

**INTERNATIONAL SECURITY STUDIOS:
MANAGERIAL, ECONOMIC,
TECHNICAL, LEGAL, ENVIRONMENTAL,
INFORMATIVE AND PSYCHOLOGICAL ASPECTS**



**Georgian Aviation University
NGO «International Educators
and Scientists Foundation»**

**INTERNATIONAL SECURITY STUDIOS:
managerial, economic, technical, legal,
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and psychological aspects**

*international
collective
monograph*

Tbilisi, Georgia – 2023

УДК 327(100)-049.5

M 58

DOI 10.5281/zenodo.7825520

*Recommended for publication by the academic council of Georgian Aviation University
(protocol №. 16/23 dated 24.03.2023)*

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M 58 International security studios: managerial, economic, technical, legal, environmental, informative and psychological aspects. International collective monograph. Georgian Aviation University. Tbilisi, Georgia 2023. – 1438 p.

The collective monograph is the result of the generalization of the conceptual work of scientists who consider current topics from such fields of knowledge as: management, management, technical sciences, law, ecology, information sciences and psychological sciences through the prism of international security studies. Content-functional lines and the key direction of the study of psycho- and sociogenesis of personality in age and pedagogical dimensions through the prism of revitalization are highlighted by each researcher in the context of the implementation of an individual sub-theme.

For scientists, educational staff, PhD candidates, masters of educational institutions, university faculties, stakeholders, managers and employees of management bodies at various hierarchical levels, and for everyone, who is interested in current problems of management, technical sciences, law, ecology, information sciences and psychological sciences through the prism of international security studies.

ISSN 1512-4916

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OBSERVANCE OF HUMAN AND CITIZEN RIGHTS AND FREEDOMS IN THE CONDITIONS OF IMPLEMENTATION OF MARITAL LAW IN UKRAINE

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Abstract. The armed aggression of the Russian Federation and its full-scale invasion of the territory of Ukraine forced the entire state apparatus and society as a whole to switch to operational functioning under the legal regime of martial law. According to the Basic Law, in the conditions of a state of emergency, the constitutional right guaranteed by Art. 33 of the Basic Law of Ukraine, namely freedom of movement, free choice of place of residence, right to freely leave the territory of Ukraine. Local executive authorities and local self-government bodies establish a special regime for citizens and vehicles to enter and leave the quarantine territory, and, if necessary, ensure a sanitary inspection of things, luggage, vehicles and cargo under quarantine conditions.

Article 64 of the Constitution of Ukraine establishes exceptions under which individual restrictions on human rights and freedoms may be established. The introduction of martial law or a state of emergency directly acts as such a reason. According to the current legislation, during the period of martial law, the constitutional human rights and freedoms of citizens and citizens, which are provided for in Articles 30, 32, 33, 34, 38, 39, 41, 42, 43, 44, 53 of the Constitution of Ukraine, may be limited.

Key words: compliance, rights, freedoms, person, citizen, martial law, Ukraine, military aggression

Introduction. The armed aggression of the Russian Federation and its full-scale invasion of the territory of Ukraine forced the entire state apparatus and society as a whole to switch to operational functioning under the legal regime of martial law.

Ukraine, which is currently at the stage of struggle for the specified values, has clearly outlined its European identity and European vector of development. By joining the Council of Europe in 1995 and ratifying the Convention on the Protection of

Human Rights and Fundamental Freedoms, Ukraine proved its democratic choice. and the intention to carry out reforms aimed at protecting human rights and strengthening democratic institutions.

In the context of the research question, it is worth noting that the military aggression of the Russian Federation in Ukraine has been ongoing since 2014, and on February 24, 2022, Ukraine faced new challenges and for the first time since the independence of Ukraine found itself in the conditions of martial law, the legal regime of which covered the entire territory of our state and which caused restrictions on human rights and freedoms.

The guarantee of Article 64 of the Constitution of Ukraine is that the constitutional rights and freedoms of a person and a citizen are not subject to restrictions, but there is an exception to this norm, which has been normatively enshrined in the Basic Law. The second part of this norm stipulates that certain restrictions of rights and freedoms may be introduced in conditions of war or state of emergency, specifying the period during which such restrictions are in effect and a complete list of rights that are prohibited to be restricted during war or state of emergency¹. The Law «On the Legal Regime of Martial Law» dated May 12, 2015², which regulates the issue of martial law in Ukraine, established certain limits on the limitation of the constitutional rights and freedoms of a person and citizen, the legal interests of legal entities, and recognized such limitations as an integral part actions of a special legal regime.

The legal basis for the restriction of rights is the fact of the introduction of martial law in the state, the procedure for the introduction of which is determined by Article 5 of the Law of Ukraine «On the Legal Regime of Martial Law»³ and is a set of legal actions, which consists in the publication and entry into force of the Decree of the President of Ukraine on conducting martial law jointly with the law on its approval. As stipulated in Clause 5 of Part 1 of Article 5 of Law No. 389-VIII, the Decree of the President of Ukraine on the imposition of martial law must contain a comprehensive list of temporary restrictions on the constitutional rights and freedoms of a person and citizen, the legal interests of legal entities established in accordance with the procedure for the imposition of martial law, the term effects of such restrictions⁴. Legal analysis of the Decree of the President of Ukraine «On the introduction of martial law in Ukraine» dated February 24, 2022 No. 64/2022⁵, which regulates the list, conditions, terms and limits of the limitation of the constitutional rights of a person and a citizen,

¹ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

² On the legal regime of martial law: Law of Ukraine dated May 12 2015 No. 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

³ On the legal regime of martial law: Law of Ukraine dated May 12 2015 No. 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

⁴ On the approval of the Decree of the President of Ukraine «On the introduction of martial law in Ukraine»: Law of Ukraine dated February 24 2022 No. 2102-IX. URL: <https://zakon.rada.gov.ua/laws/show/2102-20#Text>

⁵ On the introduction of martial law in Ukraine: Decree of the President of Ukraine dated February 24. 2022 No. 64/2022. URL: <https://zakon.rada.gov.ua/laws/show/64/2022>

provided for in Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine⁶, the legitimate interests of legal entities, allows us to state that this Decree is a legal basis for the implementation of restrictions on human rights in Ukraine under martial law.

The legislator foresees the legal regulation of the institution of restriction of human rights by providing its legal definition, the body of constitutional jurisdiction, in turn, carries out the official interpretation of the norms of this institution. In general, this provides conditions for the impossibility of abusing the norms of the institution of rights limitation for selfish reasons, non-use of discretionary powers in their own interests by state authorities and local self-government bodies, ensuring the rule of law⁷. Analyzing the provisions of the Decree of the President of Ukraine, which introduces possible restrictions on the rights and freedoms of a person and a citizen, it is advisable to check the compliance with world standards not only of the content of these restrictions, but also of the grounds for their establishment.

The purpose of this research is the disclosure of the scientific views of leading scholars in theoretical and legal analysis of the institute restriction of human and citizen rights and freedoms in the conditions.

Literature review and methodology. Such participants as O. Andrievska, Yu. Barabash, Ya. Kolinko, R. Melnyk, M. Onishchuk, P. Petryshyn, V. Pogorilko, P. Rabinovych, O. Skrypnyuk, V. Fedorenko, O. Fritskyi, V. Shapoval, M. Tsvik and others. The basis of the research methodology is a system of philosophical and worldview, general scientific and special methods and approaches to the scientific knowledge of legal phenomena, which as a result helped to fully and objectively investigate the issue of maintaining the rights and freedoms of a person and a citizen in the conditions of the introduction of martial law in Ukraine.

Human and Citizen Rights and Freedoms in the Context of Modern Social and Political Processes.

The formation of Ukraine as a democratic, legal and social state implies that human rights and freedoms are realized in civil society and state governance mechanisms. The protection and observance of human rights and freedoms is the basis for any state. Adoption of the Constitution of Ukraine in 1996 became the main achievement and starting point of the period of development of Ukrainian constitutionalism⁸. A characteristic feature of the constitutional process was the implementation of the provisions of the Constitution through newly created legal acts (laws and by-laws) and the system of state and local self-government bodies provided for by the Basic Law. It was at this time that regulatory and legal and organizational legal mechanisms for the implementation of the Constitution of Ukraine were formed.

In the Constitution of Ukraine, a separate section is dedicated to the rights and freedoms of a person and a citizen. Article 21 of the Constitution of Ukraine defines that all people are free and equal in their dignity and rights. Human rights and

⁶ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

⁷ Maidannyk O.O. Constitutional law of Ukraine: academic. manual Kyiv: Alerta, 2011. 380 p.

⁸ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

freedoms are inalienable and inviolable. According to Article 22 of the Basic Law of the state, the rights and freedoms of a person and a citizen, enshrined in the Constitution, are not exhaustive. Constitutional rights and freedoms are guaranteed and cannot be revoked. With the adoption of new laws or amendments to existing laws, it is not allowed to narrow the content and scope of existing rights and freedoms⁹.

Basic rights and freedoms, which are enshrined in the Constitution and laws of the state, international legal acts, determine the sphere of its autonomous freedom and ensure the satisfaction of its personal interests. They can also be defined as people's capabilities that characterize their physical and biological existence, satisfaction of material and spiritual needs.

The basic rights and freedoms of a person and a citizen are realized through civil rights, which can be different in different societies and different eras. In modern democratic countries, these rights in terms of legal force are not only not inferior to national laws of all levels, but also have priority legal effect in relation to them. These natural rights of a person, recognized and established by the state, guarantee him a certain level of freedom and provide the actual opportunity to freely dispose of himself, guarantee non-interference in individual life. Personal freedom guarantees awareness of a person's social value and a corresponding attitude towards other people and society as a whole. The legal consolidation of this freedom provides an opportunity not only to ensure the conscious attitude of the subject to it, but also to prevent the absolutization of the individual's individuality¹⁰.

Civil rights and freedoms arise from birth and exist for life. They are inalienable, that is, they cannot be limited or canceled by authorities; cannot be transferred or gifted to other entities; a person cannot waive these rights.

The Constitution of Ukraine sets requirements for this group of rights, according to which no laws should be adopted that would cancel or change civil rights. This is an important guarantee of the inviolability of human dignity and freedom.

Rights and freedoms that protect a person, a citizen, from injustice on the part of the government and the state and provide the opportunity to participate in the civil and political life of society. One of the two general types of universally recognized human rights. They provide protections from the state (such as the right to a fair trial, the presumption of innocence, and freedom of speech) and require the state to provide certain legal and political opportunities (such as the right to vote, the right to a fair trial by jury). These rights are set forth in the International Covenant on Civil and Political Rights and in Articles 1-21 of the Universal Declaration of Human Rights.

The rights of a person and a citizen in Ukraine can be limited only in cases directly provided for by the Constitution and with the aim of: first, saving people's lives and property; secondly, crime prevention or its termination; thirdly, ensuring the interests of national security, territorial integrity, public order, and economic well-being; fourth, ensuring the health and morals of the population, protecting the

⁹ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

¹⁰ Constitutional law of Ukraine: textbook / I.M. Almashi et al. 9th edition, trans. and additional Uzhhorod: Helvetica, 2018. 462 p.

reputation or rights and freedoms of other people; fifth, prevention of disclosure of information received confidentially.

One of the greatest achievements in guaranteeing rights and freedoms is the system of organizational and legal guarantees provided for by the Constitution, among which a particularly significant role is assigned to the President of Ukraine, the Verkhovna Rada of Ukraine, bodies of executive power and local self-government, courts, the prosecutor's office, and the Commissioner of the Verkhovna Rada of Ukraine for Rights a person.

The laws of Ukraine allow all citizens, in case of violation of their rights and freedoms or disagreement with the actions of authorities and officials, to apply to the courts. Art. 55 of the Constitution says that the rights and freedoms of a person and a citizen are protected by the court. Also, every citizen has the right to apply for the protection of his rights to the Commissioner of the Verkhovna Rada of Ukraine for human rights. After using all national legal remedies, citizens have the right to apply for the protection of their rights and freedoms in relevant international judicial institutions or international organizations, of which Ukraine is a member or participant. In addition, everyone has the right to protect their rights and freedoms from violations and illegal encroachments by any means not prohibited by law¹¹.

An additional guarantee of the protection of human rights and freedoms is also the international mechanisms for the protection of human rights, to which Ukraine has joined. An important step in this direction was the ratification on July 17, 1997. Convention on the Protection of Human Rights and Fundamental Freedoms of 1950. From now on, citizens of Ukraine have the opportunity to apply for the protection of their violated rights to the European Court of Human Rights. In addition, having joined in 1990 to the Optional Protocol to the International Covenant on Civil and Political Rights of 1966, Ukraine also recognized the competence of the UN Human Rights Committee to consider individual complaints of Ukrainian citizens on violations of their rights and freedoms guaranteed by this covenant.

The Constitution of Ukraine legally eliminated all regulatory obstacles on the way to ensuring the rights and freedoms of a person and a citizen, declaring that the norms of the Constitution of Ukraine are norms of direct effect and that applying to court for the protection of constitutional rights and freedoms of a person and a citizen is guaranteed directly on the basis of the Constitution of Ukraine.

Thus, the general guarantees of the constitutional rights and freedoms of a person and a citizen have a significant and sometimes decisive influence on the realization of these rights and freedoms, as they determine the readiness of society and the state to realize these rights and freedoms. Any, even the most sophisticated legal mechanism for the implementation of constitutional rights and freedoms is powerless under the condition of a low level of political and socio-economic development of society and the state, and the absence of traditions of legal culture.

¹¹ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

The Constitution distinguishes between the concepts of «rights» and «freedom». It is believed that the term «freedom» is used by the legislator in the case when it indicates the maximum freedom of choice of an individual's behavior in one or another sphere of social life, and when indicating the possibility of using a specific good, the term «right» is used. The system of constitutional rights and freedoms of an individual includes all spheres of people's life activities and meets international human rights standards. Taking into account international legal standards, rights and freedoms are classified into: personal rights and freedoms; political rights and freedoms; economic rights; social rights; environmental rights; cultural rights and freedoms.

The Constitution attaches primary importance to personal rights and freedoms.

Personal rights and freedoms are rights in the sphere of personal life and personal security, they affect the individual, private life of a person. The Constitution enshrines the following personal rights and freedoms of a person: the right to life (Article 27); the right to freedom and personal integrity (Article 29); the right to inviolability of housing (Article 30); the right to confidentiality of correspondence, telephone conversations, telegraphic and other correspondence (Article 31); the right to non-interference in private life (Article 32); the right to freedom of movement, free choice of place of residence, the right to freely leave the territory of Ukraine (Article 33); the right to freedom of thought and speech, to free expression of one's views and beliefs (Article 34); the right to freely collect, store, use and disseminate information orally, in writing or in another way - at one's choice (Article 34); the right to freedom of outlook and religion (Article 35); the right to send an individual or collective written appeal, or to personally address state authorities, local self-government bodies, officials and employees of these bodies (Article 40) ¹².

Political rights and freedoms are such rights and freedoms that citizens exercise in the political sphere of public life: the right to freedom of association in political parties and public organizations (Article 36); the right to participate in trade unions (Article 36), the right to participate in the management of state affairs, in all-Ukrainian and local referendums, to freely choose to be elected to state authorities and local self-government (Article 38), the right to gather without weapons and hold meetings, rallies and demonstrations (Article 39).

Economic rights are such rights that people realize in the economic sphere of social life: the right to own, use and dispose of private property, the results of their intellectual and creative activity (Article 41); the right to use, in accordance with the law, objects of state and communal ownership (Article 41); the right to entrepreneurial activity not prohibited by law (Article 42).

Social rights are such rights, the implementation of which is related to the satisfaction of the most important social needs of people: the right to work (Article 43); the right to strike (Article 44); the right to rest (Article 45); the right to housing (Article 47); the right to a sufficient standard of living for oneself and one's family (Article 48); the right to health care, medical assistance and medical insurance (Article 49).

¹² Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

In addition, the right to social protection is established for citizens of Ukraine, which includes the right to support them in case of total, partial or temporary loss of working capacity, loss of a breadwinner, unemployment due to circumstances beyond their control, as well as in old age and in other cases provided for by law (Article 46).

Environmental rights are equal to a group of human rights that ensures the needs of a safe environment (Article 50): the right to an environment safe for life and health and to compensation for damage caused by the violation of this right; the right to free access to information about the state of the environment, about the quality of food products and household items, as well as the right to its distribution.

Cultural rights and freedoms are human rights and freedoms in the field of culture: the right to education (Article 53); freedom of literary, artistic, scientific and technical creativity (Article 54); the right to the results of one's intellectual and creative activity (Article 54).

The Constitution formulates the legal guarantors of the rights and freedoms of a person and a citizen: the right to protect the rights and freedoms of a person by a court (Article 55); the right to appeal in court the decisions, actions or inaction of state authorities, local self-government bodies, officials and officials (Article 55); the right to apply for the protection of one's rights to the Commissioner of the Verkhovna Rada of Ukraine for Human Rights (Article 55); the right, after using all national legal remedies, to apply for protection of one's rights and freedoms to relevant international judicial institutions or relevant bodies of international organizations of which Ukraine is a member or participant (Article 55); the right to protect one's rights and freedoms from violations and illegal encroachments by any means not prohibited by law (Article 55); the right to compensation at the expense of the state or local self-government bodies for material and moral damage caused by illegal decisions, actions or inaction of state authorities, local self-government bodies, their officials and employees in the exercise of their powers (Article 56); the right to know one's rights and obligations (Article 57); prohibition of retroactive effect of laws and other legal acts, except in cases where they mitigate or cancel the responsibility of a person (Article 58); the right to legal aid (Article 59); the right not to carry out clearly criminal orders or orders (Article 60); no one can be held legally responsible twice for the same offense (Article 61); a person is considered innocent of committing a crime and cannot be subjected to criminal punishment until his guilt is proven in a legal manner and established by a court verdict (presumption of innocence) (Article 62); no one is obliged to prove his innocence in the commission of a crime (Article 62); the accusation cannot be based on evidence obtained illegally, as well as on assumptions. All doubts regarding the proven guilt of a person are interpreted in his favor (Article 62); the right not to testify or explain about oneself, family members or close relatives (Article 63); the suspect, accused or defendant has the right to defense (Article 63)¹³.

The Constitution not only contains a fairly broad and democratic list of human and citizen rights and freedoms, but also establishes guarantees for their implementation

¹³ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

and protection. The specified guarantees are the appropriate conditions and methods that facilitate the realization by every person and citizen of the rights, freedoms and duties enshrined in the Constitution of Ukraine. They are divided into personal, political, economic, ideological and legal. Personal guarantees are the personal capabilities of a person and a citizen to protect their rights, freedoms, legal interests and obligations.

These include: the right to the protection of the legal rights of a person and a citizen in court, at the Human Rights Commissioner of the Verkhovna Rada of Ukraine, in international courts or relevant international organizations; the right to compensation for material and moral damages caused by state bodies, local self-government bodies and their officials; the right to know one's rights and obligations; the right to legal aid; the right not to carry out clearly criminal orders; the right to individual legal responsibility; the right to be responsible only for actions committed in the time and space of the normative legal act; the right not to bear responsibility for refusing to testify or give an explanation about oneself, family members or close relatives, whose circle is defined by law; the right of a convicted person to enjoy all the rights of a person and a citizen, with the exception of restrictions defined by law and established by a court verdict.

Political guarantees mean: political pluralism and freedom of political activity, not prohibited by law and provided for in Art. 15 of the Constitution of Ukraine; the real recognition of the people as the only source of power and the exercise of state power according to the principle of its division into legislative, executive and judicial in accordance with Articles 5 and 6 of the Constitution of Ukraine; restrictions on the activities of ultra-radical political organizations (Article 37), etc.

The main economic guarantees are: constitutional provisions on the equality of all forms of ownership and their protection by the state (Article 13); fairness and impartiality in the distribution of public wealth (Article 95); guarantee of private property (Article 41).

Ideological guarantees include: ideological diversity of social life, absence of state (mandatory) ideology and censorship (Article 15); ensuring the free development of languages (Article 10); promoting the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, as well as the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine (Article 11).

In case of violation of human and citizen rights, everyone has the right to protection. One of the methods of protection is judicial protection, that is, the right of a person to apply to the court for the restoration of his rights and interests.

In Ukraine, in the institutional and organizational aspect, the leading role in ensuring the rights and freedoms of man and citizen belongs to the President of Ukraine. According to Art. 102 of the Constitution of Ukraine, he is the guarantor of the rights and freedoms of man and citizen. The implementation of these powers of the President is carried out through the initiation of laws and the issuance of decrees aimed at ensuring the rights and freedoms of a person and a citizen¹⁴.

¹⁴ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

The powers of the Head of State in the field of protection of the rights and freedoms of citizens are expressed in the right of veto over laws adopted by the Verkhovna Rada of Ukraine, in the right of the President to cancel the acts of the Cabinet of Ministers, the decisions of the heads of local state administrations, and some other normative acts in case of their violation of the rights and freedoms of individuals in Ukraine. The constitutional rights of a person and a citizen are certain possibilities of the subject of constitutional and legal relations, which exist and function in accordance with the state of development of civil society and the state. The constitutional freedoms of a person and a citizen are the ability of a person to act in accordance with his own interests and teleological instructions. The constitutional duties of a person and a citizen are a measure of mandatory behavior that everyone must observe to ensure the normal functioning of other subjects of civil society.

Human rights are a special global problem, the solution of which depends on each state, the quality of constitutional regulation and constitutional regulation of social relations. Guaranteeing freedom of speech in Ukraine begins with the confirmation in the Preamble of the Constitution that the Basic Law of Ukraine was adopted to ensure human rights and freedoms. Article 3 of the Constitution of Ukraine recognizes that human rights and freedoms, as well as their guarantees, determine the content and direction of state activity. Freedom of speech is a necessary condition for the implementation of the following constitutional principle.

According to Art. 15 of the Constitution of Ukraine, public life in Ukraine is based on the principles of political and ideological pluralism, which is one of the fundamental principles of Ukrainian society, based on the unquestionable recognition of democracy, human and citizen rights and freedoms. Compliance with the principles of ideological and political pluralism in society is an important guarantee of freedom of thought and speech. Freedom of thought and speech, free expression of one's views and convictions are necessary for people, as well as freedom of public discussions on problems that are significant and form the existence of a democratic tolerant society. Such a society proceeds from the fact that no opinion can and should not lose the right to express itself ¹⁵.

In Ukraine, which already has a developed and socially stratified industrial society, the problem of building a civil society coincides in time with the process of building the state. Therefore, the instrument of building a new society can only be the state, or rather, a democratic state. It is worth noting that the problem of the reality of rights, freedoms and legitimate interests has not only a legal aspect. It is connected with the economic and political situation of society, the state of spirituality and consolidation. Unfortunately, today there are facts that testify that state bureaucratic structures are not always interested in ensuring human rights.

¹⁵ Constitutional law of Ukraine: textbook / I.M. Almashi et al. 9th edition, trans. and additional Uzhhorod: Helvetica, 2018. 462 p.

Normative and Legal Provision of the Rights and Freedoms of a Person and a Citizen under the Conditions of the Introduction of Martial Law in Ukraine.

According to Art. 1 of the Law «On the legal regime of martial law», martial law is a special legal regime introduced in Ukraine or in some of its localities in the event of armed aggression or threat of attack, danger to the state independence of Ukraine, its territorial integrity, and provides for the provision of appropriate state authorities, to the military command, military administrations and local self-government bodies, the powers necessary to avert the threat, repulse armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity, as well as the temporary restriction of constitutional rights and human freedoms caused by the threat and of the citizen and the rights and legal interests of legal entities with an indication of the period of validity of these restrictions.

However, despite all the complexities of modern realities, human rights are subject to exclusive protection. This is due to the fact that the provisions of the Constitution of Ukraine recognize a person, his life and health, honor and dignity, inviolability and safety as the highest social value.

Martial law is introduced by the Decree of the President of Ukraine, which must be approved by the Verkhovna Rada of Ukraine within two days after its submission. Martial law is canceled by the President of Ukraine on the condition that the threat of armed aggression disappears or the state of war ends after peace is concluded with the opposite warring party. The abolition of martial law and the conclusion of peace are announced by the Verkhovna Rada at the request of the President, which is immediately announced through mass media.

The regime of martial law is determined by relevant legislative acts. In the event of the introduction of martial law, the President of Ukraine, in accordance with the International Covenant on Civil and Political Rights, within the first three days, shall notify the Secretary General of the United Nations.

The normative legal acts that regulate the protection of human and citizen rights during martial law include: the Constitution of Ukraine¹⁶, Laws of Ukraine «On the Legal Regime of Martial Law»¹⁷, «On Approval of the Decree of the President of Ukraine «On the Introduction of Martial Law in Ukraine»¹⁸, «On the Transfer, forced alienation or confiscation of property under the legal regime of martial law or a state of emergency»¹⁹, Decree of the President of Ukraine dated February 24, 2022 No. 64 «On

¹⁶ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

¹⁷ On the legal regime of martial law: Law of Ukraine dated May 12 2015 No. 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

¹⁸ On the approval of the Decree of the President of Ukraine «On the introduction of martial law in Ukraine»: Law of Ukraine dated February 24 2022 No. 2102-IX. URL: <https://zakon.rada.gov.ua/laws/show/2102-20#Text>

¹⁹ On the transfer, forced alienation or confiscation of property under the legal regime of martial law or state of emergency: Law of Ukraine dated May 17 2012 No. 4765-17. URL: <https://zakon.rada.gov.ua/laws/card/4765-17>

the introduction of martial law in Ukraine»²⁰, Decree of the President of Ukraine dated March 14, 2022 No. 133/2022 «On the extension of the duration of martial law in Ukraine»²¹, Resolution of the Cabinet of Ministers of Ukraine dated July 13, 2011 No. 753 «On approval of the Procedure for the involvement of able-bodied persons in socially useful works under martial law»²², Resolution of the Cabinet of Ministers of Ukraine dated October 31, 2012 No. 998 «Some issues implementation of full compensation for property forcibly expropriated under the conditions of the legal regime of martial law or a state of emergency»²³, resolution of the Cabinet of Ministers of Ukraine dated July 8, 2020 No. 573 «Issue of introduction and implementation of some measures of the legal regime of martial law»²⁴.

According to Article 21 of the Constitution of Ukraine, human rights are inalienable and inviolable. In accordance with Part 2 of Art. 22 of the Basic Law of society and the state, constitutional rights and freedoms are guaranteed and cannot be canceled or limited²⁵. However, in cases defined by the Constitution, some rights and freedoms may be temporarily restricted during the introduction of martial or emergency conditions.

According to the Basic Law, in the conditions of a state of emergency, the constitutional right guaranteed by Art. 33 of the Basic Law of Ukraine, namely freedom of movement, free choice of place of residence, right to freely leave the territory of Ukraine. This is manifested in the fact that local executive authorities and local self-government bodies establish a special regime for the entry and exit of citizens and vehicles from the quarantine territory, and, if necessary, ensure the sanitary inspection of things, luggage, vehicles and cargo in the conditions quarantine. At the same time, part 2 of Art. 33 of the Constitution of Ukraine provides that a citizen of Ukraine cannot be deprived of the right to return to Ukraine at any time [2].

Protection of legal rights and freedoms of citizens is one of the key duties of the state. However, there are situations when their limitation is unavoidable and is carried out exclusively in the manner and by the means provided by the current legislation. Article 64 of the Constitution of Ukraine establishes exceptions under which

²⁰ On the introduction of martial law in Ukraine: Decree of the President of Ukraine dated February 24, 2022 No. 64/2022. URL: <https://zakon.rada.gov.ua/laws/show/64/2022>

²¹ On the extension of the martial law in Ukraine: Decree of the President of Ukraine dated March 14, 2022 No. 133/2022. URL: <https://zakon.rada.gov.ua/laws/show/757/2022#n2>

²² On approving the procedure for involving able-bodied persons in socially useful works under martial law: Resolution of the Cabinet of Ministers of Ukraine dated July 13, 2011 No. 753. URL: <https://zakon.rada.gov.ua/laws/show/753-2011-p>

²³ Some issues of full compensation for property forcibly expropriated under the legal regime of martial law or a state of emergency: Resolution of the Cabinet of Ministers of Ukraine: Resolution of the Cabinet of Ministers of Ukraine dated October 31 No. 998 of 2012. URL: <https://zakon.rada.gov.ua/laws/show/998-2012-п>

²⁴ The issue of the introduction and implementation of some measures of the legal regime of martial law: Resolution of the Cabinet of Ministers of Ukraine dated July 8, No. 573 of 2020. URL: <https://zakon.rada.gov.ua/laws/show/573-2020-p>

²⁵ On the legal regime of martial law: Law of Ukraine dated May 12 2015 No. 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

individual restrictions on human rights and freedoms may be established. The introduction of martial law or a state of emergency directly acts as such a reason.

Thus, the Decree of the President of Ukraine dated February 24, 2022 No. 64/2022 introduced martial law in Ukraine from 05:30 on February 24, 2022 for a period of 30 days. However, the period of martial law in Ukraine has been extended from 05:30 on March 26, 2022 for a period of 30 days in accordance with Presidential Decree No. 133/2022 of March 14, 2022. According to another Decree of the President of Ukraine No. 259/2022 of April 18, 2022, the period of martial law in Ukraine was extended from 05:30 on April 25, 2022 for a period of 30 days, i.e., the martial law was extended throughout the territory of Ukraine until May 25, 2022.

In addition, martial law in Ukraine has been extended for 90 days - until February 19, 2023. The relevant Law No. 2738-IX dated November 16, 2022 entered into force on November 18, 2022. The law approved Decree of the President of Ukraine dated November 7, 2022 No. 757/2022 «On the extension of martial law in Ukraine», which provides that in connection with the ongoing large-scale armed aggression of the Russian Federation against Ukraine, based on the proposal of the National Security Council and of Defense of Ukraine, in accordance with Clause 20, Part 1, Art. 106 of the Constitution of Ukraine, the Law of Ukraine «On the Legal Regime of Martial Law on the Partial Amendment of Article 1 of the Decree of the President of Ukraine of February 24, 2022 No. 64/2022 «On the Introduction of Martial Law in Ukraine», approved by the Law of Ukraine of February 24, 2022 No. 2102-IX (with changes) - the period of martial law in Ukraine has been extended from 05:30 on November 21, 2022 for a period of 90 days.

In accordance with the current legislation, during the period of the legal regime of martial law, the constitutional human rights and freedoms of citizens and citizens, which are provided for by Articles 30, 32, 33, 34, 38, 39, 41, 42, 43, 44, 53 of the Constitution of Ukraine, may be limited: (Article 30 «Everyone is guaranteed the inviolability of their home», Article 31 «Everyone is guaranteed the secrecy of correspondence, telephone conversations, telegraphic and other correspondence», Article 32 «No one can be subjected to interference in his personal and family life, except in the cases provided for by the Constitution of Ukraine», Article 33 «Everyone who is legally present in the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, the right to freely leave the territory of Ukraine, with the exception of restrictions established by law», Article 34 «Everyone is guaranteed the right to freedom of thought and speech, to freely express one's views and beliefs», Article 38 «Citizens have the right to participate in the management of state affairs, in all-Ukrainian and local referendums, to freely elect and be elected to state authorities and local self-government bodies», Art. 39 «Citizens have the right to assemble peacefully, without weapons, and to hold meetings, rallies, marches and demonstrations, the executive power bodies or local self-government bodies are notified of their holding in advance», Art. 41 «Everyone has the right to own, use and dispose of his property, the results of his intellectual and creative activity», Art. 42 «Everyone has the right to entrepreneurial activity that is not prohibited by law», Art. 43 «Everyone has the right to work, which includes the opportunity to earn a living by

work that he freely chooses or freely agrees to», Art. 44 «Those who work have the right to strike to protect their economic and social interests», Art. 53 «Everyone has the right to education»²⁶.

Also, in accordance with Art. 8 of the Law of Ukraine «On the Legal Regime of Martial Law»²⁷ such measures as labor obligation may be introduced for able-bodied persons who are not involved in work in the defense sphere and the sphere of ensuring the livelihood of the population and are not reserved for enterprises, institutions and organizations for the period of martial law with for the purpose of carrying out works of a defensive nature, as well as eliminating the consequences of emergency situations that arose during the period of martial law, and involving them in the conditions of martial law in socially useful works performed to meet the needs of the Armed Forces of Ukraine, other military formations, law enforcement civil defense bodies and forces, ensuring the functioning of the national economy and protecting critical infrastructure and do not, as a rule, require special professional training of individuals. It should be noted that the previous place of work (position) is kept for the employees involved in the performance of socially useful works during the performance of such works. In accordance with the current legislation, appropriate restrictions on the rights of citizens are determined: forced alienation of property that is in private or communal ownership, seizure of property of state enterprises, state economic associations for the needs of the state; introduction of a curfew (prohibition of being on the streets and other public places during a certain period of the day without specially issued passes and certificates); use of capacities and labor resources of enterprises, institutions and organizations of all forms of ownership for the needs of defense, change of their work regime; prohibition of holding peaceful meetings, rallies, marches and demonstrations, other mass events; checking documents of persons, and, if necessary, conducting an inspection of things, vehicles, baggage and cargo, office premises and citizens' homes, with the exception of restrictions established by the Constitution of Ukraine; establishment of military housing obligation for individuals and legal entities for the quartering of military personnel, members of the rank and file of law enforcement agencies, personnel of the civil defense service, evacuated population and accommodation of military units, units and institutions.

Such measures must be carried out in accordance with current legislation and cannot significantly limit the fundamental rights and freedoms of Ukrainian citizens. Restrictions must be equal in scope to the goals they pursue.

The Constitution of Ukraine, as the main law that guarantees the provision and protection of the rights and freedoms of citizens, contains a list of rights that cannot be limited even during martial law. These rights include: citizens of Ukraine cannot be deprived of citizenship and the right to change citizenship; there can be no restrictions based on race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language or other characteristics; the

²⁶ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

²⁷ On the legal regime of martial law: Law of Ukraine dated May 12 2015 No. 389-VIII. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

right to send individual or collective written appeals or to personally address state and local self-government bodies is not subject to restriction; the inalienable right to life cannot be violated; on respect for dignity, freedom and personal integrity; it is unacceptable to violate the equality of children in their rights, regardless of origin; the right to housing, marriage and equal rights and obligations in marriage and family cannot be limited; the right to protect rights and freedoms in court is not subject to limitation; for compensation with the funds of the state or local self-government bodies for material and moral damage caused by illegal decisions of state authorities; the right to professional legal assistance cannot be limited; the right not to be held twice liable for the same kind of legal responsibility for the same offense; presumption of innocence; the right to defense and refusal to testify or to give explanations or statements about oneself, family members or close relatives, whose circle is defined by law.

The current legislation provides for the observance of such standards as the minimum wage, the minimum vacation period and the rest time between shifts for the time of the involvement of citizens in the performance of labor obligations and compensation of the value of property in the event of its forced expropriation.

According to Art. 3 of the Law of Ukraine «On the Transfer, Compulsory Expropriation or Expropriation of Property under the Legal Regime of Martial Law or State of Emergency» forced alienation of property under the legal regime of martial law may be carried out with prior full reimbursement of its value²⁸. In case of impossibility of prior full compensation for compulsorily expropriated property, such property shall be compulsorily expropriated with subsequent full compensation of its value. Property subject to compulsory alienation must be assessed in accordance with the procedure established by law. It is thanks to this procedure that a full refund of its value to the owner is possible.

Human dignity is undoubtedly one of the fundamental values of humanity. Violation of this charter is inadmissible under any circumstances, even during martial law. The prohibition of torture is an imperative norm of international law and, as the European Court of Human Rights constantly emphasizes in its practice, «reflects one of the fundamental values of a democratic society». It is enshrined in all major international instruments, ranging from general principles of international law, international customary law documents to international treaties at the universal and regional levels.

The use of torture and ill-treatment completely destroys the principle of human dignity. Therefore, their use is an absolute ban on the territory of the entire civilized world, even when it comes to war.

Thus, the fundamental rights of a person and a citizen are not subject to restrictions even during the period of martial law. After all, without their provision and guarantee, the existence of a person and a state in a legal democratic field is impossible.

²⁸ Constitution of Ukraine: Law of Ukraine dated June 28 1996 No. 254k-96/VR. URL: <https://zakon.rada.gov.ua/laws/show/254k-96/BP>

In Ukraine or in some of its localities, where martial law has been introduced, the military command together with military administrations can implement the following measures of the legal regime of martial law: 1) establish and strengthen the protection of objects of state importance, objects of state importance of the national transport system of Ukraine and objects that ensure the vital activities of the population, and introduce a special mode of their operation; 2) to introduce labor obligation for able-bodied persons not engaged in work in the defense sphere and the sphere of ensuring the vital activities of the population and not reserved for enterprises, institutions and organizations during the period of martial law for the purpose of performing works of a defensive nature, as well as eliminating the consequences of emergencies situations that arose during the period of martial law, and to involve them in the conditions of martial law in socially useful works performed to meet the needs of the Armed Forces of Ukraine, other military formations, law enforcement agencies and civil defense forces, ensuring the functioning of the national economy and the system of life support population and do not, as a rule, require special professional training of individuals; 3) use the capacities and labor resources of enterprises, institutions and organizations of all forms of ownership for the needs of defense, change their work regime, carry out other changes in production activities, as well as working conditions in accordance with labor legislation; 4) forcibly expropriate property that is in private or communal ownership, seize property of state enterprises, state economic associations for the needs of the state in the conditions of the legal regime of martial law in accordance with the procedure established by law and issue relevant documents of the established model; 5) to introduce a curfew, i.e. a ban on being on the streets and other public places during a certain period of the day without specially issued passes and certificates), as well as to establish a special mode of light masking; 6) establish a special regime of entry and exit, limit the freedom of movement of citizens, foreigners and stateless persons, as well as the movement of vehicles; 7) to check the documents of persons, and if necessary to conduct an inspection of things, vehicles, baggage and cargo, office premises and residences of citizens, with the exception of the restrictions established by the Constitution of Ukraine; 8) prohibit the holding of peaceful meetings, rallies, marches and demonstrations, other mass events; 9) establish a ban or restrictions on the choice of the place of stay or the place of residence of persons in the territory where martial law is in effect; 10) prohibit trade in weapons, powerful chemical and poisonous substances, as well as alcoholic beverages and alcohol-based substances; 11) establish a special regime in the field of production and sale of medicinal products containing narcotic drugs, psychotropic substances and precursors, other potent substances, the list of which is determined by the Cabinet of Ministers of Ukraine; 12) evacuate the population if there is a threat to their life or health, as well as material and cultural values, if there is a threat of their damage or destruction, in accordance with the list approved by the Cabinet of Ministers of Ukraine and others²⁹.

²⁹ Constitutional law of Ukraine: textbook / I.M. Almashi et al. 9th edition, trans. and additional Uzhhorod: Helvetica, 2018. 462 p.

Thus, the list of human and citizen rights and freedoms that cannot be restricted under martial law is exhaustive. All other rights and freedoms of a person and a citizen provided for by the Constitution of Ukraine can be limited under the condition of the introduction of martial law and mean the possibility of legal restriction of the rights and freedoms of citizens and a temporary deviation from the provisions of the Convention on the Rights and Fundamental Freedoms of Man.

Conclusions and suggestions. The development of Ukraine as a state governed by the rule of law is most fully characterized by the general state of implementation of the constitutional provisions on the rule of law and the highest legal force of the Basic Law of the state, the establishment and provision of the rights and freedoms of man and citizen, the distribution of power, fair justice and an independent judiciary, as well as on the guarantee of local self-government, political, economic and ideological diversity as the basis of social life in Ukraine, other constitutional principles of a modern democratic state (Articles 1, 3, 6, 8, 15, 19, 21, 22, 55, 124, 147 of the Constitution of Ukraine). However, new challenges and threats that have arisen before Ukraine in recent years significantly complicate the already insufficient proper implementation of most of the above constitutional provisions. These challenges and threats also create serious obstacles in the development of the rule of law as such.

Limiting the constitutional rights of a person, as well as the constitutional basis of a person's interaction with state institutions, always causes a number of negative legal, social, economic and other consequences, which can be perceived as objectively justified and considered a fair implementation of priority strategic goals only in the case of a balanced informative, socially - economic and legal policy. The requirements of martial law are, first of all, an increased burden on the state apparatus, institutions of state power, under which restrictions on the effect of any of the constitutional norms can take place only in case of extreme necessity and a high level of management organization.

The application of restrictions on human rights and freedoms is one of the fundamental elements of human relations with the state. This is done in order to find a compromise between society and the state, which is manifested in the protection of the person, the rights and freedoms of other persons from arbitrariness. In Ukraine, this thesis is enshrined at the level of the Constitution in Article 23. Therefore, the limitation of the basic rights and freedoms of a person is a legitimate, purposeful quantitative and (or) qualitative reduction in the process of legal implementation of those possible models of behavior (powers) that make up the basic right (freedom) of a person, by other persons. It has an exclusively legal, temporary, targeted, non-discriminatory, socially useful character and consists in narrowing the scope and content of a person's fundamental potential capabilities. The state's ability to limit basic human rights and freedoms is provided for in virtually all international legal acts that regulate human rights and fundamental freedoms. Each contract defines the limits of possible restrictions and an exhaustive list of grounds for them, as well as establishes a number of rights that cannot be limited under any circumstances.

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M 58 International security studios: managerial, economic, technical, legal, environmental, informative and psychological aspects. International collective monograph. Georgian Aviation University. Tbilisi, Georgia 2023. – 1438 p.

The authors are responsible for the content of the submitted materials in the monograph.

The collective monograph is the result of the generalization of the conceptual work of scientists who consider current topics from such fields of knowledge as: management, management, technical sciences, law, ecology, information sciences and psychological sciences through the prism of international security studies. Content-functional lines and the key direction of the study of psycho- and sociogenesis of personality in age and pedagogical dimensions through the prism of revitalization are highlighted by each researcher in the context of the implementation of an individual sub-theme.

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