

The impact of martial law on the observance and protection of human rights and freedoms

El impacto de la ley marcial en la observancia y protección de los derechos humanos y las libertades

O impacto da lei marcial na observância e proteção dos direitos humanos e liberdades

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Abstract

The relevance of the scientific research conducted in this article stems from the fact that the observance and protection of human rights and freedoms are of particular importance under martial law. Under such conditions, all spheres of society, socio-economic, political, and cultural undergo a conceptual restructuring and adaptation to address urgent security issues. This implies granting additional powers to state authorities, military command, and law enforcement agencies solely to ensure the smooth functioning of the state apparatus under conditions of uncertainty, thereby minimizing the risks of destabilizing the internal situation. Naturally, this affects the observance and protection of human rights and freedoms, since any restrictions imposed under the legal regime of martial law must comply with the provisions of the Constitution of Ukraine, Ukrainian laws, and international legal acts ratified by Ukraine. The digitalization of public services is particularly important for ensuring the observance and protection of human rights and freedoms under martial law, as it involves maximally simplifying interactions between the population and public authorities amid the challenges posed by regular shelling, electricity shortages, and air raids. The development of digital technologies under martial law was largely facilitated by previous experience in adapting state institutions to remote work during the COVID-19 pandemic. Despite the potential restrictions on human rights and freedoms under the martial law regime, the activities of public authorities should be carried out in accordance with the principle of legality and within the powers provided by applicable law.

Keywords: Martial law, observance, protection, human rights and freedoms, restriction of rights, legality, digital technologies, access to information.

Resumen

La relevancia de la investigación científica realizada en este artículo se debe al hecho de que la observancia y protección de los derechos humanos y las libertades es de particular importancia bajo la ley marcial. En tales condiciones, se está produciendo una reestructuración conceptual y una adaptación de todas las esferas de la sociedad, la vida socioeconómica, política y cultural de acuerdo con las urgentes cuestiones de seguridad. Esto implica otorgar poderes adicionales a las autoridades estatales, al mando militar y a los organismos encargados de hacer cumplir la ley únicamente en aras del buen funcionamiento del aparato estatal en condiciones de incertidumbre, minimizando los riesgos de desestabilización de la situación interna en el estado. Por supuesto, esto afecta a la observancia y protección de los derechos humanos y las libertades, ya que las restricciones que puedan producirse bajo el régimen jurídico de la ley marcial deben cumplir sin duda las disposiciones de la Constitución de Ucrania, las leyes de Ucrania y los actos jurídicos internacionales ratificados por Ucrania. El proceso de digitalización de los servicios públicos reviste especial importancia en el marco de la observancia y protección de los derechos humanos y las libertades en el marco de la ley marcial, lo que supone la máxima simplificación de la interacción entre la población y las autoridades públicas en el contexto del complicado funcionamiento de estas últimas debido a los bombardeos regulares, la falta de suministro eléctrico y los ataques aéreos. El desarrollo de las tecnologías digitales en el marco de la ley marcial se vio facilitado en gran medida por la experiencia previa de adaptación de las instituciones estatales al trabajo a distancia en el contexto de la propagación de la infección por coronavirus COVID-19. A pesar de las posibles restricciones de los derechos humanos y las libertades en el marco de la ley marcial, las actividades de las autoridades públicas deben llevarse a cabo de conformidad con el principio de legalidad y dentro de los límites de las competencias previstas por la legislación aplicable.

Palabras clave: Ley marcial, observancia, protección, derechos humanos y libertades, restricción de derechos, legalidad, tecnologías digitales, acceso a la información.

Resumo

A relevância da pesquisa científica conduzida neste artigo se deve ao fato de que a observância e a proteção dos direitos humanos e liberdades são de particular importância sob a lei marcial. Em tais condições, há uma reestruturação conceitual e adaptação de todas as esferas da sociedade, vida socioeconômica, política e cultural de acordo com as questões urgentes de segurança. Isso implica conceder poderes adicionais às autoridades estatais, comando militar e agências de aplicação da lei apenas para o bom funcionamento do aparato estatal em condições de incerteza, minimizando os riscos de desestabilizar a situação interna no estado. Claro, isso afeta a observância e a proteção dos direitos humanos e liberdades, uma vez que as restrições que podem ocorrer sob o regime legal da lei marcial devem, sem dúvida, cumprir as disposições da Constituição da Ucrânia, leis da Ucrânia e atos jurídicos internacionais ratificados pela Ucrânia. O processo de digitalização dos serviços públicos é de particular importância no curso da observância e proteção dos direitos humanos e liberdades sob a lei marcial, que envolve a simplificação máxima da interação entre a população e as autoridades públicas no contexto do funcionamento complicado destas últimas devido a bombardeios regulares, falta de fornecimento de eletricidade e ataques aéreos. O desenvolvimento de tecnologias digitais sob a lei marcial foi amplamente facilitado pela experiência anterior de adaptação de instituições estatais ao trabalho remoto no contexto da disseminação da infecção pelo coronavírus COVID-19. Apesar das possíveis restrições aos direitos humanos e liberdades sob o regime da lei marcial, as atividades das autoridades públicas devem ser realizadas de acordo com o princípio da legalidade e dentro dos poderes previstos pela lei aplicável.

Palavras-chave: Lei marcial, observância, proteção, direitos humanos e liberdades, restrição de direitos, legalidade, tecnologias digitais, acesso à informação.

INTRODUCTION

At no time in history have justice and respect for individual rights and freedoms been at the expense of national and international peace, security, and prosperity – this is the most important lesson. In times of crisis, the concerted efforts of all key actors, including judges, prosecutors and lawyers, to uphold the highest possible standards of human rights protection are not only more challenging but also more useful than ever in helping to restore a constitutional order in which human rights and fundamental freedoms can once again be fully enjoyed (United Nations, 2003).

In the light of the progressive democratic and socially oriented aspirations of the international community, we should be aware that “the consolidation of a model of responsible attitude in a legal norm is the primary link in the mechanism of normative regulation” (Zhornokui, 2024, p. 90). Naturally, such an attitude can be formed only if there are necessary and legally stipulated restrictions. However, in times of war, when not only progressive ideas but also human lives are being mercilessly destroyed, the issue of observance and protection of human rights and freedoms is particularly acute and comes to the fore. Thus, February 24, 2022, is a key moment in the field of international law, marking the beginning of the Russian-Ukrainian war (Patel & Tiwari, 2024).

The introduction of the martial law regime in Ukraine poses new challenges to Ukrainian society, which arise for the first time in the 30-year history of modern independent Ukraine and lead to the application of critical norms (not inherent in the normal development of the state), the implementation of which can ensure proper defense capability of the country through the restriction of certain rights of citizens, create opportunities to repel armed aggression and protect the constitutional rights of citizens (Morhunov, 2024, p. 109). We should be aware that despite the forced nature of the application of such critical norms, it inevitably affects the observance and protection of human rights and freedoms. Thus, according to the Ukrainian Parliament Commissioner for Human Rights, "in 2023, the Commissioner received 95,796 appeals, of which 860 were collective appeals (18,245 people) and 94,936 were individual appeals. It is worth noting that the number of appeals to the institution has more than doubled (42,485 appeals in 2022) (Annual report on the state of observance and protection of human and civil rights and freedoms in Ukraine in 2023).

Reflecting on certain challenges in the observance and protection of human rights and freedoms, domestic scholars emphasize that the introduction of a special legal regime of martial law in Ukraine necessitates the revision and adaptation of existing security strategies from a gender perspective. This includes ensuring equal access for women to decision-making in the defense sector, supporting women in the military, and developing policies that consider the specific needs and vulnerabilities of different gender groups in crisis (Zahumenna & Hrelya, 2024). We should be aware that among the many destructive factors that are exacerbated in armed conflict, the escalation of corruption practices is particularly dangerous. This phenomenon is especially relevant in sectors that receive priority funding in the context of military operations, where significant financial flows often fall outside the scope of effective control and audit. Corruption under martial law is a complex problem that has a multifactorial impact on the functioning of the state (Bondarenko, Tymoshenko, 2024). Considering this, the efforts of the entire international community, including the intellectual potential of domestic scholars, should be aimed at understanding possible ways to reduce the impact of martial law on the observance and protection of human rights and freedoms, as well as to establish high ideals of freedom and the rule of law in society.

The purpose of the article is to determine the impact of martial law on the observance and protection of human rights and freedoms. To achieve this purpose, it is necessary to solve the following tasks: a) to comprehend the essence of the securitization process in the context of observance and protection of human rights and freedoms; b) to consider certain aspects of the impact of martial law on observance

and protection of human rights and freedoms, as well as the current problems faced by the state in this area.

The problem here is not just in examining the position occupied by Martial law in the protection of human right, but the issue here is in determining whether the phenomenon of martial law has really enforced or affected the respect of human right and freedom in Ukraine.

METHODOLOGY

The study used general and special methods of scientific cognition, which in their entirety allowed solving the tasks of the scientific article. The method of documentary analysis made it possible to analyze the statistical data of the Ombudsman of Ukraine on the observance and protection of human and civil rights and freedoms in Ukraine, to study the provisions of the Constitution of Ukraine, the Law of Ukraine "On the Legal Regime of Martial Law", and departmental regulations regarding the most significant aspects of legal regulation of observance and protection of human rights and freedoms under martial law. The use of the comparative legal method made it possible to compare the forced restriction of human rights and freedoms to implement quarantine measures aimed at preventing the spread of COVID-19 coronavirus infection with the corresponding restrictions imposed under martial law. This allowed us to draw an interim conclusion that the previous experience of quarantine restrictions allowed for a more organic and gradual adaptation of public administration activities to the challenges of martial law in the field of human rights and freedoms. Using the analytical method, the essence of the most significant aspects of the observance and protection of human rights and freedoms under martial law was clarified. The structural-logical and system-functional methods were used to specify the process of securitization in domestic realities, the development of modern legal education, which provides a scientific and theoretical basis for the observance and protection of human rights and freedoms, as well as the role of digital technologies in the protection of human rights and freedoms under martial law.

Today, many researchers consider the issues of observance of human rights and freedoms in the context of, firstly, reforming the activities of law enforcement agencies; secondly, rethinking the concept of public service and reorienting public authorities to a service model of providing services to the population; and thirdly, understanding the current challenges and problematic issues caused by the armed aggression of Russia and the introduction of martial law in Ukraine. It is interesting to note that the implementation of martial law has indeed influenced the enforcement

and implementation of human rights and freedoms, but the problem here lies in examining the extent to which the so-called martial law in Ukraine has affected the status of human rights and freedoms. We continue to see violations of the human rights and freedoms of Ukrainian citizens, irrespective of the presence of martial law in the country. The level of human rights abuses and violations continues to increase, and this, to an extent, has undermined the objective of the law. One thing is to enact laws, and another is to ensure the observance and implementation of these laws, a problem that persists in many societies, with Ukraine being no exception. It is frustrating and devastating that Ukrainian society continues to experience high levels of violations of fundamental human rights and freedoms, irrespective of the martial law in place; this is truly an aspect of hallucinations.

RESULTS AND DISCUSSION

Since ancient times, law has been the only shield against the arbitrariness of the state and governmental structures. Law and legal principles that protect citizens are the boundary that clearly shows within what limits one should behave, and which boundary should not be exceeded in any way (Avdeev & Shevelev, 2019). Therefore, it is no coincidence that researchers consider law and legal principles as a boundary, as they are aimed, among other things, at preventing abuse. For example, in the context of abuse of law in civil and commercial proceedings, Hurtova (2024) notes that abuse of procedural rights means that one of the parties to the dispute, which formally owns certain rights, unlawfully exercises them, violating the measure and type of behavior determined by the procedural law, taking advantage of the fact that these rights cannot be objectively clearly defined through direct prohibitions.

Historically, after the Second World War, humanity significantly changed its views on human rights and freedoms, as evidenced by the gradual adoption of several international documents that are now universally recognized and on which the constitutions and laws of democratic, rule-of-law states are based. It is therefore no coincidence that these issues are also important at the level of international organizations, as the tragic events that took place during the world wars have significantly changed the world's view of peace and security. Views on human life, health, dignity, honor, security, etc. have also undergone a significant reassessment. It is not for nothing that later international documents proclaimed that all people are born equal and free. Historically, after the Second World War, the international community began to pay more and more attention to the protection of human rights and freedoms, as evidenced by the adoption of a number of fundamental international documents.

Today, the protection of human rights and freedoms is becoming a priority not only for a single democratic state, but also for the entire world. A number of declarations and conventions demonstrate the unity of the international community in developing a legal system to ensure human rights and freedoms. To date, democratic states have ratified most of these documents, thereby committing themselves to bring their national legislation in line with European legal standards in the field of human rights and freedoms (Komziuk et al., 2024).

According to United Nations policy papers, fundamental human rights principles must remain in force in the event of an emergency, and the responsibility for ensuring that this is respected lies primarily with lawyers. Public opinion may demand harsh measures and retaliation in response to a serious crisis, and governments may well meet these demands by taking decisive and far-reaching security measures. However, peace and security are best served by the balanced administration of justice, even in difficult times (United Nations, 2003). Equality of human and civil rights and freedoms and the prohibition of discrimination have become one of the main fundamental, universal principles of human rights. The concept of legal equality includes the principle of equality of everyone before the law and the courts, equality of men and women, the same scope of constitutional rights, freedoms, and obligations for all, and the prohibition of discrimination on certain grounds. However, in the context of the ongoing aggression of the Russian Federation, the state is facing new security challenges, socio-economic and energy problems that have not yet been covered in the scientific works of domestic and foreign researchers, which necessitate a rethinking of the process of state governance in the direction of respect for human rights and freedoms.

The Convention for the Protection of Human Rights and Fundamental Freedoms (1950) is aimed at observing and protecting human rights and freedoms, which has become a confirmation of a deep belief in those fundamental freedoms that constitute the basis of justice and peace in the world and which are best ensured, on the one hand, through effective political democracy, and on the other hand, through a common understanding and observance of human rights on which they depend. At the same time, in the context of observing and protecting human rights and freedoms, the activities of certain state institutions under martial law acquire a fundamentally new meaning.

Some foreign researchers, when considering the activities of law enforcement agencies under martial law, draw attention to the process of securitization that occurs in the context of an emergency and state of emergency. Since the essence of all discussions about security is survival in an emergency, the nature of security, therefore, requires exclusivity. The definition of the reference object of an existential threat to

security occurs simultaneously with the use of an emergency measure. In most cases, if not always, the use of an emergency measure is equated with the use of instruments of state coercion. Thus, emergency refers to a threatening situation, and exceptionality refers to the use of an emergency measure (Kurniawan, 2018).

In the context of understanding the process of securitization in domestic realities, we should agree with the position of Borovyk (2024) that

a characteristic feature of the modern armed struggle against the Russian aggressor has been the expansion of the boundaries of sabotage and terrorist actions, especially given that the front line has stretched for more than a thousand kilometers, and positional battles have been going on in some areas for more than a month. In turn, the concentration of the armed forces of the Republic of Belarus, their full-scale live-fire exercises near the state border in the north of Ukraine, and the creation of training bases for fighters of illegal military formations (PMC Wagner) prompt the Ukrainian command to deploy additional forces to deter the aggressor country and strengthen intelligence. Under the martial law regime, additional police powers have been significantly expanded. In the event of a threat to the state sovereignty of Ukraine and its territorial integrity, as well as in the course of repelling armed aggression, the National Police units participate in the defense of Ukraine, fulfillment of territorial defense tasks, and provision and implementation of measures provided for by the legal regime of martial law. (pp. 152-153)

It should be noted that the securitization process has a significant impact on the observance and protection of human rights and freedoms. It is important to note that this process is not all-encompassing and has clearly defined limits at the legislative level, as set out in the Constitution of Ukraine (1996), Law of Ukraine «On legal regime of martial law», and departmental regulations. Thus, according to Article 16 of the Law of Ukraine No. 389-VIII (May 12, 2015)

by the decision of the National Security and Defense Council of Ukraine, enacted in accordance with the established procedure by a decree of the President of Ukraine, military formations formed in accordance with the laws of Ukraine are involved together with law enforcement agencies in solving tasks related to the introduction and implementation of martial law measures, in accordance with their purpose and specifics of activity.

It is worth noting that the restrictions on rights and freedoms imposed at the state level are inherently aimed at protecting the population from terrorist acts by the aggressor state. As noted by some foreign scholars interested in the situation in Ukraine, Russia's recent shift in strategy to a war of attrition has ominous implications for the survival of the civilian population, the future of Ukraine as a state, and the restraint that North Atlantic Treaty Organization (NATO) countries must practice preventing the threat of nuclear escalation. This conflict, initiated by an unprovoked Russian invasion, has caused death and massive suffering among Ukrainian civilians and soldiers. Explosions and fires have polluted the air with toxic gases and particulate matter, and have threatened the integrity of the nuclear power industry. Russian military activities in the Black Sea are reportedly causing significant pollution and disruption to marine life.

The deployment of anti-personnel mines and cluster bombs, as well as the presence of unexploded ordnance, pose both short- and long-term health and safety risks. The war has led to many documented violations of human rights and international humanitarian law. Russian forces have shelled medical facilities, schools, and civilian neighborhoods. Russia has caused widespread damage to cities, towns, farmland, forests, and water sources (Levy & Leaning, 2022). With this in mind, it should be noted that the restriction of human rights and freedoms under martial law is not an end in itself, but rather an expression of the state's commitment to national security as a common good that balances the interests of the state and the needs of society in the face of ongoing aggression. After all, the main task of a modern democratic, legal and social state is to protect human and civil rights and freedoms, as well as national security from external and internal threats.

In addition, the issue of Ukraine's national security is particularly acute in the context of globalization. The state of security of any cell of society makes it possible to fully realize human rights and freedoms, as the national security sphere is an important link in the system of interaction between the state and society. Effective prevention of all types of modern threats, including the aggregate threat to national sovereignty and territorial integrity from the outside, is possible in countries with high standards of living and an adequate level of protection of citizens' rights and freedoms (Komziuk et al., 2024). At the same time, in the context of restrictions on human rights and freedoms under martial law, it should be noted that human rights and freedoms are the highest value, but their characteristic feature as a fundamentally important feature of a progressive society is historical instability, variability, and subordination to socio-economic processes in the state, which contradicts the established principles of humanism, but remains typical in times of war (Kantor et al., 2024).

The legal status and restrictions on the rights and freedoms of citizens and the rights and legitimate interests of legal entities under martial law are determined in accordance with the Constitution of Ukraine (1996) and Law of Ukraine No. 389-VIII (May 12, 2015) "On legal regime of martial law". Under martial law, human and civil rights and freedoms provided for in Part 2 of Article 64 of the Constitution of Ukraine (1996) cannot be restricted. In particular, the rights and freedoms envisaged in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63 of the Constitution shall not be restricted. According to S. M. Bortnyk (2021):

the mechanism and procedure for restricting rights are based on the provisions of the Universal Declaration of Human Rights and are specified by the case law of the European Court of Human Rights. In legal theory, this mechanism is called the triangle of legality of human rights restrictions. It is also recognized as the basis on which the activities of the European Court and national courts are based and the legitimate restriction of human rights is carried out. It is noteworthy that this mechanism has three mandatory components, namely: 1) the legality of the restriction, i.e., the existence of a basis for such restriction in the national legislation of the state; 2) the legitimate aim - protection, ensuring and realization of the rights and interests of other persons, society, national security and other aims, which are mostly also provided for by law; 3) the necessity in a democratic society, i.e., the impossibility of resolving the situation in another way without such restrictions, as well as achieving proportionality between the restriction of the right of one person and the protection of the rights of others. (p. 36)

At the same time, Komzyuk and Lipiy (2020) believe that

ensuring the rights and freedoms of citizens should be understood as the recognition and regulation of these rights and freedoms with due completeness, providing a real opportunity to use them, facilitating their realization (positive guarantee), protection and defense against violations, restoration in case of their occurrence and the state's responsibility for them. (pp. 151-152)

It is worth noting that even before the introduction of martial law in Ukraine, experience had already been formed of forced restrictions on human rights and

freedoms to implement quarantine measures aimed at preventing the spread of the COVID-19 coronavirus infection. The rapid spread of the acute respiratory disease COVID-19, caused by the SARS-CoV-2 coronavirus, in the modern world has caused a major health problem.

Governments, looking for ways to stop its spread and reduce morbidity and mortality among the population, resorted to measures to limit contacts between citizens: bans or restrictions on mass events (cultural, educational, sports, social), establishing rules on maintaining distance (1.5-2 meters) during individual contacts between citizens, establishing restrictions on the number of people visiting public catering and trade establishments, service establishments, etc., public transport, establishing mandatory vaccination of citizens – representatives of certain professions, mandatory wearing of protective equipment, and others. From the perspective of legal theory, these measures, on the one hand, are aimed at ensuring the right of citizens to health, and on the other hand, they lead to a significant restriction of other constitutional rights of citizens (Pevko et al., 2022). At the same time, under martial law, such restrictions are caused by the primary focus on ensuring the right of the population to a safe environment for life and health. In such circumstances, it is more important than ever to develop a permanent, comprehensive, multi-level humanitarian program of work with the population based on social and philosophical research. The state should build a “network” of permanent special state institutions, as this will improve the quality of public administration, pave the way for tolerance and successful compromises aimed at forming a conscious (rational) civic position (Stezhko et al., 2021).

In the course of building such a network of special institutions, a key place should be given to the development of modern legal education, which provides a scientific and theoretical basis for the observance and protection of human rights and freedoms. In this context, the opinion of Serbenyuk (2024), who states that “legal education is an integral part of the education system, which is a branch of higher education and the only specialized higher education that provides an opportunity to be a representative of the branches of government. The importance of quality legal education lies not only in the fact that it is the foundation for training legal professionals and contributes to the development of the rule of law, but also constitutes a prerequisite for public health” (p. 21). The scientist is convinced that while high-quality medical education contributes to improving the level of biological health of people, legal education contributes to healthy social relations in all spheres of public life, which is an indisputable component of the rule of law, and helps to improve the image of the state in the international arena both in the field of human rights protection and in

the exchange of experience with other participants in international legal relations in solving current legal problems.

Today, digital technologies play an important role in protecting human rights and freedoms under martial law. Their introduction allows us to more effectively address the humanitarian consequences of war and provide the necessary support to vulnerable populations. Modern technologies can become a key tool for social services in difficult conditions. The period of martial law always entails complex challenges for society, including social ones. Children and youth, including those with disabilities, require special attention (Katerynych, Martyniuk & Kharkivska, 2024). In the context of understanding the impact of information technology on both law-abiding and criminal behavior that leads to violations of the rights of others and the interests of the state, Zhadan, Mordvyntsev and Pashniev (2024) emphasize that

the introduction of intelligent video surveillance systems helps to reduce crime, so there is a need for further improvement, development and wider implementation of these systems. Tracking people's behavior, detecting weapons, controlling traffic — all this and much more can be done by intelligent video surveillance systems with the development of appropriate new algorithms. It is equally important to optimize the operation of such systems with the possibility of using video data processing devices with lower requirements for the computing power of computer systems. (p. 79)

It is worth emphasizing that “in 2019, digitalization became one of the priorities of the Ukrainian government. Volodymyr Zelenskyy, the President of Ukraine, first presented the idea of the State in a smartphone, convenient and transparent online public services at IForum, the country's largest IT event. To realize this ambitious idea, the Ministry of Digital Transformation was created, headed by Mykhailo Fedorov. The goal of the Ministry is to digitalize 100% of public services to “build the most convenient country in the world.” This was the beginning of the journey to create a digital state with people at its center. In just two years, DIIA has become a large ecosystem of digital public services, including: The DIIA mobile application, which displays personal documents, fines, and conducts public opinion polls; the DIIA portal, where you can get more than 100 public services online: fast, convenient, and human. Services in DIIA are automated as much as possible through interaction with state registers that already contain certain data about a person” (Kitsoft, 2024). On July 6, 2023, the presentation “Digital Transformation of the Construction Sector. Three Years of the Unified State

Electronic System in the Construction Sector”, where the partners summarized the results. The first basic step towards digitalization was the launch of a new secure register, the Unified State Electronic System in the Construction Sector. It was developed by SoftPro. Unlike the previous one, the new registry is reliable and makes it impossible to enter, change or delete data in an uncontrolled manner. All actions and documents are signed by the responsible person using an electronic digital signature and can be tracked (Kitsoft, 2023).

Ensuring the right to access information is especially important in conditions of martial law. In this context, the position of some domestic scientists on the need for a well-planned campaign, which includes not only careful preparation of information, but also the selection of the most effective channels of distribution and establishment of feedback to objectively assess their results, is relevant (Yurtayeva, Hladkova & Shcherbakova, 2018). In the context of ongoing aggression by the Russian Federation, an important task facing the state necessary for exercising the right to access information—is to counter hostile information and psychological operations aimed at distorting facts about key public events, to prevent the formation of negative attitudes toward processes that are significant from the perspective of national security, such as mobilization, population participation in national resistance, and national-patriotic education. At the same time, the process of countering hostile information and psychological operations must be carried out within limits defined at the legislative level and implemented by an exclusive group of entities responsible for its execution. In this regard, it should also be noted that the state is responsible for timely informing the population about changes in legislation during martial law. This is exemplified by the case of the “violation of the curfew” introduced during the legal regime of martial law. The motive for committing this offense is the lack of sufficient information in the media about strict liability (in terms of restrictions on the rights and freedoms of an individual) that would deter individuals from such actions (Pevko, 2024).

CONCLUSIONS

Summarizing the above, it can be concluded that under martial law, there is a comprehensive rethinking of the observance and protection of human rights and freedoms. The legal regime has affected the activities of state institutions, media, civil society institutions, enterprises, and other organizations. The coordinated functioning of these entities depend on the creation of an informational, organizational, managerial, ideological, and technological basis for ensuring human rights and freedoms. The adaptation of the national legal system to the challenges of quarantine restrictions

has affected the flexibility of public administration since the early days of the full-scale armed invasion. Higher legal education also plays an important role in the observance and protection of human rights and freedoms under martial law, ensuring a high professional level among domestic lawyers entrusted with the difficult task of working in the legal field during a period of constant regulatory, legal, organizational, and managerial transformations.

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