses to take responsibility for protecting human rights in the digital world (The Concept of Human Rights in the Digital Era: Changes and Consequences for Judicial Practice, n.d.)

Digital technologies affect key human rights such as privacy, freedom of expression, and access to information. Privacy concerns have increased as governments and companies expand their ability to collect and monitor data. The European Court of

Human Rights (ECtHR) has addressed these concerns in important cases such as *Centrum för Rättvisa v. Sweden (*Judgement of the European Court of Human Rights, 2021) and *Big Brother Watch and Others v. the United Kingdom* Judgement of the European Court of Human Rights Nos 58170/13, 62322/14, 24960/15 'Case of Big Brother Watch and others v. UK' (May 2021) (Judgement of the European Court of Human Rights Nos 58170/13, 62322/14, 24960/15, 2021). These rulings highlight the risks of digital surveillance and stress the need to protect privacy and freedom of expression in the online world. In response to technological advancements, new "digital human rights" have emerged. These include the right to be forgotten, the right to internet access, and the right to data protection. Such rights are crucial in helping individuals maintain control over their online identities and personal information. The right to be forgotten, for example, allows people to request that outdated or inaccurate personal data be removed from search engines, improving control over their digital presence. Digital technologies have also made it harder to apply traditional legal rules consistently. For instance, hate speech laws that were originally designed for face-to-face interactions now apply to online statements as well. The Norwegian Supreme Court has emphasized that the focus should be on the content of the speech rather than the method of communication (The Concept of Human Rights in the Digital Era, n.d.). This approach highlights the evolving nature of legal frameworks in response to digital realities. As digital technology continues to develop, experts have suggested recognizing a "fourth generation" of human rights linked to advancements in biotechnology and information technology. These rights include protections for genetic data, transparency in algorithmic decision-making, and ethical concerns about artificial intelligence. Such bio-information rights are becoming increasingly important as technology becomes more integrated into everyday life.

Another challenge is the influence of transnational corporations that control digital platforms. These companies have the power to influence what information users can access, what content is allowed, and how user data is managed. As a result, there is a growing demand for these corporations to take on responsibilities similar to those of governments in protecting human rights. To effectively safeguard human rights in the digital age, lawmakers and courts must adopt flexible and adaptable approaches. As technology continues to evolve, legal frameworks must also change to ensure that fundamental rights are protected. Achieving this goal requires cooperation between governments, international organizations, and private companies.

In conclusion, it is worth mentioning that while the digital age offers a lot of advantages, it also presents significant risks to human rights. Privacy, freedom of expression, and data protection have become key issues that require updated legal approaches. Protecting these rights will require ongoing efforts to balance technological progress with the core values of human dignity, freedom, and equality.

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TECHNOLOGICAL SOVEREIGNTY AS A THE BASIS OF ECONOMIC SECURITY OF UKRAINE

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In the context of Russian aggression, Ukraine's transition to a special legal regime of martial law, due to the presence of permanent threats to national security, is accompanied by transformational processes in the main spheres of society, which affects the state of the national economy and, consequently, economic security.

The economic security of the state affects the vital activity and development of a person, society and the state. The basis of legal regulation of the sphere of ensuring the economic security of the state is, firstly, the Constitution of Ukraine, Article 17 of which states that ensuring its economic security is one of the most important functions of the state and is recognised as a matter of concern for the entire Ukrainian people; secondly, the Law of Ukraine 'On National Security of Ukraine', which defines the main directions of state policy on timely detection, prevention and neutralisation of external and internal threats in the economic sphere (Law of Ukraine «On National Security of Ukraine», 2018); thirdly, the Economic Security Strategy of Ukraine (Decree of the President of Ukraine «On the Economic Security Strategy of Ukraine for the period up to 2025», 2021), fourthly, the Sustainable Development Goals of Ukraine for the period up to 2030, which indicate the global sustainable development goals for 2030 and the results of their adaptation to the specifics of Ukraine's development (Decree of the President of Ukraine «On the Sustainable Development Goals of Ukraine for the period up to 2030», 2019); fifthly, the National Economic Strategy for the period up to 2030, which is designed to implement the existing geographical, resource and human potential of the country to ensure an adequate level of well-being, self-realisation, security, rights and freedoms of every citizen of Ukraine through innovative outstripping economic growth, taking into account the Sustainable Development Goals (Resolution of the Cabinet of Ministers of Ukraine «On approval of the National Economic Strategy for the period up to 2030», 2021).

Although Ukraine has created a developed legal framework for ensuring economic and, in particular, technological security, due to the problems caused by Russian aggression, it is largely outdated and therefore requires a significant update of the entire complex of security legislation, as well as the development of a regulatory framework on the basis of which the Ukrainian economy will be restored in the post-war period, with the aim not only of economic recovery but also of overcoming the technological gap with economically developed countries. It should be noted that in developing such legislation, it will be necessary to take into account the position of international financial institutions and partner states that will participate in financing Ukraine's economic revival (Yakoviuk, I., Efremova, K., & Novikov, E., 2022).

The difficult military-political and socio-economic situation in which Ukraine finds itself is a source of increasing types and number of threats to economic security, including in the scientific and technological sphere:

- the threat of encroachments by certain groups and individuals on state sovereignty, territorial integrity, economic, scientific and technical potential, and the loss of part of the industrial potential as a result of the armed aggression of the Russian Federation and the temporary occupation of part of the territory of Ukraine;

- low level of resource efficiency of the economy and a significant level of resource intensity of production;

- inconsistency of the structure of the national economy with modern technological development, insufficient involvement of Ukraine in global production chains;

- low level of introduction of the latest production technologies;

- Poor technical condition and level of protection of critical infrastructure facilities, insufficient investment in its renewal and development, potential threat of unauthorised physical and cyber interference with its operation;

- legislative unresolvedness and lack of a body responsible for coordinating activities in the field of critical infrastructure protection;

- high depreciation of fixed assets in key economic activities;

- the presence of a share of foreign capital in strategic sectors of the economy;

- insufficient funding for scientific, scientific, technical and innovative activities (Decree of the President of Ukraine «On the Economic Security Strategy of Ukraine for the period up to 2025», 2021).

Modern economic and security doctrines prove the key role of the scientific and technological factor in economic growth. Technology development, as a function of scientific, technical and innovative activities of society and the state, plays an extremely important role in industrialised and especially in post-industrial societies. Ensuring a close and continuous interconnection of basic and applied science and innovation is a determining factor in the efficiency of the national economy, its individual sectors, and the innovative development of the state.

Given the challenges of today, especially in the context of a full-scale invasion that puts the very existence of a sovereign Ukrainian state on the agenda, technological sovereignty is one of the main and basic tools for ensuring not only economic, but also military and energy security of Ukraine.

Technological sovereignty is the ability of a country to independently develop, produce and control key technologies and infrastructure necessary for economic independence and national security.

The main directions of the state policy on national security of Ukraine, in particular, in the scientific and technological sphere are

- restoration of the potential of high-tech economic activities in industry (production of air and space aircraft, related equipment) and its consistent increase;

- attracting domestic and foreign investments in the modernisation and development of high- and medium-tech enterprises, expanded reproduction of fixed assets, including as a result of transparent privatisation;

- development of a mechanism and implementation of state support for the introduction of the latest technologies developed in Ukraine in the areas of strategic importance for the national security of the state and its critical infrastructure;

- intensification of measures to timely detect and stop unlawful access to domestic technological developments and innovations by foreign entities and prevent their unauthorised leakage abroad;

- introducing economic incentives and a mechanism to support domestic enterprises in the implementation of new technologies;

- creation of favourable conditions for the generation and commercialisation of completed scientific developments and for the production of innovative products, provision of innovative services and introduction of innovative technologies;

- introduction of effective economic mechanisms to stimulate innovation entities to introduce the latest technologies, manufacture (provide) new or improved competitive products (services) at different stages of this activity.

The transformation of the state policy of economic security of Ukraine in the context of growing external threats should be focused on eliminating the signs of incapacity and formation of Ukraine as a strong innovative independent state by introducing new critical technologies in science, IT, industry, transport and other areas of importance to the country to ensure technological sovereignty and independence in the production of any products critical to us.

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LEGAL ESSENCE OF SOCIAL PROTECTION CONCEPT OF MILITARY PERSONNEL

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The full-scale invasion of the Russian Federation on the territory of Ukraine has necessitated a review of the legal regulation of social relations in the field of social protection, social security, and social adaptation of military personnel. An analysis of regulatory legal acts that form the legal framework for the social protection of military personnel during martial law leads to the conclusion that the current legislation of Ukraine lacks a precise definition of "social protection of military personnel during martial law." At the same time, regulatory legal acts provide interpretations of its individual components.

Article 17, part 5, of the Constitution of Ukraine stipulates that the state ensures the social protection of Ukrainian citizens serving in the Armed Forces of Ukraine and other military formations, as well as their family members (Verkhovna, 1996). According to Article 1 of the *Law of Ukraine On Social and Legal Protection* of Servicemen and Their Family Members, social protection of military personnel is defined as a state function aimed at establishing a system of legal and social guarantees ensuring the realization of constitutional rights and freedoms, the satisfaction of material and spiritual needs of military personnel in accordance with the special nature of their service activities, their status in society, and maintaining social stability in the military environment *(*Verkhovna, *1991)*. This includes the right to security in cases of full, partial, or temporary loss of working capacity, loss of a breadwinner, unemployment due to circumstances beyond their control, old age, and other cases prescribed by law.

The concept of martial law is defined as a special legal regime introduced in Ukraine or in certain areas in the event of armed aggression or the threat of an attack, or a danger to the independence and territorial integrity of Ukraine *(*Verkhovna, *2015)*. It grants the relevant state authorities, military command, military administrations, and local self-government bodies the powers necessary to prevent threats, repel armed aggression, and ensure national security, along with temporary restrictions on constitutional rights and freedoms of individuals and legal entities, specifying the duration of such restrictions.

The study of the legal framework highlights key features of the social protection system for military personnel. Firstly, social guarantees for military personnel and their families should not depend on their income level or the availability of state funding but must have an unconditional nature, i.e., they cannot be limited or canceled without appropriate compensation. Secondly, the distinction between the social protection of military personnel and other citizens lies in the fact that, while fulfilling their constitutional duty to defend the country, military personnel are subject to restrictions on a range of constitutional rights and freedoms. These restrictions include limitations on freedom of movement, participation in political parties, strikes, entrepreneurial activities, and freedom of speech, necessitating special measures to mitigate the negative consequences of social risks. Given the specifics of their service, military personnel often lack alternative sources to ensure a decent standard of living.

Thirdly, the right to social protection extends not only to military personnel but also, under certain conditions, to their family members. Fourthly, military personnel, as individuals with a special status, are subject not only to general legislation that limits constitutional rights and freedoms but also to special military legislation that provides additional social protection guarantees as well as restrictions, mainly related to the introduction of martial law.

Thus, the legal essence of the concept of social protection of military personnel is a crucial component of Ukraine’s legal framework, ensuring compliance with constitutional obligations in the context of martial law and necessitating continuous legal improvement. Four key features of the social protection system for military personnel have been identified.

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CRYPTOCURRENCY AND MONEY LAUNDERING: COUNTERMEASURE CHALLENGES

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Cryptocurrency is a type of digital currency where transactions are verified and records are maintained by a decentralized system that uses cryptography, instead of being managed by a central authority. Because it is not issued by any government entity, it is less susceptible to government interference or manipulation. However, this lack of regulation opens the door for illegal activities. According to research by Chainalysis, illicit cryptocurrency addresses received over $40 billion in funds, which accounts for approximately 0.14% of the total transaction volume on the network (Chainalysis, 2025).

Cryptocurrencies are actively used for money laundering due to their anonymity and decentralization. Criminals actively use cryptocurrency mixers (e.g., Tornado Cash, Blender.io) to "launder" illicit funds. These services mix cryptocurrency assets with others, making their origin untraceable. For example, in 2022, OFAC (the U.S. Office of Foreign Assets Control) imposed sanctions on Tornado Cash because the service was used by the North Korean hacking group Lazarus to launder over $7 billion (OFAC, 2022). This poses major risks to international security. Rogue countries can circumvent sanctions and better fund their military-industrial complex. Under current legislation, such actions would have grounds to be qualified under Article 209 of the Criminal Code of Ukraine - Legalization (laundering) of proceeds from crime. If cryptocurrency is used to finance terrorist organizations - Art. 258-5 of the Criminal Code of Ukraine - Financing of terrorism. Also, the use of cryptocurrency for cyberattacks, hacking, or financing of such actions falls under Art. 361 of the Criminal Code of Ukraine - Unauthorized interference in the operation of electronic computers (computers), automated systems, computer networks, or telecommunication networks.

As of today, cryptocurrency is the main means of payment on illegal online darknet marketplaces such as Hydra (closed in 2022), Silk Road, and others. The anonymity of transactions allows criminals to sell drugs, weapons, and fake documents and receive payment in Bitcoin, Monero, or other cryptocurrencies without the control of banks. According to Europol, about $5 billion in cryptocurrency passed through Hydra alone (Europol, 2023). Darknet marketplaces may be recognized as organized criminal groups, which provides for liability under Article 255 of the Criminal Code – Creation, management of a criminal organization, or participation in it. Payment for drugs in cryptocurrency is considered participation in the illegal trafficking of narcotic substances, which is prosecuted under Article 307 of the Criminal Code. The sale of weapons on such platforms in cryptocurrency falls under Article 263 of the Criminal Code – Illegal handling of weapons, ammunition, or explosives. Law enforcement agencies worldwide have intensified their efforts to combat illicit crypto transactions. The takedown of Hydra in 2022 was a significant step in disrupting darknet markets, but new platforms continue to emerge, adapting to regulatory crackdowns and improving their anonymity measures. For example, some marketplaces have shifted to decentralized hosting and peer-to-peer transactions, making them even harder to shut down. Moreover, the use of cryptocurrencies in darknet markets extends beyond simple transactions for illegal goods. Criminals often employ sophisticated laundering techniques to obscure the origins of their funds. This includes the use of mixing services, privacy coins like Monero, and chain-hopping—rapidly exchanging one cryptocurrency for another to complicate tracking efforts.

Also, decentralized financial platforms (DeFi) and P2P exchanges allow to bypass of traditional financial systems, where AML (Anti-Money Laundering) and KYC (Know Your Customer) rules apply. For example, criminals can exchange cryptocurrency for stablecoins (USDT, USDC), convert them into cash through unofficial exchangers, or use smart contracts to hide their tracks. In 2023, a TRM Labs investigation showed that about 60% of illegal crypto transactions pass through the DeFi sector (TRM Labs, 2023). This growing reliance on DeFi for illicit activities is largely due to the sector's lack of centralized oversight and the automation of financial transactions through smart contracts. Unlike traditional banks or regulated crypto exchanges, DeFi protocols operate without intermediaries, allowing users to swap assets, lend, borrow, and stake funds with minimal identity verification. This makes them attractive not only to legitimate users seeking financial freedom but also to criminals looking to exploit regulatory loopholes.

Thus, cryptocurrencies have become a significant tool for money laundering due to their unique technological features. This situation necessitates that regulators actively develop more effective methods to combat such activities. Implementing stricter anti-money laundering (AML) regulations, shutting down illegal services, and advancing blockchain analytics can substantially complicate the use of cryptocurrencies in criminal schemes. However, as technology continues to evolve, so do the tactics used by financial criminals, making regulation an ongoing challenge. Striking a balance between financial privacy and security remains a critical issue in the debate over cryptocurrency regulation.

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IMPLEMENTATION OF A ONE-TIER CORPORATE GOVERNANCE SYSTEM IN UKRAINIAN CORPORATIONS: PROSPECTS FOR DEVELOPMENT

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The formation of the corporate governance system in Ukraine began with the country's independence. The possibility of establishing corporations based on private property principles posed a significant challenge to post-Soviet Ukrainian society. The large-scale privatization of the mid-1990s introduced Ukrainians to private ownership and corporate rights, concepts with which they were initially unfamiliar. The complexities of decision-making and governance structure formation necessitated the structuring and organization of the management process. Therefore, the establishment of a corporate governance system (model) is of crucial importance in the corporate governance framework of any country.

As a result of the separation of ownership and management rights, each country has historically developed a set of mechanisms to address institutional challenges. These mechanisms are represented by corporate governance models. A corporate governance model is understood as a stable distribution of governance and control functions within a corporation between owners and managers (Shkilnyak & Apostoliuk, 2016).

The term "corporation" is used here in the sense commonly understood by Ukrainian scholars—any business entity whose authorized capital is divided into shares, with participants (shareholders) having rights to a portion of the company's profits and participation in its management (Zhornokuy, 2021).

From the perspective of corporate governance bodies, a key feature of the Anglo-Saxon model of corporate governance is its single-tier board of directors and the absence of a separate supervisory body. Instead, oversight of the board's decisions is performed by audit or control committees. Ownership in the Anglo-Saxon model is typically dispersed among numerous small shareholders, and the model is primarily focused on shareholder interests, with minimal representation of other stakeholders. In this model, decision-making is carried out by operational committees, approved by the board of directors, implemented by executive directors, and monitored by control committees.

In contrast, the Continental (German) model of corporate governance features a two-tier governance system, comprising a supervisory board and an executive board. The supervisory board assumes both oversight functions—decision approval and control over implementation—while the executive board (management board) is responsible for operational management. The controlling stake in this model is often concentrated within banks and their partners, with the stock market playing a minor role. Shareholder representatives and employees have a decisive role in the company’s strategic planning, and the model is based on balancing stakeholder interests and mutual accountability (Vakariuk L.V. & Hetmantseva N.D., 2023).

For an extended period, the only corporate governance model in Ukraine was one akin to the German model, which prescribes a two-tier governance system. This involves the simultaneous operation of a supervisory board representing shareholders and an executive body in the form of a board of directors or a single director (Bortsevych, 2023).

This structure was largely shaped by the privatization process and the evolution of corporate governance in Ukraine. Employees played a crucial role in corporate formation, as they were granted the right to become shareholders. The underdeveloped stock market led to the rapid concentration of controlling stakes in the hands of a few shareholders.

While most countries adopt either the Anglo-Saxon or the German model, legislative changes in 2023 enabled Ukrainian corporations to choose between the two governance systems, selecting the one best suited to their needs. In 2022, Ukraine adopted a new version of the Law "On Joint Stock Companies" (On Joint Stock Companies, 2025) which also introduced significant amendments to the Law "On Limited and Additional Liability Companies" (On Limited Liability Companies and

Additional Liability Companies, 2025). These legislative reforms created a foundation for incorporating global best practices into Ukraine's corporate governance framework.

From a governance perspective, the primary distinction between one-tier and two-tier systems is that, in a one-tier system, oversight and operational management functions are integrated within a single body—typically the Board of Directors. Conversely, in a two-tier system, oversight functions are assigned to a separate body—the Supervisory Board—while operational management functions are vested in the Executive Board. This differentiation or consolidation of functions can be pivotal for a corporation's strategic development approach.

The introduction of a one-tier corporate governance system has allowed Ukrainian corporations to explore alternative management structures. A single board of directors enables executive and non-executive directors to make management decisions collectively, with less rigid functional differentiation.

Several Ukrainian corporations have already implemented the new governance system, establishing boards of directors. This integration of oversight and operational functions into a unified decision-making process has facilitated closer interaction between non-executive (supervisory) and executive directors to achieve common objectives.

However, merging governance functions into a single entity may blur the distinction between operational and strategic decision-making, reduce the breadth of strategic oversight, and lead to increased executive influence on corporate strategy formulation.

There is no definitive advantage of one corporate governance system over the other. The choice depends on multiple factors: the number of shareholders, the presence of international investors, company size, workforce composition, primary markets, regulatory constraints, and the experience of the management team. These factors vary between corporations and may evolve over time.

The OECD Guidelines on Corporate Governance of State-Owned Enterprises do not endorse any specific governance structure, recognizing that both systems can support the achievement of results-oriented recommendations (OECD, 2024).

The greatest challenge in implementing the new one-tier corporate governance system in Ukraine lies in the limited experience of Ukrainian corporations with its application. Although the success of corporate governance in Anglo-Saxon corporations appears evident, internal and external barriers still hinder the widespread adoption of alternative corporate governance systems that could provide Ukrainian corporations with new opportunities and development prospects.

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UKRAINE'S INTERNATIONAL OBLIGATIONS TO COMPLY WITH THE PRINCIPLE OF GENDER EQUALITY

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Today, in the current geopolitical environment, Ukraine is engaged in a persistent effort to consolidate its identity as a European nation and to assert its rightful place as a prospective member of the European Union. This assertion is not merely a rhetorical stance, but rather a commitment that is manifest in both verbal and practical action. However, this pursuit entails not only the acquisition of new rights but also the assumption of significant responsibilities. For the civilised world and the European community, it is important to adhere to the principles and standards of human rights in general and the principle of gender equality in particular.

The establishment of equal rights and opportunities for both men and women has been set out as one of the primary objectives of numerous foundational international documents. For instance, in its 26 June 1945 Charter, the United Nations declared intention to establish the belief in the equality of men and women (United, 1945). This commitment was further reinforced in the Preamble to the Universal Declaration of Human Rights, adopted and proclaimed by the UN General Assembly resolution 217 A (III) of 10 December 1948 (United, 1948). In addition, Article 3, paragraph 2, of the Treaty establishing the European Community underscores the obligation of all Community activities referred to in this Article to strive towards the elimination of inequality and the promotion of equality between women and men (The European, 1957).

In the discussion paper 'Democracy and Gender Equality: The Role of the UN', United Nations posits the argument that gender equality can be regarded as a central element of democracy and the nature and degree of women’s participation is a key indicator of the quality of democratic culture (United, 2013). In accordance with paragraph 18 of article 1 of the Law of Ukraine of 08.09.2005 No. 2866-IV 'On Ensuring Equal Rights and Opportunities for Women and Men', gender equality is defined as the equal legal status of women and men and equal opportunities for its realisation. This allows persons of both sexes to participate equally in all spheres of society (Verkhovna, 2005).

Ukraine has ratified a number of international legal acts to ensure compliance with the principle of gender equality. Consequently, the provisions of these documents were reflected in national legislation.

In accordance with Article 3 of the International Covenant on Civil and Political Rights, which was ratified on 19 October 1973, the States Parties to the present Covenant undertake to ensure that men and women enjoy the same rights with respect to all civil and political rights set forth in the present Covenant (General, 1966). Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950, ratified on 17.07.1997, stipulates that the enjoyment of the rights and freedoms recognised in the Convention shall be ensured without discrimination on any grounds, including sex (Council, 1950).

Another international document that protects gender equality is the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 18 December 1979, which was ratified by Ukraine on 19 December 1980. The Convention obliges states to reflect the principle of equality in the text of the Constitution or other relevant legislation, to prohibit any form of discrimination, and to establish legal protection for women on an equal footing with men. States are obligated to submit reports on the fulfilment of these obligations to a special body (UN Committee). Based on the results of the reports, recommendations are made on how to fulfil the obligations (United, 1979). Thus, the United Nations Convention on the Elimination of All Forms of Discrimination against Women not only enshrines theoretical guarantees of gender equality, but also monitors their observance in practice.

Summarizing Ukraine's existing international commitments to the principle of gender equality, we can identify several main areas: promoting gender equality; preventing discrimination on the basis of sex; preventing and combating gender-based violence; ensuring equal participation of women and men in socially important decision-making; ensuring equal opportunities for women and men to combine professional and family responsibilities; supporting families, fostering responsible motherhood and fatherhood; educating and promoting gender equality; defined the protection of society from information that is intended to encourage discrimination on the basis of sex (Verkhovna, 2005).

Thus, it is important to acknowledge that, despite the emergence of novel challenges in the domain of human rights protection, international organisations have asserted that our nation has demonstrated progress in enhancing gender indicators (World, 2024). Nevertheless, the fulfilment of the commitments is an ongoing process that requires continuous improvement and monitoring.

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VIRTUAL REALITY IN ARCHITECTURE. DEVELOPMENT PROSPECTS

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Society and business interest in virtual reality (VR) is growing every year. Technologies are becoming more and more accessible. As a result of the increasingly widespread use of smartphones, virtual reality applications have appeared that can be easily downloaded and installed on a phone (Shataliuk, 2023).

World-famous architectural bureaus use VR tools in projects. Main stakeholders in the software market buy VR companies to integrate their tools into their software. For example, in March 2022 the Autodesk company acquired the augmented reality developer The Wild (Yoders, 2022). Analyzing the European experience, we see that VR is beginning to be applied not only in the sphere of private interaction between the client and the architect, but also in urban projects. Scientists emphasize the great potential of VR in the future of architecture, particularly in the technological aspect (Ashgan et al., 2023; Fakahani et al., 2022). For example, the Norwegian government recently used VR to involve citizens in the design process of a new train station. A VR theater was created in the city center, and residents could take a virtual trip and leave feedback about the project. This feedback was then taken into account during the finalization of the project (De Wolf, 2024).

The development of new technologies and software provokes a certain lag between theory and practice. Most of the available scientific works concern software analysis, and there is quite a bit of research on the impact of VR on the architectural profession. To date, the communicative qualities of VR are practically unexplored. Procedures for using VR as a communication medium for architects with customers, representatives of related specialties, contractors, self-government bodies and urban communities are insufficiently developed.

In our opinion, the VR communicative toolkit will contribute to socialization and the establishment of effective interaction between all participants of the project process. This can involve improving how people collaborate, engage, and exchange ideas in virtual spaces. So, key objectives of the VR communicative toolkit include: immersive design review, enhanced collaboration, client communication, design iteration and refinement, conflict detection, increased stakeholder engagement, training and simulation. Ultimately, the VR communicative toolkit in architecture helps improve efficiency, accuracy, and communication, leading to better project outcomes. It will influence the development of democratic institutions, the formation of a clear process of approval and control of urban objects implementation. In this context, it is appropriate to study the difference in the perception of a real and virtual architectural object by certain social groups, analyze and systematize recommendations for the use of VR tools at various stages of design, and determine the basic principles of the formation of communicative tools in the analysis, modeling and design of the architectural environment. We believe that VR tools will contribute to the organization of the more comfortable and visually attractive urban environment and this research will be of benefit to society.

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RETHINKING APPROACHES TO DEFINING THE TERM "PROPERTY" AS AN OBJECT OF CRIMINAL OFFENSES AGAINST PROPERTY

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All of us today are witnessing tremendous technological progress, which entails the digitalization of social relations. One of the manifestations of this digitalization is the emergence of new, previously non-existent, digital property objects. In the last 20 years alone, objects such as cryptocurrency, NFTs, digital goods and many others have appeared. The emergence of such results of technological progress requires a revision not only of civil law approaches to the regulation of new types of social relations, but also a revision of the criminal law approaches to the qualification of acts aimed at taking possession of someone else's digital property.

According to the generally accepted approach, the object of criminal offenses against property may be property, property-related actions (may be the subject of extortion), and the right to property (may be the subject of extortion and fraud).

At the same time, property as the object of a criminal offense must meet three main characteristics: legal (belong to a certain owner), economic (have value), and physical.

In the criminal law doctrine, it is generally accepted that the physical characteristic of property means that property must be a tangible object of the material world that is accessible to objective perception from the outside (Khavroniuk, 2017).

At the time of its inception, this approach was effective, as it covered traditional crimes (e.g., theft of a wallet or robbery of a store with goods, etc.), but today this approach is outdated and does not correspond to the modern economic model.

Obviously, the law should protect the values that are perceived by society as such. According to Chainanalysis, Ukraine ranks 6th in the global ranking of cryptocurrency acceptance among the population, so statistics show that Ukrainians are active participants in the crypto market (Chainanalysis, 2024).

The increase in investments in cryptocurrency, as well as the number of cryptocurrency transactions, clearly demonstrates that individuals regard it as their property. At the same time, the emergence of new forms of property also leads to a rise in the number of offenses aimed at appropriating such property. The most common methods of seizing cryptocurrency include the illegal appropriation of cryptocurrency by gaining access to a private key or seed phrase through spyware, hacking accounts on cryptocurrency exchanges, and fraud during crypto exchange operations.

In most cases, the misappropriation of cryptocurrencies occurs digitally (through the use of some form of hacking software), but some offenses are more traditional: for example, according to Thai media reports, in 2024, a group of individuals attacked a Ukrainian citizen and, threatening him with a knife and beating him, took his cryptocurrency funds in an amount roughly equivalent to $250,000 (Nationthailand, 2024). A similar situation occurred in Bali in 2025, where a Ukrainian citizen was beaten and forced to transfer USDT cryptocurrency to criminals, amounting to the equivalent of $214,000 (DS ed., 2025).

There is no doubt that such actions are socially dangerous and should certainly be punishable by law, but the approach dominating today in criminal law doctrine makes it much more difficult (if not impossible) to qualify such acts as criminal offenses against property (in the case of the last two examples, as robbery).

Limiting the concept of property to only tangible objects creates a potential opportunity for criminals to evade punishment for wrongful acts aimed at appropriating the digital property of third parties. Thus, the material approach to property significantly restricts the ability to punish actions directed at the illegal seizure of digital property, as it fails to account for the specific nature of such property — its high economic value combined with its intangible essence. Cryptocurrency exists solely in digital form (as a record on a blockchain), yet its value to the owner is beyond question.

Based on this, the right to ownership of cryptocurrency should be protected by law in the same manner as the right to ownership of any other object in the material world (e.g., money).

Some countries already demonstrate a rather flexible approach to defining the subject matter of criminal offenses against property. For example, the District Court of the Central Netherlands in Lelystad in its Judgment of August 21, 2024, Case No. ECLI:NL:RBMNE:2024:5036 qualified the misappropriation of bitcoins as theft combined with violence and threat of violence (Rechtbank Midden-Nederland, 2024).

Thus, taking into account modern economic realities, the approach to defining property as an object of criminal offenses against property should be revised so that the concept of property includes not only tangible objects but also digital assets with value, such as cryptocurrency.

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COMBATING HATE SPEECH: CRIMINAL-LEGAL PROTECTION OF RIGHTS IN INTERCULTURAL COMMUNICATION

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In the generally accepted interpretation, “hate speech” encompasses offensive discourse directed against individuals or groups based on characteristics such as race, religion, or gender, which may pose a threat to social stability and peace. With the aim of developing a global strategy to address this issue, the *United Nations Strategy and Plan of Action on Hate Speech* defines this phenomenon as “any kind of communication, whether oral, written, or behavioral expression, that contains insults or discriminatory statements concerning an individual or group based on their identity, such as religion, ethnicity, nationality, race, color, gender, or any other characteristic.” (United Nations, Hate Speech).

To date, international human rights law does not have a unified, established definition of hate speech. This concept leaves room for debate, particularly regarding the balance between freedom of expression, the right to non-discrimination, and equality. The increase in the volume of hate content on the Internet, accompanied by the spread of disinformation, is significantly exacerbated by digital technologies, creating unprecedented challenges for modern societies. Authorities face difficulties in effectively enforcing national regulations within the context of the speed and scale of the digital space.

Unlike traditional media, the creation and dissemination of hate speech on the Internet occur much more easily, cheaply, and anonymously. This enables such materials to rapidly reach a global and diverse audience in real time. Furthermore, the persistence of such content online poses a serious challenge, as it can resurface over time, gain renewed popularity, and spread with new force (United Nations, 2024). Therefore, it is crucial to consider new strategies to combat hate speech in the digital environment.

The term "hate speech" is now widely used in decisions of international human rights courts as well as in the legislation of individual countries. In particular, in the cases of *Surek v. Turkey* and *Gündüz v. Turkey*, the European Court of Human Rights explicitly adopted the definition of "hate speech" proposed by the Committee of Ministers of the Council of Europe in 1997. According to this definition, "hate speech" encompasses all forms of expression that incite, promote, or justify racial hatred, xenophobia, anti-semitism, or other forms of hatred based on intolerance. Furthermore, the Court emphasizes that for a statement to be recognized as hate speech, it is not enough for it to simply offend or shock; it must have the potential to incite hatred or violence (Case of Sürek v. Turkey, 1999; Case of Gündüz v. Turkey, 2004).

In the context of national legal systems, an example can be drawn from South Africa: Section 10 of the *Promotion of Equality and Prevention of Unfair Discrimination Act* of 2000 contains provisions prohibiting hate speech. Specifically, Article 10(1)(c) states that "no one may publish, propagate, defend, or distribute words based on any prohibited grounds that may reasonably be interpreted as having the aim to: (a) cause harm; (b) incite harm; (c) promote or propagate hatred." (Brown, 2017, p. 435).

In turn, according to Article 161 of the Criminal Code of Ukraine, which regulates violations of the equality of citizens based on their race, national origin, religious beliefs, disability, and other characteristics, there is a possibility of applying criminal penalties for hate speech (Criminal Code of Ukraine, 2001).

In the context of the study, it is worth noting that the EU has made significant strides toward criminalizing hate speech. In particular, Council Framework Decision 2008/913/JHA, adopted on November 28, 2008, laid the foundations for the criminalization of hate speech at the EU level, specifically through the prohibition of publicly inciting violence or hatred against individuals defined by race, ethnicity, religion, or other characteristics. Furthermore, Directive (EU) 2024/1385, adopted in May 2024, clearly outlined obligations for member states regarding the criminalization of hate speech, particularly in the context of violence against women and domestic violence (Immenkamp, 2024, p. 2-3). These legislative acts reflect the EU's systematic approach to combating racism, xenophobia, and gender discrimination through criminal law mechanisms.

A significant contribution to this process has also been made through the adoption of the *Digital Services Act*, which is aimed at regulating online platforms and ensuring the detection and response to hate speech on the internet (Immenkamp, 2024, p. 2-3). These initiatives lay the foundation for more effective human rights protection and the safeguarding of democracy, as they address both new challenges in the digital environment and traditional issues related to racial, ethnic, and gender discrimination.

As part of the positive obligations of Council of Europe member states to protect individuals targeted by hate speech, its most severe manifestations should be subject to criminal liability. Such criminalization not only serves the punitive function of the law but also helps to establish clear social signals for potential offenders and society as a whole that such expressions are punishable by law. At the same time, this underscores the importance of the preventive function of criminal law, which aims to prevent such offenses. The definition of criminal manifestations of hate speech should be established through clear legislative regulation, taking into account the extent, relevance, and seriousness of the consequences for society associated with various forms of this speech, such as incitement to violence or threats of violence.

Article 4.b of the *International Convention on the Elimination of All Forms of Racial Discrimination* contains an important obligation that can serve as a powerful tool in the fight against hate speech. It stipulates that member states must declare illegal and prohibit organizations that promote racial discrimination and incite it. Moreover, participation in such organizations may be recognized as a criminal offense. This position is supported by the case law of the European Court of Human Rights, which states that states have the right to take preventive measures against organizations or movements that violate the fundamental values of democracy, including the value of racial equality and tolerance in society (Council of Europe, 2002, p. 25).

The legal analysis of the criminalization of hate speech in European Union countries shows that all EU countries consider hate speech a criminal offense, while some also impose civil sanctions. These countries have laws that provide penalties for publicly inciting violence or hatred based on race, skin colour, religion, nationality, or ethnic origin. At the same time, in the Czech Republic, in addition to criminal liability, there are also civil provisions that allow combating hate speech through softer measures, such as fines or restraining orders (Hate crime and hate speech in Europe: Comprehensive analysis of international law principles, EU-wide study and national assessments, 2016, p. 56). Considering these differences, it can be stated that each country is trying to find a balance between freedom of speech and protection from discriminatory manifestations.

Despite the existence of certain provisions in the Criminal Code of Ukraine regarding criminal liability for manifestations of hate speech, the legal regulation of this issue is currently insufficiently clear and requires further improvement. To effectively combat this phenomenon, it is necessary to detail the existing norms and introduce a direct definition of the term "hate speech" that would encompass all possible forms of this offense. Adopting the experience of European Union countries, where similar criminal norms are already functioning successfully, will be an important step in strengthening legal protection in Ukraine and aligning national legislation with international standards in this area.

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UNCERTAINTY REGARDING THE SUBJECTS AUTHORIZED TO DETAIN A PERSON WHO HAS COMMITTED A CRIMINAL MISDEMEANOR

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The reform of criminal procedure in Ukraine aims to ensure the effectiveness of law enforcement; however, certain legislative provisions require clarification. One such reform is the implementation of the institution of criminal misdemeanors through the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding the Simplification of Pre-trial Investigation of Certain Categories of Criminal Offenses" dated November 22, 2018, No. 2617-VIII, which came into force on July 1, 2020. This law introduced the concept of criminal misdemeanors and amended legislative acts, including the Criminal Procedure Code of Ukraine (hereinafter – CPC of Ukraine) (Verkhovna Rada of Ukraine, 2018).

One of the issues of inquiry proceedings is the uncertainty regarding the subjects who have the right to detain a person and conduct a search of that person in accordance with Article 298-2 of the CPC of Ukraine.

Paragraph 1 of Article 298-2 of the CPC of Ukraine states that the detention of a person suspected of committing a criminal misdemeanor is carried out by an "authorized official" (Verkhovna Rada of Ukraine, 2012). However, there is no precise definition of this person, creating legal uncertainty.

At the same time, according to paragraph 3 of this article, the grounds for detention must be reported both by the authorized official who carried out the detention and by the inquirer. This raises the question: does the inquirer have the right to directly detain a person?

To begin with, it is necessary to define which persons fall under the term "authorized official".

As stated by the Supreme Court in its ruling of June 15, 2021, "such usage of the term 'authorized official' in the law leads to the conclusion that this term refers to a person who is legally empowered to carry out detentions but is neither an 'investigator', nor a 'prosecutor', nor an 'inquirer'. Thus, this term refers to other legislative acts that grant detention powers to state bodies and their officials" (Supreme Court of Ukraine, 2021).

Therefore, in this case, an "authorized official" is a person who has the authority to detain an individual who has committed a criminal misdemeanor.

The powers of the inquirer are specified in Article 40-1 of the CPC of Ukraine; however, this list does not include the right of the inquirer to detain a suspect, although the inquirer has the right to conduct a search of the detained person.

Regarding the relationship between detention and the search of a detained person, the Supreme Court of Ukraine stated in its ruling of June 15, 2021, that "a personal search is an integral part of the detention process and, accordingly, lawful detention itself provides grounds for conducting a personal search. Moreover, it should be taken into account that a personal search of a detained person is necessary not only for recording evidence of an offense but also to ensure the safety of both the detaining officers and other persons, including the detained individual. Therefore, a personal search is usually conducted immediately after detention" (Supreme Court of Ukraine, 2021).

If the search of a detained person is an integral part of the detention process, then an inquirer who has the right to search a detained person should also have a clearly defined right to detain that person. It is also important to note that paragraph 6 of Article 298-2 of the CPC of Ukraine states that the search is carried out by the authorized official who conducted the detention, but the inquirer is not mentioned in this paragraph.

The vagueness of legislative provisions creates challenges in law enforcement, as inconsistencies regarding an inquirer's authority to detain a person may lead to legal disputes in court. Additionally, the lack of a unified procedure for searching detained persons increases the risk of human rights violations.

To eliminate uncertainty, it is proposed to include the inquirer in paragraph 1 and paragraph 6 of Article 298-2 of the CPC as a subject authorized to detain a person and conduct their search (Maksymovska, 2022).

The proposed changes will help eliminate legal conflicts and ensure consistency in law enforcement. A clear definition of the subjects of detention and search in criminal misdemeanors will prevent abuses, safeguard the rights of detained individuals, and enhance the effectiveness of criminal proceedings. It is important to continue analyzing law enforcement practices and consider international experience to improve Ukraine's legislation.

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KEY DEVELOPMENT PATTERNS OF THE INSTITUTION OF MONARCHY BASED ON THE MODERN EXAMPLE ABSOLUTE MONARCHIES

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Monarchy is one of the oldest forms of governance, with the history of the establishment of monarchical rule as an institution dating back to the period of the Egyptian pharaohs and Babylonian kings. The transformations of monarchy were influenced by various factors, but it still exists nowadays. Monarchical statehood can be compared to a certain constant, because countries that currently have this form of government are not ready to change it. The key reason is the appreciation of eternal traditions and established power institutions. The monarchical form of governance has its evolutionary development path and historical transformations, which can be conventionally divided into the following stages: early feudal monarchy, seigneurial, estate-representative, and absolute monarchy. After the wave of democratic revolutions in Europe and the destruction of the estate-caste society, monarchy underwent a number of transformations and became constitutionally limited. Nowadays, researchers distinguish two types of constitutional monarchy: dualistic and parliamentary (Pavlova, 2017).

Currently, there are still several absolute monarchies in the world. Examples include Brunei, Vatican, Qatar, Oman, Saudi Arabia, the United Arab Emirates, and Eswatini. This form of governance is primarily characteristic of Asian states. According to some researchers, these countries have not the active type of civil society, which is a driver of democratic changes, due to certain economic factors, including the large concentration of natural resources. In the Arabian Peninsula, people began to forms as nations only in the second half of the 20th century, which led them to view the power of ruling dynasties as a natural, historically justified phenomenon and unlike classical feudal monarchies of the past, loyalty to monarchy in the modern East is conditioned by a balanced policy in the social sphere ("petrodollars," modern technologies, and economic efficiency provide an appropriate level of well-being for the majority of society) (Petryshyn, Zinchenko, 2018). Modern absolute monarchy differs from the absolute monarchy of the feudal era; they are distinguished by the fact that modern unlimited monarchy is determined by regulatory legal acts, usually the Constitution or laws, which can be legally equated to the Fundamental Law (Nizami). Despite the existence of established legal foundations of monarchical power, the monarch still maintains a significant amount of authority. For example, in the Sultanate of Oman, the Sultan is simultaneously the head of government, commander-in-chief, and minister of defense, foreign affairs, and finance. In Oman, power is inherited strictly through the male line. The Constitution is represented by the Basic Law of the Sultanate, but it does not address issues related to the principle of separation of powers into three branches, legislative bodies, and the regulation of their authority. However, Oman does have a parliamentary prototype in the form of the "Oman Council," which consists of the Consultative Council and the State Council, and aims to perform more advisory and consultative functions (Al-Haj, 1996). Its main task is to develop recommendations for the Sultan and the government he leads. The monarch's personality is inviolable, and his decisions are not subject to any changes.

In Saudi Arabia, the head of state is the king, who personifies the power of the dynasty of the founder of the state and the first king, Abdulaziz bin Abdulrahman Al Saud. The king heads the Council of Ministers, the executive body that is accountable to the king, oversees the armed forces, and more. The Council of Ministers, together with the monarch, performs legislative functions. The monarch is a symbol of the unity of the country and must perform the function of maintaining balance between potential rulers: fundamentalists, the middle class, the royal family, and Bedouins (Polischuk, 2009).

The Constitution of Qatar states that the monarch exercises executive power with the help of the government. The head of state (the Emir) has the right to appoint and dismiss the head and members of the government and ministers, who are accountable to him.

So modern absolute monarchies are characterized by a powerful security apparatus that is intended to protect the monarch and simultaneously combat any opposition political forces and revolutionary movements in order to preserve the existing state order. Such monarchies are based on a strong factor of religion and traditionalism. The legislation defines the status of the monarch as a legitimate ruler and authority, and the right to amend legislation belongs only to the monarch. It is important to note that modern absolute monarchies are characterized by authoritarianism, as there are no legal mechanisms for influencing the power, the political elite, and each official depends not on the people but on the ruler. Nations have validated the power of certain ruling dynasties at the legislative level, making it a natural, historically justified phenomenon, which led to the centralization of power. The stability of monarchies in these countries is largely determined by the particular nature of societal and political consciousness, the cultural and historical characteristics, which corresponds to the level of social and political development. Despite the fact that in the 21st century the monarchical form of governance has undergone significant changes, absolute monarchy remains the leading form of government in Asian countries because it is considered an element of national identity.

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CERTAIN ISSUES REGARDING THE LEGAL STATUS OF OFFICIALS IN PENAL INSTITUTIONS AND PRE-TRIAL DETENTION CENTERS

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The issue of the status of places of detention and their employees has been and remains highly relevant for Ukraine, particularly in the context of contemporary challenges facing the state. Socio-political and legal changes driven by reforms, as well as military actions, impose new requirements on the functioning of the criminal-executive system. In the conditions of armed conflict, the temporary occupation of certain territories, and the internal displacement of the population, there is a need to strengthen control over the observance of the rights of persons in places of detention and to adapt their activities to new realities. Additionally, Ukraine's European integration process requires bringing national legislation and practice in line with international standards, particularly the requirements of the European Convention on Human Rights and the recommendations of the European Committee for the Prevention of Torture. This necessitates a detailed analysis of the status of places of detention, including their organization, operational procedures, and the protection of the rights of convicted persons. Equally important is the examination of the legal status of employees of these institutions, as they are the key link in ensuring the effective functioning of the penal system. Proper legal regulation of their rights, obligations, social guarantees, and protection from potential risks is essential for maintaining a high professional standard and motivation among these employees.

In this regard, it is necessary to note that in Ukraine’s legal framework, there are still significant debates concerning the role of penal institutions and pre-trial detention centers within the system of penal enforcement, as well as the status of their officials. This issue was highlighted by the Supreme Court of Ukraine, sitting as a panel of judges of the Cassation Administrative Court, in its ruling dated January 26, 2022, case No. 160/16405/20. In this case, an individual (referred to as PERSON_1) filed a lawsuit against the State Institution "Dnipro Penal Institution (No. 4)," seeking: recognition of the unlawful interference by the institution in his private life through interference with his correspondence with the European Court of Human Rights (ECHR), which occurred through the opening of a sealed package and censorship control over his correspondence with the ECHR, causing him emotional distress and moral damage; a prohibition on the administration of the institution from interfering in his correspondence with the ECHR; and compensation for the violation of his right to private life and confidentiality of communication with the ECHR, with moral damages amounting to 100,000 UAH. The first-instance court refused to initiate proceedings in the case, a decision upheld by the appellate court, on the grounds that the rights and interests the plaintiff sought to protect were of a private-law nature. The first-instance court concluded that the dispute should not be considered under administrative proceedings but rather under civil procedure in a local court.

In a legal state, the implementation of the principles of the rule of law and the social state is achieved through the effective organization of the legislative, executive, and judicial branches of government, the imperative nature of the rule of law principle, which ensures the recognition, establishment, and protection of human and citizen rights and freedoms, mutual responsibility of the state and individuals, the proper functioning of an independent and impartial judicial system, and a high level of legal awareness and culture in society. In a social state, these principles are realized through the recognition of the individual as the highest social value, the creation of conditions to ensure a decent standard of living, the maintenance of harmonious social relations, the provision of state assistance to specific individuals and categories of the population on a subsidiary basis, as well as ensuring the autonomy of social relations and processes.

According to Ukrainian legislation, the system of execution of criminal sentences consists of specialized bodies, including the central executive body that implements state policy in the field of execution of criminal sentences and probation, its territorial bodies, and authorized probation bodies. These institutions operate under the general supervision of the Ministry of Justice of Ukraine, which implements state policy in this sphere. The activities of penal institutions and probation bodies are controlled by relevant management bodies and officials belonging to the central executive authority responsible for the execution of criminal sentences.

The State Criminal-Executive Service of Ukraine performs law enforcement and law application functions. It includes the central executive body that implements state policy in the field of execution of criminal sentences, its territorial management bodies, criminal-executive inspections, penal institutions, pre-trial detention centers, militarized units, educational institutions, healthcare institutions, and enterprises of penal institutions and other enterprises, institutions, and organizations established to fulfill the tasks of the State Criminal-Executive Service of Ukraine.

At the same time, the Ministry of Justice, as the central executive body, formulates legal policy in this sphere, develops and implements measures aimed at ensuring the rights and freedoms of convicted persons, and monitors compliance with legislation during the execution of sentences. Penal institutions and pre-trial detention centers are established and liquidated by the executive authority responsible for this sector. Their primary function is to carry out the tasks prescribed by law. Since these institutions are part of the executive branch, their officials hold the status of public authority representatives and perform administrative functions.

Thus, it is crucial to emphasize that the legal status of officials and employees of penal institutions and pre-trial detention centers is directly linked to the status of the body in which they serve. Therefore, when determining the status of such persons and the applicable legislation governing their relationships, it is necessary to consider the nature of the functions they perform.

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RECENT DEVELOPMENTS IN COPYRIGHT PROTECTION OF AI-GENERATED WORKS

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Artificial intelligence (AI) has emerged as a predominant research paradigm within the scholarly discourse, demonstrating exponential growth in academic investigation over the preceding ten years, while the overall scholarly discourse has intensified for over fifty years (Fink Hedrick et al., 2019, p. 330). The technological frameworks underpinning AI systems demonstrate substantial transformative potential, extending beyond mere societal impact to alter legal structures and regulatory paradigms. In this abstract, we examine the approaches in different jurisdictions to copyright ownership in the outputs resulting from AI algorithms' use.

In the scientific literature, several approaches exist regarding who should claim copyright or any other similar rights in the outputs created with the use or assistance of AI, including the following.

The data owner should claim all rights because the quality of the data used to train the algorithm affects its output (Lehr & Ohm, n.d., p. 711). The second approach is that the programmer who created the algorithm should claim all of the rights since programmers' choices in preparing the algorithm also affect its output (Lehr & Ohm, n.d., p. 665). The third approach is that the end-user should be given rights to the AI output, considering direct effect over the output because he/she initially provided input data and instructions and tailored the results to its needs. The other approaches also mentioned in the scientific literature are that AI should claim all rights to output, no rights should be provided to anyone, and the output results should be in the public domain (Fink Hedrick et al., 2019, p. 330). Also, there are mixed approaches where different actors are entitled partially to rights (e.g., the user and programmer jointly).

While each approach has positive and negative consequences, as well as arguments for and against it, we will focus further on how the outputs are protected in different jurisdictions.

Article 33 of the law of Ukraine *On Copyright and Related Rights* provides sui generis protection for the non-original outputs generated by the computer program without the "direct involvement of the author" (On Copyright And Related Rights, 2022, art. 33). The rights to such output, by default, belong to the copyright owner of a computer program (AI). By default, outputs in Ukraine are deemed non-original and are not protected by copyright but rather by sui generis rights. It is also questionable what shall be deemed a "direct involvement of the author" since the user or programmer influences the output of AI. However, this approach at least provides some protection for the AI outputs.

Section 9(3) of the UK's *Copyright, Designs, and Patents Act* 1988 provides specific protection for "computer-generated works" (Copyright, Designs and Patents Act 1988, 2020, sec. 9). The protection is provided to an author "by whom the arrangements necessary for the creation of the work are undertaken". In the case of a general-purpose AI that generates output in response to a user prompt, the "author" will usually be the person who inputs the prompt. This means, that in most cases all rights to the computer-generated works are granted to the user of the AI system.

The US has no specific legislative provisions on the ownership of output from AI. As indicated in the United States Copyright Office's (USCO) recent report titled *Copyright and Artificial Intelligence Part 2: Copyrightability*, "prompts alone do not provide sufficient human control to make users of an AI system the authors of the output (Copyright and Artificial Intelligence Part 2: Copyrightability, 2025, p. 18). Prompts essentially function as instructions that convey unprotectable ideas". The report indicates that instructing AI to produce certain output with prompts does not mean the output is creative, which is a requirement for copyright protection (Copyright and Artificial Intelligence Part 2: Copyrightability, 2025, p. 19). The developer of the AI system is also not granted any rights by default to the AI output. Thus, for now, the outputs are out of protection by copyright in the US. However, the ownership rights can be attributed to the virtue of an agreement between the platform and the user.

In China, the Copyright Law has no explicit statutory frameworks governing proprietary interests in algorithmically generated content. However, in a recent judgment of Beijing Internet Court, Jing 0491 Min Chu No 11279, on 27 November 2023, the court confirmed that copyright should be granted to a natural person because he/she chooses the prompts, arranges the order of the prompts, sets the relevant parameters, and selects the image that meets his/her expectations, reflecting human's original intellectual input (Beijing Internet Court Civil Judgment (2023) Jing 0491 Min Chu No. 11279, 2023). Thus, if humans contributed to the output of AI, any rights to such outputs should be granted to the author. While this is only one case and cannot be representative, as some scholars point out, it only ignited further discussion on possible solutions to ownership of AI outputs (Lu, 2023).

A different approach is currently being used in some European countries. For instance, a recent judgment of the Municipal Court of Prague constituted that under the *Czech Copyright Act*, the image created by AI could not constitute a work capable of protection as it was not the result of the creative activity of humans (Cerri, 2024). As a result, a natural person who initiated the AI creation by designing prompts cannot be deemed as an author under copyright law.

In France, a Bill to regulate artificial intelligence through copyright, No. 1630, was proposed and provided for the protection of AI outputs and ownership of the said for the developers, unless there is no direct human intervention in the output (Proposition de Loi, N° 1630, 2023, art. 2).

As we can see, there is not yet one single approach to ownership of AI outputs, and the legislators are still considering whether any changes to the current legal frameworks are required. The main idea of copyright is to provide a monopoly for the author so he/she can commercially exploit the results of his intellectual creation. The absence of protection is not a correct approach, and we believe that copyrights or sui generis rights should be granted to the developer of the AI system. For any other cases, there should be a possibility of contractually assigning any rights to the user of the AI. Thus, the most balanced approach is already provided by Ukrainian legislation constituting sui generis protection and confirmation of the developer's ownership of the AI output.

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CURRENT ISSUES IN ASSESSING THE CIRCUMSTANCES OF FIDUCIARY RELATIONS IN UKRAINE'S BANKING SECTOR

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As of the beginning of 2025, claims filed by the Deposit Guarantee Fund against bank owners or management almost always result in unfavorable outcomes for them

(DGF, 2025). Even victories of defendants in the first two instances usually end up with the reversal of court decisions and the Supreme Court sending the cases back for a new trial. The legal community and the judges hearing these cases acknowledge that the core issue is the fiduciary duties of the defendants in managing banking institutions properly.

All these cases are the result of the so-called “bank collapse” of 2014 - 2017 and a multitude of negative circumstances at the time. At the same time, the prevailing trend of rulings in favor of GDF reveals distinctive characteristics of case evaluation. These features include “hindsight bias” and the absence of an “intervening cause”.

In this context, fiduciary relations are characterized by significant discretionary powers granted to bank management and the multifaceted conditions under which they operate (incorporating both present and future factors).

Depositors entrust banks with their funds to earn interest, while fiduciaries (members of boards, credit committees, etc.) decide how best to manage the assets entrusted to them, including which banking operations to conduct and under what conditions (e.g., acceptable levels of risk). Since 2018, litigation in this area has followed a simplified sequence of key events: a) a questionable banking transaction (the moment of risk assumption); b) financial losses resulting from that transaction.

First, consider a thought experiment. Let us examine three chronologically ordered scenarios: 1) the need to decide whether to issue a specific loan based on a potential borrower’s application; 2) the need to assess whether the loan issuance was a mistake, knowing that certain circumstances changed after the loan was granted; 3) the need to determine whether issuing the loan was an error now that losses from non-repayment have materialized. Courts focus solely on the third scenario while implicitly evaluating the first two. However, judges — as human beings — are susceptible to “hindsight bias”. Hindsight bias is the phenomenon described by the overestimation of ex ante foreseeability of ex post outcomes. It is an implicit bias, so it operates outside of the conscious awareness of the individual. Available evidence suggests that advisers pay a steeper hindsight bias tax; they are more likely to be blamed for not having predicted outcomes that appear likely ex post (Wilkinson-Ryan, 2019).

At present, there is no ongoing discussion in Ukraine regarding the overly strict judicial assessments influenced by hindsight bias, even though this perspective is crucial. Currently, claims filed by the DGF regarding fiduciary relations amount to over UAH 219 billion (DGF, 2025). In developed economies, similar issues are long recognized and debated under the business judgment rule and the prudent investor rule. Trustees are not insurers. Not every investment or management decision will turn out in the light of hindsight to have been successful. Hindsight is not the relevant standard. In the language of law and economics, the standard is ex ante, not ex post (NCCUSL, 1995).

Secondly, it is essential to consider all circumstances and stages in the causal chain leading to financial losses after fiduciary duties have been exercised by bank management. Every DGF lawsuit is preceded by the Fund's management of the assets of the very same bank whose prior leadership it seeks to hold liable. It turns out that the sequence of circumstances in the DGF's claims can be outlined as follows: a) a questionable banking transaction (the moment of risk assumption); b) asset management by the DGF (liquidation procedure); c) financial losses resulting from that transaction.

At one point, judges required an examination of all preceding factors influencing financial losses – such as how the loan was issued and managed by the former bank management and later handled by the DGF during liquidation. Since liquidation processes can last for years, the study of causation models – including tests of foreseeability and the distinction between "dependent" and "independent" intervening causes) is of utmost importance (Johnson, 2017). However, such an inquiry has been restricted by the Supreme Court, as established in the Artem-Bank case (DGF v. Artem-Bank, 2024).

Therefore, as fiduciary law in Ukraine continues to develop primarily through an extensive body of case law, it is crucial to mitigate cognitive biases and methodological errors in assessing case circumstances. An interdisciplinary approach – drawing from cognitive psychology and the legal and financial liability framework – provides valuable insights.

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LEGAL REGULATION OF FINANCIAL MONITORING: AN EVOLUTIONARY PERSPECTIVE FROM ANTIQUITY TO VIRTUAL ASSETS

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The issue of financial monitoring emerged in the early stages of human civilization, and although its legal regulation became more structured over time, it initially focused on practical tasks such as preventing fraud, currency counterfeiting, and ensuring the stability of monetary systems. Historical examples of this can be found in Ancient Rome, where measures were introduced, such as the issuance of standardized coinage to prevent counterfeiting and regulate monetary circulation. Similarly, in Ancient Greece, the state controlled currency through the establishment of official weights and measures, which ensured the accuracy and legitimacy of financial transactions. In the Middle Ages, with the development of the first tax systems and state financial oversight, the concept of financial control began to evolve, although it remained primitive and lacked a clearly defined legal structure.

In the late 17th century, the establishment of the Bank of England in 1694 marked a pivotal stage in the evolution of legal financial regulation. Founded with the express purpose of managing the national debt and controlling monetary policy, the bank significantly contributed to the stabilization of the national economy (Challoumis, 2024). Throughout the 18th century, alongside the expansion of trade and financial markets, a gradual shift occurred in the focus of financial oversight towards the regulation of the money supply. This entailed the supervision of gold reserves and customs duties, which became integral components of financial monitoring.

In the 19th century, with the aim of ensuring currency stability and mitigating inflationary pressures, the gold standard was implemented. Great Britain was the first nation to formally adopt the gold standard, subsequently followed by the United States and other states. The gold standard provided a foundation for the international monetary system, fostering exchange rate stability and promoting international trade.

Concurrently, during these periods, particular emphasis was placed on combating counterfeiting, which was deemed a severe offense undermining economic stability. Legislation concerning counterfeiting was stringent, with penalties being severe, including capital punishment. Law enforcement agencies were actively engaged in combating the forgery of gold and silver coinage, as well as the distribution of counterfeit currency.

From the onset of the 20th century, as the global economy underwent increasing integration, a concomitant need emerged for more sophisticated mechanisms to regulate financial flows. A pivotal step in this period was the decision to establish the International Monetary Fund (IMF) and the World Bank at the Bretton Woods Conference in 1944. These organizations officially began operations in 1945-1946, which facilitated the development of international financial regulation standards. This era also witnessed the evolution of norms pertaining to banking supervision, currency regulation, and the mandatory reporting of suspicious transactions by financial institutions.

In the latter half of the 20th century, against the backdrop of rapid advancements in financial technologies, financial monitoring experienced substantial transformations. The proliferation of digital payment systems, online banking, and subsequently, cryptocurrencies, presented novel challenges for the oversight of financial operations. The escalation of transnational crime necessitated enhanced international cooperation in combating money laundering and the financing of terrorism.

In 1989, the Financial Action Task Force (FATF) was established, tasked with developing global standards in the fight against money laundering and the financing of terrorism. In 1996, the FATF introduced the «Travel Rule» as part of a global framework to combat money laundering. Initially, this rule applied to traditional financial institutions such as banks, requiring them to share information about customers involved in wire transfers to ensure transparency in financial transactions (Dona, 2025). As the 21st century progressed, with the rapid expansion of digital technologies, the imperative to refine international standards became evident. To maintain the integrity of financial systems, the FATF introduced updated global standards, including a strengthened version of the Travel Rule. These updates mandated that financial institutions identify the participants in financial transactions and provide comprehensive transaction details. Furthermore, the active implementation of Anti-Money Laundering (AML) and Countering the Financing of Terrorism (CFT) mechanisms within the operations of financial institutions was intensified.

In response to the emergence of virtual assets, new challenges arose for financial monitoring due to their decentralized nature, which complicated the tracking of transactions and the identification of participants. This prompted the development of new legal norms for regulating cryptocurrency exchanges, decentralized finance (DeFi) platforms, and other digital financial instruments, marking a significant milestone in the evolution of international financial monitoring standards. In this context, Know Your Customer (KYC) requirements, first introduced in the 1970s in Switzerland and the United States, became a fundamental element of due diligence in Anti-Money Laundering (AML) and Countering the Financing of Terrorism (CFT). Initially imposed on financial institutions compliant with international standards, KYC evolved into an internationally recognized concept, solidified by the issuance of FATF Recommendations to ensure transparency and prevent illicit activities in both traditional finance and emerging virtual asset markets (Poskriakov & Cavin, 2022).

Overall, financial monitoring has evolved from simple mechanisms of money circulation control to a complex, multi-layered system that encompasses global risks and provides regulators with tools for real-time financial flow monitoring. Contemporary advancements in technologies and economic processes require the continuous adaptation of legal norms and mechanisms to ensure the effectiveness of financial monitoring in a globalized economy.

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CRYPTO ASSETS AS AN OBJECT OF CIVIL RIGHTS: CHALLENGES AND PERSPECTIVES

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The continuous progress of digital technologies has led to the appearance of new forms of property, such as crypto assets. These assets, which encompass cryptocurrencies, non-fungible tokens (NFTs), and other blockchain-based digital instruments, challenge traditional legal frameworks. The recognition and regulation of crypto assets within civil law are significant for ensuring legal certainty and economic development.

Crypto assets exist in a decentralized digital environment, relying on blockchain technology to verify transactions and ensure security. Unlike traditional assets, they do not have a physical form. Moreover, transactions with crypto assets are nearly impossible to record or regulate. This unique nature leads to discussions about their legal status within civil law.

From a legal perspective, crypto assets can be considered intangible property, similar to intellectual property rights or digital content. However, unlike intellectual property, they often have direct economic value and can be traded, stored, and transferred. Some jurisdictions classify them as digital financial instruments, while others treat them as a new category of property.

The legal status of crypto assets varies across jurisdictions. Some countries, like Switzerland and Japan, have enacted laws recognizing crypto assets as property, while others, like China, impose strict bans on their use. The lack of uniform legal definitions and regulatory approaches creates legal uncertainty, affecting businesses, investors, and consumers. Many legal systems struggle to classify crypto assets within existing legal frameworks. Should we classify them as commodities, currencies, securities, or something different? The classification impacts taxation, contractual obligations, and liability issues.

One of the most debated issues is whether crypto assets should be classified as things in accordance to civil law. Traditional civil law systems typically define property as tangible or intangible objects subject to ownership rights. Crypto assets, despite their non-material nature, exhibit characteristics of property, such as the ability to be possessed, transferred, and sold.

Civil rights includes property rights, contractual rights, and obligations. For crypto assets to be effectively integrated into legal systems, they must be recognized as an object of civil rights with clear ownership, transferability, and protection mechanisms. However, at present, there is no universally accepted international approach to the legal definition of crypto assets. Unlike physical assets, crypto assets do not have a centralized registry of ownership. Instead, possession is determined by cryptographic keys, meaning that the person who controls the private key effectively "owns" the asset. This raises concerns regarding legal recognition, particularly in cases of unauthorized access, theft, or fraud.

Crypto assets are easily transferable across borders, making them more attractive for financial transactions, but challenging for legal regulation. Traditional property transfers require formal agreements and registration, while crypto transactions rely on blockchain consensus mechanisms. This creates uncertainty in enforcing contracts and resolving disputes, since there is no place for external governance element in a decentralized digital environment.

The lack of legal recognition in some jurisdictions makes it difficult for crypto asset holders to seek protection under existing civil laws. For instance, if a cryptocurrency is stolen, the victim might not have legal options to recover it, as it is not recognized as a property right. Crypto assets are vulnerable to hacking, fraud, and illicit activities. The pseudonymous nature of blockchain transactions makes it challenging to track ownership and recover stolen assets. In this regard, the decentralization of crypto asset operations is more of a drawback than a benefit.

Currently, civil law lacks mechanisms that could ensure the protection and restoration of property rights over crypto assets. The problem here lies in the nature of crypto assets as a resource that is not regulated by the government. Contemporary civil law may find it challenging to provide effective legal remedies in cases of fraud or breach of contract in the sphere of crypto asset transactions. Courts are still developing approaches to address such cases, often relying on principles of unjust enrichment or contractual obligations.

Another complex issue in the legal regulation of crypto-assets is the question of inheritance. Traditional inheritance laws rely on registries and notarial procedures to transfer assets to heirs. However, crypto assets are stored in digital wallets accessible only via private keys. If the key is lost, the asset is irretrievable. As a result, if the testator has failed to convey the key directly, there is no way to transmit the assets stored in the crypto wallet to the heirs. Legal mechanisms must be developed to ensure the transfer of digital wealth in inheritance cases.

To effectively integrate crypto assets into civil law systems, legislators need to establish clear legal definitions, ownership structures, and dispute resolution frameworks. Potential solutions include: recognizing crypto assets as a distinct category of property, with explicit definitions of their legal characteristics and the rights associated with them; developing international regulatory standards to harmonize legal frameworks across jurisdictions, facilitating cross-border transactions and minimizing regulatory conflicts; enhancing legal protections against fraud by implementing mechanisms for recovering stolen crypto assets, such as digital asset tracing and legal claims related to unauthorized access; and updating inheritance and contract laws by incorporating digital asset management into estate planning and refining legal standards for smart contracts.

Crypto assets represent a significant shift in how property is conceived and managed in the digital age. As an object of civil rights, they challenge traditional legal frameworks, requiring adaptation and innovation. Legal recognition of crypto assets as property is essential for ensuring security, predictability, and the protection of stakeholders. While challenges remain, proactive legal reforms and international cooperation can pave the way for a balanced and effective regulatory approach to crypto assets.

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THE BIBLE AS A SOURCE OF MORAL LAW IN CRIME PREVENTION

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Crime prevention and the reduction of crime rates are critical issues in contemporary criminology. The crime prevention system includes a range of general social and specifically criminological preventive measures. Among these, particular emphasis is placed on shaping offenders' personalities and facilitating the correction of their criminal behaviour. Moral laws serve as a fundamental mechanism for influencing the rehabilitation of criminal conduct. A notable example of such moral law is found in the Bible.

When studying the personality of offenders or individuals evading criminal justice authorities, many researchers encounter the issue of crime determinants. One of the key factors contributing to the formation of criminal behaviour is the absence of moral values and ethical guidelines that shape an individual's conduct. In modern scientific discourse, both domestic and foreign scholars explore the influence of the Bible on offenders.

The primary components of biblically oriented crime prevention in the context of general social crime prevention are based on spiritual education, social work carried out by Christian religious organizations, and care for children deprived of parental guardianship. Spiritual education involves not only studying the Bible, its commandments, and religious precepts but also creating conditions under which an individual voluntarily adheres to these principles without external coercion. This approach promotes lawful behaviour within society and prevents the emergence of criminal intentions.

Spiritual education emphasizes early moral instruction, as reflected in Proverbs 22:6: "Train up a child in the way he should go, and when he is old he will not depart from it" (The Holy Bible: New King James Version, 1982). Additionally, spiritual education includes education in theological institutions and systematic attendance at church services. A study conducted in the United Kingdom within the framework of the *Millennium Cohort Study* demonstrated that religious attendance influences the level of deviant behaviour among adolescents (Seto, 2022). The findings indicate a correlation between higher rates of religious attendance and a decreased likelihood of engaging in deviant behaviours, such as alcohol and drug use or acts of violence. This principle of consistency is reflected in the biblical text: "*Take heed to yourself and to the doctrine. Continue in them, for in doing this you will save both yourself and those who hear you*" (The Holy Bible: New King James Version, 1982, 1 Timothy 4:16).

The Bible sets forth directives encouraging engagement in social work, including acts of mercy, assistance to the impoverished, and the provision of essential resources such as food, shelter, and clothing. Participation in such activities cultivates moral values, fostering empathy and social responsibility. "*Then the King will say to those on*

His right hand, 'Come, you blessed of My Father, inherit the kingdom prepared for you from the foundation of the world: for I was hungry and you gave Me food; I was thirsty and you gave Me drink; I was a stranger and you took Me in; I was naked and you clothed Me; I was sick and you visited Me; I was in prison and you came to Me" (The Holy Bible: New King James Version, 1982, Matthew 25:34-36).

The issue of homelessness and the provision of care for orphans and children deprived of parental guardianship has become particularly acute since the onset of the full-scale war in Ukraine in 2022. According to UNICEF's report *Situation Analysis of Children in Ukraine 2024*, the number of orphans and children deprived of parental care is projected to increase by over 52% compared to the pre-war period (UNICEF, 2024, p. 116). The lack of proper parental upbringing, guardianship, and moral guidelines creates conditions conducive to the formation of delinquent behaviour (Orzhekhovska, 2009, p. 9). The Holy Scriptures also encourage believers to actively participate in addressing this social issue. "*Then He took a little child and set him in the midst of them. And when He had taken him in His arms, He said to them, 'Whoever receives one of these little children in My name receives Me; and whoever receives Me, receives not Me but Him who sent Me"* (The Holy Bible: New King James Version, 1982, Mark 9: 36-37).

Special criminological crime prevention, which emphasizes criminological measures and both general and individual deterrence of crimes, also finds reflection in the biblical context. While the commandments of the Old and New Testaments differ in certain moral and ethical aspects of human behaviour, they can, in general, positively influence crime prevention by promoting Christian values within society (Olishevskyi, 2021, p. 131).

The Old Testament contains numerous commandments that serve as direct prohibitions against acts that are classified as criminal offenses under modern criminal laws in many countries. *"You shall not murder. You shall not commit adultery. You shall not steal. You shall not bear false witness against your neighbour"* (The Holy Bible: New King James Version, 1982, Exodus 20:13-16).

The New Testament, while fundamentally centered on love for God and love for one’s neighbour, also contains practical apostolic instructions that shape the character and behaviour of a law-abiding citizen. *“Therefore submit yourselves to every ordinance of man for the Lord’s sake, whether to the king as supreme, or to governors, as to those who are sent by him for the punishment of evildoers and for the praise of those who do good”* (The Holy Bible: New King James Version, 1982, 1 Peter 2:13-14).

A practical example of the application of this biblical principle is the transformation of incarcerated women serving sentences at the Mapleside Prison in the United States. A study conducted by researcher Ellis (2021) revealed that women who engaged in Bible study groups with clergy participation and regularly attended church services exhibited greater acceptance of denied parole applications, explaining that they perceived such outcomes as divine will (p. 1657).

Jesus Christ, when Him asked about paying taxes, emphasized the importance of adhering to state tax laws: *“‘Show Me the tax money.’ So they brought Him a denarius. And He said to them, ‘Whose image and inscription is this?’ They said to Him, ‘Caesar’s.’ And He said to them, ‘Render therefore to Caesar the things that are Caesar’s, and to God the things that are God’s’”* (The Holy Bible: New King James Version, 1982, Matthew 22:19-21).

In addition to direct prohibitions and commandments, the New Testament emphasizes accountability for unlawful actions, reinforcing the principle of the inevitability of punishment for those who violate the law. *“For he is God’s minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God’s minister, an avenger to execute wrath on him who practices evil”* (The Holy Bible: New King James Version, 1982, Romans 13:4).

Based on the analysed material, it can be concluded that the Bible serves as one of the fundamental sources of moral and ethical norms, influencing individuals’ worldviews and preventing the spread of crime at both individual and societal levels.

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ÜBER DIE ORDNUNGSPOLITISCHE UND RECHTLICHE UNTERSTÜTZUNG VON RWA-PACHTVERTRÄGEN IN DER UKRAINE ALS INSTRUMENT ZUR ENTWICKLUNG UND WIEDERHERSTELLUNG LOKALER GEMEINSCHAFTEN IN DER NACHKRIEGSZEIT

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RWA (Real-World Assets) - Tokenisierung ist der Prozess der Digitalisierung von realen Vermögenswerten (reales oder bewegliches Eigentum, Energieanlagen, Verkehrsinfrastruktur usw.) in Form von Token auf dem Blockchain-System (Kotukh E. & Ryabokin M., 2024). Die Tokenisierung von realen Vermögenswerten schafft Möglichkeiten und Instrumente, um schnell Investitionen in öffentliche und private Projekte durch ein breites Spektrum von Personen anzuziehen.

Angesichts der Notwendigkeit, die Infrastruktur in der Nachkriegszeit wiederherzustellen und zu modernisieren, kann die Ukraine die Tokenisierung von RWA als Instrument zur Beschaffung von Finanzmitteln und internationalem Kapital für die Durchführung solcher Projekte nutzen und gleichzeitig die Transparenz der Finanzerträge, die Dezentralisierung der Vermögensverwaltung und die Erschließung zusätzlicher Einkommensquellen aus Investitionen in territoriales Gemeinschaftseigentum, Immobilien, Kunst und Antiquitäten, Infrastrukturprojekte, landwirtschaftliche Flächen, geistiges Eigentum usw. gewährleisten (Kotukh, Y., & Riabokin, M., 2024; Kotukh, Y., & Riabokin, M., 2024, September 6).

In der Ukraine kann der Einsatz dieses Instruments den Wiederaufbauprozess erheblich beschleunigen und den weltweit ersten Präzedenzfall für den Einsatz der Tokenisierung für den Wiederaufbau nach dem Krieg schaffen, was zu nachhaltigem Wirtschaftswachstum und Stabilität beitragen wird (Kotukh, E. & Ryabokin, M., 2024, September 6, S.62). Gleichzeitig erfordert dieser Prozess in der Ukraine in diesem Entwicklungsstadium regulatorische und rechtliche Unterstützung, nämlich:

- rechtliche Definition der Terminologie im Bereich der Tokenisierung von Vermögensgegenständen;
- rechtlicher Status von Token, d.h. Gleichstellung von digitalisierten Vermögenswerten mit realen Vermögenswerten und traditionellen Formen des Eigentums;
- Standards für die Identifizierung und Authentifizierung der Nutzer;
- Regeln für die Übertragung von Eigentumsrechten an einzelnen Eigentumsanteilen;
- Schaffung von Kontroll- und Regelungsgremien zur Regulierung des Tokenisierungsbereichs oder Übertragung dieser Aufgaben auf bestehende Gremien;

- Regulierung und rechtlicher Rahmen für intelligente Verträge sowie rechtliche Haftung im Falle von Missbrauch oder Verstößen gegen ihre Bedingungen;

- Anpassung der regulatorischen und rechtlichen Unterstützung an die internationale Gesetzgebung (besonderes Augenmerk sollte auf die Bestimmungen des MEA gelegt werden);

- Einführung von Regulierungsmechanismen zur Aufdeckung und Minimierung von Betrug im Bereich der RWA-Tokenisierung;

- Entwicklung eines Lizenzierungssystems und von Haftungsmechanismen im Bereich der Digitalisierung.

Die Praxis der Behandlung dieser offenen Fragen befindet sich bereits im Stadium der aktiven regulatorischen und rechtlichen Regulierung, wie die Analyse von Regulierungsansätzen aus der ganzen Welt zeigt insbesondere:

Die Vereinigten Staaten von Amerika. Digitale Token werden von den folgenden Bundesbehörden reguliert: der Securities and Exchange Commission (SEC), der Commodity Futures Trading Commission (CFTC), der Federal Trade Commission (FTC), dem Finanzministerium, dem Internal Revenue Service (IRS) und dem Financial Crimes Enforcement Network (FinCEN). Dies ist auf bestimmte widersprüchliche Merkmale von Token zurückzuführen, die unter die Definition von Wertpapieren oder Waren fallen und bestimmten Anforderungen der zuständigen Behörden unterliegen. Es gibt jedoch noch kein Bundesgesetz, das die RWA-Tokenisierung regelt.

Europäische Union. Im Gegensatz zur Regulierungspraxis der Vereinigten Staaten von Amerika verfügt die Europäische Union über einen umfassenden Regulierungsrahmen - die Verordnung über Märkte für Krypto-Assets (Markets in Crypto-Assets Regulation, MiCA), die darauf abzielt, einen harmonisierten Rechtsrahmen für die Regulierung digitaler Vermögenswerte und damit verbundener Aktivitäten in den EU-Mitgliedstaaten zu schaffen. Die MiCA regelt die Beziehungen zwischen Emittenten und Dienstleistern im Zusammenhang mit Krypto-Vermögenswerten (Ausgabe von Stablecoins, Transparenz von Verträgen und Verbraucherschutz), was dem Krypto-Vermögenswertesektor in der europäischen

Rechtsprechung Rechtssicherheit verschafft, den Grundstein für die Zukunft des digitalen Finanzwesens in der EU legt und die Parteien in digitalen Rechtsbeziehungen schützt.

Deutschland war eines der ersten Länder, das die Regulierung von digitalen Vermögenswerten auf Landesebene durch die Anpassung bestehender Gesetze eingeführt hat:

- Mit dem Kreditwesengesetz (KWG) wurde eine Erlaubnispflicht für Unternehmen, die mit tokenisierten Vermögenswerten arbeiten, durch die Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin) eingeführt;
- Das Gesetz über elektronische Wertpapiere (eWpG) ermöglicht die Ausgabe von tokenisierten Anleihen ohne physische Zertifikate;
- Das Geldwäschegesetz (GwG) wurde angepasst, indem Unternehmen zur Einhaltung der KYC- (Know Your Customer) und AML-Vorschriften (Anti-Money Laundering) verpflichtet wurden, was die Integration moderner Blockchain-Lösungen in das herkömmliche Finanz- und Regierungssystem ermöglichte und eine effektivere Kontrolle über die Herkunft und den Umlauf digitaler Vermögenswerte erlaubte.

Dank der schnellen Anpassung der Gesetzgebung hat Deutschland Kryptoasset-Unternehmen (einschließlich RWA) die Möglichkeit gegeben, innerhalb des gesetzlichen Rahmens zu operieren und legal Investoren anzuziehen. Trotz der Versuche, die Tokenisierung auf staatlicher Ebene in einer Reihe von Ländern zu regulieren, gibt es noch keine internationale systematische Regulierung dieses Prozesses. Das Hauptproblem ist die Fragmentierung und Heterogenität bei der Regulierung von Kryptoassets durch einzelne Staaten, da sich die Staaten auf ihren eigenen Entwicklungsvektor und ihre eigenen Interessen verlassen (Tsukan S., 2024). In der Ukraine wird die Tokenisierung von Vermögenswerten durch eine Reihe von Gesetzesinitiativen unterstützt, die ihre Entwicklung fördern, obwohl sie noch keine direkte Regulierung dieses Prozesses vorsehen. Das 2022 verabschiedete ukrainische Gesetz "Über virtuelle Vermögenswerte" ist das erste Regelungsdokument, das den Status "digitaler Vermögenswerte" im rechtlichen Bereich definiert, muss jedoch im Hinblick auf RWA weiterentwickelt werden (ukrainisches Gesetz "Über virtuelle Vermögenswerte", 2022); das ukrainische

Gesetz "Über Zahlungsdienstleistungen" definiert "digitale Inhalte" und "digitales Geld" als Aspekte von Zahlungstoken (ukrainisches Gesetz "Über Zahlungsdienstleistungen", 2022).

Der aktuelle Stand der Tokenisierung in der Ukraine sowie die Praxis der rechtlichen Regulierung und der regulatorischen Unterstützung ist eine interessante und relevante wissenschaftliche Aufgabe, die eine detaillierte Untersuchung erfordert (Guley A. et al., 2024).

Schlussfolgerungen. Die Systematisierung der rechtlichen Regulierung der RWA-Tokenisierung in der Ukraine wird den Zustrom von internationalen Investoren sicherstellen. Die regulatorische und rechtliche Regulierung der RWA-Tokenisierung wird Möglichkeiten für den Wiederaufbau des Wohnungsbestands bieten, da die Aussicht auf Bruchteilseigentum durch die Tokenisierung von Immobilien eine attraktive Möglichkeit für die Mitglieder der Gemeinschaft sein wird, selbst Mittel aufzubringen.

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KEY ISSUES OF MONITORING THE USE OF EU FINANCIAL AID: THE CASE OF UKRAINE FACILITY PLAN

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Ukraine has been a major recipient of financial assistance from the European Union and its institutions for a considerable period of time. Since Russia's large-scale invasion of Ukraine in 2022, the importance and volume of this assistance have increased significantly. The most recent example of such cooperation is the EU's Ukraine Facility, a financial assistance program providing Ukraine with 50 billion euros for the period of 2024-2027. The accumulation of such significant funds raises the issue of effective and transparent targeted spending of all funds received.

Thus, according to the Information on the Implementation of the Consolidated and State Budgets of Ukraine for January-December 2024, external loans and assistance to the general fund of the state budget amounted to UAH 1,874.4 billion to meet the state budget parameters. Among these transfers, UAH 567.83 billion (13.1 billion euros) was received from the EU loan under the Bridge Finance mechanism and the EU concessional long-term loan Ukraine Facility (Ministry, 2024).

The figures confirm that the most significant program of international assistance and concessional lending for Ukraine for the period 2024-2027 is the Ukraine Financing Plan approved by the European Parliament and the Council of the European Union on February 29, 2024, which provides for funding of 50 billion euros

(Regulation, 2024). The provisions of this Regulation stipulate that EU support should be organized around three pillars, namely: a financial support pillar for Ukraine for the implementation of reforms and investments, as well as to maintain macro-financial stability of the country, as set out in the Ukraine Plan; a Ukraine Investment Framework pillar to mobilise investments and enhance access to finance, and an accession assistance pillar to mobilise technical expertise and capacity building. With regard to the part of the Plan for Ukraine that includes reform and investment measures, the Plan contains defined qualitative and quantitative steps to achieve satisfactory implementation of these measures and an indicative timetable for their implementation.

Considering that according to the Plan, significant budgetary aid and concessional loans are to be provided, the Plan also contains safeguard provisions to ensure transparent and targeted use of funds. According to the provisions of Article 36, an Audit Board is to be established to assist the Commission in fighting mismanagement of the EU funding under the Facility and, in particular fraud, corruption, conflicts of interest and irregularities incurred in relation to any amount spent to achieve the objectives of the Facility. Due to documents (Euratom, EC No 2185/96 and No 883/2013) that are placed in the stated Regulation, the European Anti-Fraud Office should be in a position to carry out administrative investigations, including on-the-spot checks and inspections, with a view to detecting and establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the EU.

Transparency in the implementation of the Facility is an important requirement of EU support. Ukraine should publish, twice a year, data on persons and entities receiving amounts of funding cumulatively exceeding the equivalent of 100 000 euros for the implementation of reforms and investments specified in the Ukraine Plan. A detailed analysis of this provision leads to the conclusion that only those expenditures that are directly used to implement the necessary reform steps in accordance with the timetable are subject to detailed scrutiny by the EU financial control authorities. However, the audit of those multi billion-euro funds that are used for the general purposes of maintaining macro-budgetary stability and Ukraine's economic, social and financial resilience is not only provided for in the Plan, but also is virtually impossible in view of the following reasons.

Firstly, with the approval of the Ukraine Facility program, on May 22, 2024, the EU and Ukraine signed a framework agreement on specific arrangements for the implementation of the Union funding under the Ukraine Facility (Ukraine, 2024). The provisions of Article 16 of the Agreement stipulate that Ukraine shall ensure, by including such obligations in contracts with relevant persons and entities, that recipients of the EU funding, when implementing the Plan's measures, shall acknowledge the origin and ensure publicity. Also, Article 12, which regulates the monitoring of the disbursement of funding to Ukraine, provides that, together with each request for disbursement submitted to the Commission under the Loan Agreement and the Financing Agreement, Ukraine shall submit duly substantiated documents clearly demonstrating the satisfactory implementation of the qualitative and quantitative measures set out in the Council Implementing Decision (Framework, 2024).

Secondly, in accordance with clause 57-1 of part 2 of Article 29 of the Budget Code of Ukraine, revenues under the EU budget support programs are included in the revenues of the general fund of the State Budget of Ukraine (Budget, 2010). The inclusion of most of the funds in the general fund of the State Budget of Ukraine means that these funds, which are used to pay pensions, civil servants' salaries and other social and economic purposes, do not contain identifying features for the EU control. Therefor, from the above provisions of the EU-Ukraine Agreement and Regulation (2024), it is clear that measures to protect the EU's financial interests are aimed specifically at controlling the use of funds to fulfil the quantitative and qualitative indicators of the Ukraine Financing Plan since only these funds will have individualized features to control their spending.

Thus, considering the above mentioned, the responsibility for auditing most funds under the Ukraine Facility program lies with national financial control bodies. In our view, the narrow focus of the audit on the funds specifically allocated for activities, along with the estimated timeframe for their execution, does not enable to conclude that the entirety of the EU funds is utilized transparently and for their intended purpose.

This state of affairs sets the task of identifying effective ways to control the use of the remaining funds.

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DISTANCE LEARNING AFTER WAR: WHAT'S NEXT?

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Since 2020, the educational sector has been experiencing upheavals – ranging from the global pandemic to the escalation of military aggression in Ukraine. This has led to the disruption of traditional learning formats and has served as a catalyst for the development of distance learning technologies. It would seem that now is the time to discuss achievements in this area. However, significant progress in distance education in Ukraine has not been observed (Sibruk et al., 2023). It is doubtful that the online format of educational interaction, which is actively used, should be considered true distance learning.

The situation has emerged where hopes for the swift restoration of traditional learning formats have slowed the development of distance education (Zayachuk, 2024). Nevertheless, there have been certain achievements in structuring the educational process using distance technologies. Still, it remains unclear how the education sector will evolve in the future. The answer may lie in comparing the effectiveness of different learning formats. However, such studies are scarce, their design is complex, and predicting the results is challenging due to the fundamental differences between various educational models. Evidently, the parallel development of both distance and traditional learning formats will continue.

The digitalization of education gradually fosters the convergence of different learning formats. Mobile technologies are shaping new pedagogical approaches, placing the student at the center of the educational process (Galynska & Bilous, 2022). Learning is based on developing the potential of future professionals and the ability to cultivate skills rather than merely accumulating a «body of knowledge» (focusing instead on utilizing and searching for knowledge). This drives the rapid development of active learning technologies that rely on effective information search and analysis. Mobile technologies today are ideally suited to meet the needs of organizing active learning.

The hybridization of traditional learning formats appears to be the most realistic form of optimizing the educational sector in the near future. In recent years, a vast resource base (educational content) has been created, which can serve as the foundation for Ukraine’s future distance learning system. However, it would be unwise to disregard the achievements in e-learning during the transitional period of educational modernization. Utilizing these advancements will create conditions for the qualitative transformation of educational content both technologically and organizationally.

Thus, the search for ways to integrate effective e-learning tools into traditional education shapes the agenda for the sustainable development of Ukrainian society.

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