Challenges to the Ukrainian Legal System in the Context of the Russian-Ukrainian War

Oleksii Paida, Doctor of Law, Professor,
Head of the Department of Jurisprudence and Canon Law
Carpathian University named after Augustyn Voloshyn
and Uzhhorod Ukrainian Theological Academy

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Abstract

The article analyzes the current challenges to the Ukrainian legal system under the conditions of the Russian-Ukrainian war. It examines the adaptation of national legislation to martial law realities, the protection of human rights and freedoms, and the balance between security and the rule of law. Special attention is given to the issues of the international legal status of the war, accountability for war crimes, and the prospects for post-war modernization of Ukraine's legal system.

Keywords: Ukrainian legal system; martial law; human rights; international humanitarian law; war crimes; rule of law.

Introduction

The Russian-Ukrainian war, which has continued since 2014 and escalated into a full-scale invasion in February 2022, has posed unprecedented challenges to the Ukrainian state and its legal system. The legal sphere simultaneously performs the functions of regulating social relations under extraordinary conditions and protecting fundamental human rights [1].

Martial Law and Transformation of National Legislation

The introduction of martial law in Ukraine required prompt changes in legislation, particularly in the areas of defense, mobilization, information security, and the functioning of state authorities [2]. At the

same time, the issue of restricting certain rights and freedoms of citizens arose, which is permissible in accordance with the Constitution of Ukraine and international standards [3].

Human Rights and the Rule of Law

Despite the realities of war, Ukraine continues to reaffirm its commitment to the principles of the rule of law. The European Court of Human Rights is already considering dozens of cases related to violations of human rights in the occupied territories [4]. However, in practice, there is a dilemma between ensuring security and protecting human rights, which requires a flexible but lawful approach.

International Legal Challenges

International humanitarian law directly qualifies the actions of the Russian Federation as aggression and war crimes [5]. Ukraine faces the task of ensuring proper legal documentation of these crimes and seeking their consideration in international judicial institutions, including the International Criminal Court [6].

Prospects for Post-War Modernization of the Legal System

After Ukraine's victory and recovery, a key task will be the modernization of the legal system:

1. harmonization with European Union law;
2. strengthening the institutional capacity of the judiciary;
3. development of new legal mechanisms for the protection of veterans and those affected by the war [7].

Conclusions

The war has revealed both the strengths of the Ukrainian legal system—its flexibility and ability to respond to challenges—and the numerous problems that require deep reform. The future of Ukraine's legal order will directly depend on the combination of the rule of law, the protection of human rights, and effective integration into the European legal space.

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