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Administrative legal relations on countering bullying in Ukraine and worldwide

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■ **Abstract.** Given the rapid spread of bullying and the emergence of new forms of its manifestations, it becomes necessary to investigate the dynamics of the development and establishment of administrative legal relations to counteract it. The purpose of the study was to compare administrative legal relations on countering bullying in different countries. To achieve this goal, considering the contemporary human-centred legal understanding, such methods as historical, comparative legal, modelling, and dogmatic were used. The study was devoted to a comparative legal analysis of administrative and legal mechanisms for countering bullying in the children's environment, in particular, in the context of the experience of European states. It was emphasised that no European legal system has developed a universally effective toolkit for responding to bullying, but in a number of countries, in particular in Germany, a high level of institutional autonomy of educational institutions has been formed, which have broad administrative powers to introduce internal preventive and procedural practices. In such models, society is actually integrated into the system of administrative supervision and is an active subject of countering any manifestations of violence, which demonstrates significant effectiveness in ensuring a safe educational environment. Based on an interdisciplinary approach that combines administrative and legal analysis, elements of the sociology of deviant behaviour and comparative research, the hypothesis of the need to modernise Ukrainian legislation in the field of countering bullying, in particular, by introducing amendments to the Code of Administrative Offences of Ukraine, was substantiated. The practical significance of the study lies in the possibility of using its results by government agencies at various levels to improve the effectiveness of interaction and improve administrative procedures for responding to bullying cases

■ **Keywords**: bullying; administrative supervision system; legal relations; child rights; bullying prevention

■ Introduction

Protection of children's rights and safety among minors is an integral part of the rule of law and its national security. In the age of globalisation and the development of high technologies, children are increasingly exposed to violent influences both in everyday reality and on the Internet. Contemporary society has experienced new challenges that require the creation of a mechanism to counteract such negative phenomena in the children's environment as bullying and cyber bullying. This requires revision and

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improvement of the administrative and legal mechanism for countering such negative phenomena. It is important to introduce innovations considering the norms of international standards and the experience of individual countries.

Generalisation of scientific research and the legal framework of recent years shows that the problems of effective counteraction to various types of bullying are particularly relevant at the present time. The fundamental basis for the adaptation and improvement of administrative legal relations in Ukraine to the norms of international standards and legislation of European states are laid in the "National Programme for the Adaptation of Ukrainian Legislation to the Legislation of the European Union"[1], which defines the strategy for forming the organisational and legal mechanism of the state, considering the standards of the European Community. The outlined national policy testifies to the impact of globalisation on the administrative law of Ukraine. A comprehensive study of the impact of globalisation on the development of administrative law in Ukraine was carried out by D. Bezzubov *et al.* (2024). The researchers noted that globalisation has a direct impact on the legislation of individual countries. In particular, the accession of states, including Ukraine, to social, economic, and political international programmes is proportionally reflected in their domestic legislation, accordingly, this also applies to the administrative law of Ukraine.

Some problems of globalisation in administrative law were considered tangentially by L. Sai *et al.* (2023), who determined that the versatility of globalisation processes has an impact on the improvement of administrative law in Ukraine. The processes of globalisation extend to social institutions and contribute to the unification of cultural values, the spread of information technologies, and the increase in the activity of society, including the exchange of knowledge and educational programmes and the prevention of various types of bullying. The processes of globalisation can influence the dissemination of cultural achievements, and legal ideas, which is a favourable environment for the development of administrative legal relations. In addition, the homogenisation of cultures depends on globalisation, which is the engine of the development of information flows between states and people. It includes a quick exchange of information via the Internet.

The protection of children's rights, including from various types of bullying, depends proportionally on the specifics of the country's legal system and the cultural characteristics of its society. Therefore, it is worth agreeing that only research at the global and national levels can objectively reflect the specifics of administrative legal relations. The researchers considered their harmonious combination aimed at objective cognition (Collins & Wright, 2022). One of these studies is the theorisation of the rights of the child, which is based on the basic principles and a detailed analysis of the implementation of the provisions of the European Convention on the Rights of the Child[2] in those countries of the world that have joined it. E. Marrus & P. Laufer-Ukeles (2022) outlined the specifics of the development of administrative legal relations in countries that have acceded to the convention, and those countries that have not acceded.

Globalisation processes affect the transformation of the subject of administrative law and administrative and legal relations. The specifics of their changes do not affect the structure of administrative legal relations, but only complement the range of their features (Dnipro, 2021). In addition to the globalising understanding of administrative legal relations on countering bullying, it is advisable to consider the views of researchers from individual countries of the world. First of all, it is worth mentioning O. Maksymenko (2024), who considered administrative legal relations as a complex legal phenomenon and made a deep legal analysis of the powers of subjects of administrative legal relations to counteract bullying in the children's environment, analysing the experience of Ukraine and individual countries of the world.

In addition, A.O. Korniychenko (2020) comprehensively analysed the functioning of the administrative and legal mechanism for preventing bullying in the Republic of Korea and highlighted the specifics of the establishment of administrative legal relations on countering bullying, stressed the importance of introducing certain measures in Ukraine. The researchers noted that in Korea there is no legal concept of "bullying", and such actions are called "school violence".

M.V. Kolesnikova & G.S. Zinchenko (2022) studied the international experience of countering bullying by teachers in relation to students, and also considered the possibilities of improving administrative legal relations in Ukraine considering international practices. In particular, they found that the legislation of Canada, the United States, the Czech Republic, the Republic of the Philippines, Australia, and France does not establish legal liability for bullying on the part of a teacher, but provides for laws that determine the work of educational institutions and oblige students to report bullying. Important are the studies of administrative legal relations on victimisation and countering bullying between public authorities, school principals, and students in Poland, which

[1] Law of Ukraine No. 1629-IV "On the National Program for Adapting the Legislation of Ukraine to the Legislation of the European Union". (2004, March). Retrieved from https://zakon.rada.gov.ua/laws/show/1629-15#Text.
[2] European Convention on the Rights of the Child. (2006, August). Retrieved from https://zakon.rada.gov.ua/laws/show/994_135#Text.

were described by J. Kołodziejczyk (2025). The researcher paid special attention to the leadership style of the school principal, emphasising that the risk factor of bullying or protection from it depends on it, and, accordingly, the development of administrative legal relations.

A comprehensive review of bullying problems at the international level was studied by L. Hellström *et al.* (2021), who systematised bullying according to certain characteristics and identified its types. Depending on the type of bullying that is applied to a particular person, the researchers proposed to determine the specifics of legal relations. It was concluded that countering bullying is effective only if it is properly qualified and competent persons are involved. On the other hand, V. Grazia & L. Molinari (2021) conducted a systematic review of the literature on the versatility and measurement of the school climate and showed that the specifics of the establishment of administrative legal relations to counteract bullying largely depend on the characteristics of the school environment, and its teachers and management. This idea is valid, because the legal relations formed at school have a direct impact on the manifestations of bullying. For example, Ukraine provides for legal liability for heads of educational institutions who knew about bullying cases and did not respond properly. Such legal practice may be useful for other countries where the relevant responsibilities are not defined.

I. Pastukh *et al.* (2022) considered a set of measures to respond to cases of bullying in the children's environment by juvenile prevention units and juvenile justice authorities in some European countries, including Ukraine. The researchers have determined that juvenile prevention units in Ukraine and other countries have a direct impact on the establishment of administrative legal relations to counteract bullying in the children's environment. For example, in Ukraine, juvenile police officers have the authority to collect administrative materials and draw up an administrative report on bullies or their parents if such persons are minors and have not reached the age of administrative responsibility.

Therefore, most studies on countering bullying in the children's environment reflect problems at school. The specifics of the management of educational institutions and their relations with teachers, students, and public authorities are of great importance in the establishment of administrative legal relations, including in countering bullying. Consequently, the purpose of the study was to investigate administrative legal relations on countering bullying in the children's environment in Ukraine and some countries of the world.

Materials and Methods

The specifics of the development of administrative and legal relations in each country depend on its cultural and mental components. Therefore, it was important to select the right materials for the investigation of the outlined topic and determine the methodology of cognition. To achieve scientific results, a comparative approach was applied to the study of the nature of bullying and the areas of its counteraction in accordance with UN international standards. The paper analysed the provisions of UN Convention on the Rights of the Child[1], and certain provisions of the European Convention on the Rights of the Child[2]. These materials provided an opportunity to study bullying as a legal phenomenon and determine the specifics of administrative legal relations to counteract it.

This paper considered the experience of the USA, England, Spain, Germany, Poland, because in each of these countries, as in Ukraine, there is no one law on bullying, but systems of its counteraction have been created that can be useful for other states. All of the above helped to determine the uniqueness and consider the specifics of legal relations between state authorities, schools and children, their legal representatives in cases of bullying and its prevention. The source basis of the study were documents of international norms and standards, and laws and regulations of Ukraine that act as guarantors of protecting children from bullying – Code of Ukraine on Administrative Offences[3], Law of Ukraine "On the Protection of Childhood"[4].

The methodological basis of the study was made up of special legal methods that provided a comprehensive study of administrative legal relations in the field of countering bullying. The historical method was used to trace the development of regulatory approaches to countering bullying in various European countries, in particular, to establish the stages of administrative responsibility and institutional response mechanisms in educational institutions. Based on this method, the prerequisites for the emergence of contemporary models of countering bullying as a socio-legal phenomenon were determined. The comparative legal method was used as a key analysis tool. It allowed comparing Ukrainian legislation with the normative approaches of Germany and other European states, identifying conceptual similarities

[1] UN Convention on the Rights of the Child. (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.
[2] European Convention on the Rights of the Child. (2006, August). Retrieved from https://zakon.rada.gov.ua/laws/show/994_135#Text.
[3] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://ips.ligazakon.net/document/KD0005.
[4] Law of Ukraine No. 2402-III "On the Protection of Childhood". (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2402-14#Text.

and differences in the definition of subjects, response procedures, administrative powers of educational institutions, and mechanisms of interaction between authorities. It was this method that evaluated the effectiveness of various models and determined their potential for implementation in Ukraine. The modelling method was used to develop proposals for improving administrative and legal mechanisms for countering bullying in Ukraine. Based on the generalised experience, a conceptual model of optimal administrative legal relations between educational institutions, local self-government bodies, the police and other subjects was formed, and possible areas for introducing amendments to the Code of Administrative Offences of Ukraine were outlined. The dogmatic (formal legal) method was used to analyse the current Ukrainian legislation and its correlation with the norms of foreign legal systems. It was used to interpret legal categories, definitions, and procedures related to bullying, identify gaps in legal regulation, and justify the need for its modernisation.

■ Results and Discussion

One of the most complex elements in the theory of administrative law is administrative legal relations, which are part of general legal relations. In other words, administrative legal relations are those legal relations that are regulated by the norms of administrative law. Researchers view their types, system, and structure differently. In the contemporary Ukrainian science of administrative law, one of the first studies was the dissertation by O.I. Kharytonova (2004), which described the conceptual foundations for defining the concept, essence, and features of administrative legal relations and their individual types. For the first time, the paper considered several levels of administrative legal relations, in particular, it mentioned their specifics in the general theory of law, in public law, and in administrative law. The researcher proved that the key is the division of legal relations into types. The main types are their differentiation by branches of national legislation, and by functions and tasks. It emphasises the need for their division into regulatory legal relations, which with the help of regulatory legal norms regulate a certain sphere of activity of society, and protective legal relations related to state coercion, since they arise in violation of norms and determine a certain type of legal liability. In the system of administrative and legal relations on countering bullying in the children's environment, there is both a regulatory and protective type of legal relations. In Spain, the United States, and England, such a scientific approach to the development of administrative legal relations to counteract bullying has not yet been the subject of research. In the theory of Polish law, certain elements of administrative legal relations take place.

Administrative legal relations are objective in nature, which was emphasised by V.V. Galunko *et al.* (2015). Ultimately, their origin and existence is conditioned by the fact that individual legal relations arise objectively and require legal settlement, they do not depend on the position of the subjects. Administrative legal relations are a manifestation of how administrative and legal norms affect the behaviour of subjects and objects of public administration. These norms form the rules of interaction and determine the rights and obligations of participants in administrative legal relations. Such theoretical generalisations are reflected in the legislation of Ukraine, Poland, Germany, and other countries. The basis for studying any administrative legal relations, according to V. Galunko (2017), is an external assessment of an industry or sector of public life that needs to be regulated by the norms of administrative law. In Ukraine, the sphere of defined legal relations is the subject of administrative law.

The first to introduce the concept of "bullying" in science was D. Olweus (1993) based on his own scientific achievements in the study of aggressive children, "boys for beating" and "school bullies". The researcher proved that the roles of the aggressor and victim depend on the individual characteristics of the child and have nothing to do with the group phenomenon. Children's aggressiveness is generated by negative manifestations of the social environment in which they are located. The researcher proved that bullying is a phenomenon that includes: 1) aggressiveness 2) systematic/repetitive actions; 3) imbalance of forces.

In Ukraine, bullying research began much later, which is associated with the development of Internet technologies, the emergence of social networks, and the publication and spread of various cases of bullying and bullying of children. The components of the concept of "bullying" were clarified by O.G. Strelchenko *et al.* (2022). The researchers also consider the following types of violence: "physical violence", "sexual violence", "psychological violence", "child abuse"; and delineate their features in the categories "bullying (bullying)", "mobbing", "shaming", "stalking", "hazing", "cyberbullying", which are a type of violent manifestations.

Ukrainian society has witnessed terrible cases of bullying in the children's environment. In the first half of 2025, according to a Rating group survey (2025), 61% of respondents out of 1.5 thousand teenagers aged 10-18 years and their parents experienced bullying. This was the basis for rethinking the problem and ways to overcome it through the joint work of teachers, psychologists, human rights defenders, managers who influence education policy, and parents. Only comprehensive work and objectively studied problems of bullying can become the

basis for creating an effective mechanism for countering school bullying.

The position of Ukrainian legal practitioners, who point out that bullying in children's environments most often occurs at school, is well-founded. R.M. Pylypiv (2020) defines bullying as a certain activity of children that manifests itself in physical or psychological violence, and in economic or sexual violence, both in reality and with the use of electronic means of communication and causes harm to the physical or mental health of the victim. The main signs of bullying, according to A.K. Zaporozhets *et al.* (2020), include: 1) mandatory participation of bullying subjects, among which there is necessarily a victim, that is, the victim and the bully – the abuser, in some cases there are witnesses to the situation; 2) systematic action, that is, bullying is characterised not by a one-time insult, but by constant harassment and mockery of the victim; 3) an important feature is the analysis of the harm caused to the victim of bullying. The consequences are necessarily manifested in the deterioration of the physical or psychological state of the person who is being bullied.

Depending on the circumstances, the main types of bullying can be distinguished. First of all, less than a third of all is physical violence and physical bullying, which often manifests itself in the form of fights, slaps, pushing, damage to personal belongings or clothing, offensive body movements and facial expressions, tripping, and other similar cases of physical bullying. There is also an economic manifestation of bullying, which is accompanied by intentional damage to personal belongings, extortion of funds or other material goods, and even theft (Sudenko, 2021).

Special attention should be paid to the review of types of bullying. Thus, psychological bullying always takes place in physical, economic, and sexual bullying. Separately, psychological bullying is the most common in the children's environment and can often have a latent manifestation. However, it is particularly dangerous for the victim. Psychological bullying manifests itself in the form of threats, blackmail, offensive rumours, jokes, ignoring, humiliating views, and cruel manipulations. Sexual bullying as a type of bullying is most often manifested in the bully inventing nicknames of a sexual nature, distributing videos with dressing up, humiliating sexual threats, jokes, rumours, etc. In the age of distribution of digital technologies, cyberbullying – harassment and humiliation via the Internet using various gadgets – is becoming increasingly widespread. Most often, cyberbullying manifests itself in the form of harassment in social networks, video games, using a phone call, and sending offensive photos, videos, and other humiliations (Bullying: types, responsibility..., 2021).

Modern mechanisms for countering bullying function due to regulatory and protective legal relations. Fundamental international documents do not define the specifics of the mechanism for countering bullying, but in the content of their norms they condemn any actions that violate the rights of the child. For example, Article 19 of UN Convention on the Rights of the Child[1] stipulates that states that have acceded to the Convention should adopt the necessary laws and create social, administrative, and other conditions to protect children from any violence, exploitation, and abuse. Simultaneously, the European Convention on the Rights of the Child[2], determines that states that have ratified it are obliged to form an administrative and legal mechanism for the protection of children's rights, considering the best interests of the child.

One of the first Ukrainian researchers, V. Galunko (2017), emphasised the need for a balance of interests between the freedom of an individual and the observance of the rights of other people, which is the content of any legal relationship. This procedure is provided through the norms of administrative law and sources of administrative law in a complex. These ideas are reflected in the international norms and legislation of the United States and EU countries. The United States of America builds administrative and legal relations according to a liberal model, that is, there is no centralisation in the administrative and legal mechanism of the country. In the United States, a multi-stage system of countering bullying has been created, which includes a system of state influence on education and a regional system of anti-bullying policy. Each of these systems has its own bodies with a certain competence. In other words, there is no single federal law that defines ways to combat bullying in the United States. Each state, depending on its demographic, social and other factors, adopts its own anti-bullying laws. In most cases, criminal norms are applied to bullies. In some states, additional methods of educational influence in schools are applied to such persons. In particular, 44 states provide for criminal liability for bullying (including cyberbullying), and 45 states define a system of additional measures of educational influence on the bully, which are called "school sanctions". 49 states are supporters of school anti-bullying policies. Criminal liability for any type of bullying, including outside of an educational institution, is provided for in 25 states (Vedernikova, 2020).

Thus, in contrast to the mechanism of countering bullying discussed above in Ukraine, in the United States such a mechanism is more rigid, localised, and

[1] UN Convention on the Rights of the Child. (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.
[2] European Convention on the Rights of the Child. (2006, August). Retrieved from https://zakon.rada.gov.ua/laws/show/994_135#Text.

individualised. Bullying is not subject to administrative liability, as in Ukraine, but to criminal and disciplinary liability with enhanced educational measures in the form of "school sanctions". In addition, there are a significant number of public organisations that can influence the anti-bullying policy of the states, rehabilitation of victims, and socialisation and patronage of bullies. American laws have an inexhaustible list of actions that can be interpreted as bullying and cyberbullying (Vedernikova, 2020). Despite the fact that the United States has not yet ratified the UN Convention on the Rights of the Child[1], the mechanism of countering bullying is quite powerful, because it is aimed at overcoming violence in the children's environment, considering all its features.

In the United Kingdom, the key subject of the system of administrative legal relations to counteract bullying are schools and workplaces, which are responsible for creating their own policies to overcome this negative phenomenon. A significant difference from Ukraine is that in the UK, each school creates its own mechanisms for countering bullying within the framework of their legislation, while in Ukraine there are universal standards for all educational institutions. There is no single law on defining and countering bullying in England, and in the United States. However, for educational institutions and employers, there are regulations that prevent bullying at school and at work. The expansion and improvement of the anti-bullying policy in schools occurred most of all in the period from 2008 to 2022. Thus, in 2010, the Equality Act 2010[2] was adopted, which combines a number of legal norms, and consists of 218 sections. This regulation has a broad effect and defines the equality of all members of society, prohibiting any manifestations of discrimination and harassment. The problems of bullying caused by the emergence of cyberbullying prompted the government to make a decision and oblige school employees to develop ways to help students who are being bullied, and advice to their parents. Specific powers were given to school employees and parents to combat online bullying and extracurricular bullying. As of 2025, ways to improve school policy and additional powers of administrative legal entities to protect children's rights were being discussed (Kidwai & Smith, 2024). Analysing these steps, it is worth noting progressive actions to protect children from bullying. Constant research by scientists becomes the basis for improving legislation in England to prevent bullying. In Ukraine, the policy of countering bullying was formed in parallel, but unlike in England, only in 2018 the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Combating Bullying" was adopted[3], which defined the concept and signs of bullying in an educational institution and established administrative responsibility for bullying (harassment) of a participant in the educational process.

Although Spain is the country with the lowest rate of bullying among minors from the countries considered in this study, it is worth noting that most often those children who are migrants and have cross-cultural characteristics are harassed by students and teachers. Therefore, according to statistics, boys and immigrants in the first generation are significantly more likely to be bullied. This situation creates the need to improve the existing system of countering bullying with the elimination of gender and ethnic biases in anti-bullying programmes (Sáenz-Hernández *et al.*, 2024). The existence of this problem has led to the creation of additional state institutions to control and prevent relevant processes. Although Spain, like the United States and England, does not have a separate law defining bullying, there is a comprehensive programme that contains social programmes, legal norms, and a system of educational measures implemented to prevent bullying. For various types of bullying, Spanish legislation provides for fines, and in some cases – criminal penalties[4]. Compared to the legislation of Ukraine, Spain provides for stricter legal liability for bullying. In Ukraine, Article 173-4 Code of Ukraine on Administrative Offences[5] establishes administrative responsibility for bullying.

As in most other EU member states, Germany has a state mechanism for countering bullying. For minor manifestations of bullying in the country, preventive measures are provided with a bully, and for more serious actions of the bullying process, liability is provided as for criminal offences. Therefore, it should be noted that administrative legal relations take place in the settlement of both the simplest manifestations of bullying and the most complex ones[6]. The legal qualification of bullying is determined only after the bullying satisfies the actual conditions of another legal regulation in the relevant legal context (Schirra, 2024). In Germany, as in the United States,

[1] UN Convention on the Rights of the Child. (1989, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_021#Text.
[2] Equality Act 2010 of United Kongdom of Great Britain and Norhten Irlend. (2010, April). Retrieved from https://www.legislation.gov.uk/ukpga/2010/15/contents.
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[5] Code of Ukraine on Administrative Offenses. (1996, October). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.
[6] Criminal Code of the Federal Republic of Germany. (2021, November). Retrieved from https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html.

England, and Spain, there is no single law on bullying, but there are regulations concerning the prevention of bullying in educational institutions. The laws that provide for legal liability and procedures in cases of bullying are the Act on Civil Protection against Acts of Violence and Harassment (GewSchG)[1] and the Criminal Code[2]. Every German citizen takes part in the prevention of bullying, because their social duty is to notify the competent authorities if the citizen has witnessed bullying.

In Poland, as in other countries, there is no single regulation that defines the concept and mechanism of countering bullying. Bullying is subject to administrative liability in the form of a fine, and criminal liability for committing violence and humiliating human dignity. In Criminal Code of Poland[3], the term "bullying" is not used, but the rule can be applied in cases of violence during bullying, such as insults, slander, threats, or other similar crimes. As in other countries, the Education Law of Poland[4] contains certain provisions prohibiting any manifestations of violence and discrimination in educational institutions. The law obliges educational institutions to develop measures to prevent and respond to bullying.

With the emergence of new types of bullying in the modern space, poles are studying and developing ways to counter virtual violence (cyberbullying). This phenomenon is the result of extreme technological advances and easier Internet access, especially for children and young people. A. Podolski *et al.* (2022) argued that cyberbullying is the harassment, intimidation, or terrorisation of a weaker person. Cyberbullying is a very common form of violence around the world. Both abusers and victims of cyberbullying are most often children and teenagers who attend school (they are the most active groups in the virtual space). Its consequences are very broad and go beyond the deterioration of mental health (increasing aggressiveness and spreading cruelty in various aspects, and rudeness, defiant behaviour, intolerance, etc.), as they affect somatic health. Considering the contemporary system of countering bullying in the world, in Poland, research is constantly being conducted on the development of new methods of preventing various types of bullying.

The researchers state that bullying has long-term consequences for mental and physical health, and for future relationships. The experience of bullying at school age affects social behaviour in adulthood, which is why administrative legal relations to counteract bullying are built in such a way that psychologists work with both the victim and the bully at each stage of interaction (Popyk *et al.*, 2024). In general, the basis for the establishment of administrative and legal relations in Poland is the principles of democracy and the rule of law. As stated by A. Dahlström *et al.* (2025), victimisation of bullying and sexual harassment is closely linked to depression in Swedish adolescents and their severe emotional state. The legal nature of bullying is mainly social and economic in nature, which is why, according to some researchers, suicides are possible as a result of bullying in adolescence. Despite the fact that the study of the nature of such cases on gender, racial, social, religious, and other grounds, only in theory is there a distinction between the differences and common features of victims of bullying and the abuser. The law only prohibits any manifestation of violence. Other scientists agree with such conclusions regarding the classification by T.C. Cheng & C.C. Lo (2024). In their research, they also identified the association of bullying with social disorganisation, social structural factors, social relationships, mental health, and access to health insurance and care.

In Ukraine, countering bullying is consolidated at the legislative level, and the state and legal mechanism for countering it is defined. In particular, in the Law of Ukraine "On the Protection of Childhood"[5] contains a legal definition of the concept of "bullying". In addition, in Ukraine, administrative responsibility for bullying is provided for in the Code of Ukraine on Administrative Offences[6]. Comparing the legislation of Ukraine with the legislation of other European countries, it is worth noting that Ukraine also has a mechanism for preventing and responding to bullying. There is no separate law on bullying, but the concept itself has a clearly defined meaning and is consolidated in the regulation.

The spread of bullying in the children's environment, most often in schools, has led to the need to regulate the processes of overcoming it. Thus, in Ukraine, On December 28, 2019, the Ministry of Education and Science issued an Order of the Ministry of Science anf Education No. 1646[7]. This document

[1] Act on Civil Protection Against Acts of Violence and Harassment of the Federal Republic of Germany. (2001, December). Retrieved from https://www.gesetze-im-internet.de/gewschg/BJNR351310001.html.
[2] Criminal Code of the Republic Poland. (1997, June). Retrieved from https://www.gesetze-im-internet.de/stgb/.
[3] Criminal Code of the Republic Poland. (1997, June). Retrieved from https://www.gesetze-im-internet.de/stgb/.
[4] Education Law of Poland. (2016, December). Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000059/U/D20170059Lj.pdf.
[5] Law of Ukraine No. 2402-III "On the Protection of Childhood". (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2402-14#Text.
[6] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://ips.ligazakon.net/document/KD0005.
[7] Order of the Ministry of Science and Education No. 1646. (2019, December). Retrieved from https://zakon.rada.gov.ua/laws/show/z0111-20#Text.

defined the range of subjects in educational institutions whose responsibility is to identify and prevent bullying, and work with the victim and the bully. In particular, the work of the educational ombudsman service is important, as it shapes the policy of respecting the rights of all participants in the educational process at educational institutions. Equally important is the work of the child welfare service, which carries out social work with children in need of attention. It conducts systematic activities with persons who are prone to delinquency and bullying. The activities of social service centres for families, children, and youth are also aimed at comprehensive work with children and their parents, to identify and eliminate socially harmful effects on children. Especially important is the comprehensive work of the above-mentioned services with local self-government bodies, heads of educational institutions, teachers and, in some cases, officers of the National Police of Ukraine.

The powers of entities that are able to counteract bullying are clearly defined by law. However, certain elements of the organisational and legal mechanism for countering bullying need to be improved. In particular, employees of educational institutions who most often come into contact with children, in case of detection of signs of one of the types of bullying (harassment), must immediately respond. Depending on the current situation, it is necessary to organise measures to prevent dangerous exposure. In more complex cases – organise the provision of pre-medical or emergency medical care, and contact (if necessary) the territorial bodies (divisions) of the National Police of Ukraine. It is mandatory to notify the head of the educational institution and at least one of the parents or other legal representatives of a minor who has become a party to bullying as soon as possible. It would be appropriate to supplement Part 5 of Article 173-4 Code of Ukraine on Administrative Offences[1] and state it in the following wording: "Failure by any of the employees of the educational institution to notify the authorised divisions of the National Police of Ukraine about cases of bullying (harassment) of a participant in the educational process – entails the imposition of a fine from fifty to one hundred non-taxable minimum incomes of citizens or correctional labour for up to one month with a deduction of up to twenty percent of earnings". The establishment of administrative responsibility not only for the head of an educational institution, but also for all employees who come into contact with children, can be the key to overcoming cases of bullying in educational institutions.

Having analysed the above-presented regulatory documents and scientific research, it is worth noting that administrative science in Ukraine is developing more dynamically than in most European countries. The nature and size of legal liability is an indicator of the low tolerance of the society of each civilised state to bullying. Outlined legal certainty ensures fair application of laws and guarantees predictability, stability, logic, and clarity of legal norms. However, there are also shortcomings in the contradiction to this principle of legal certainty. In particular, the fact that most European countries do not have norms that specifically recognise the concept of bullying and punishment for its commission. Depending on the signs of bullying, a person may be convicted according to the norms that fall under such signs. In Poland, for example, defamation is punishable under Article 216, and threats under Article 190 of the Criminal Code of the Republic of Poland[2], with penalties ranging from restriction of liberty to imprisonment. Therefore, it can be argued that the experience of Poland, in particular, Article 68 of the Law "On Education"[3] would be appropriate to supplement into the Law of Ukraine "On Education" in Article 26[4], adding Part 3 to Paragraph 9.

The spread of bullying in both countries requires a review of the legal mechanisms to counteract it, the identified shortcomings, which consist in the absence of clearly defined norms and adequate punishment, are not consistent with contemporary socio-political, economic, social realities, scientific progress, and are outdated. The penalties provided for acts that have signs of bullying in the countries under study are not commensurate with the harm caused to the victim. It is important when assigning a measure of responsibility to consider the nature of legal relations that have developed between the parties, and the implementation of public-power management functions in those legal relations on which the dispute arose and the subject of power. Based on the above-mentioned developments, it can be argued that contemporary mechanisms for countering bullying function due to the regulatory and protective legal relations that exist in Ukraine and the world.

From the experience of many countries around the world, it becomes obvious that effective prevention of bullying in schools requires a well-coordinated organisation of both intra-system and interdepartmental interaction, which is based on a clear

[1] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://ips.ligazakon.net/document/KD0005.
[2] Criminal Code of the Republic of Poland. (1997, June). Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19970880553/O/D19970553.pdf.
[3] Education Law of Poland. (2016, December). Retrieved from https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20170000059/U/D20170059Lj.pdf.
[4] Law of Ukraine 2145-VIII "On Education". (2017, September). Retrieved from https://zakon.rada.gov.ua/laws/show/2145-19#Text.

legislative regulation. That is why countering bullying in Ukraine should be specified in more detail in legislation. The perpetrator must always be held accountable. In cases of causing significant harm to the victim – the offender must be removed from the educational institution so that the necessary disciplinary measures can be taken, and sometimes criminal proceedings may be initiated. Administrative legal relations between the heads of educational institutions and other subjects of preventing and countering bullying should also be clearly defined by internal administrative and legal norms.

Conclusions

The paper examined administrative legal relations that arise in the process of countering bullying in the children's environment, and analysed the foreign experience of their organisation, in particular, on the example of Germany. Despite certain limitations associated with the lack of publicly available complete statistics on the effectiveness of bullying response mechanisms in European countries, the goal of the study was achieved. In the course of research, it was revealed that bullying is a multi-factor phenomenon, the counteraction of which requires comprehensive regulatory and institutional support. The analysis of the legislation showed that no European state has formed an absolutely effective response model, but a number of countries, in particular Germany, have built an effective system of administrative powers of educational institutions aimed at preventing harassment. The results of the study showed that broad autonomy of schools, their ability to independently organise internal procedures, and public participation in detecting cases of violence play a key role in the German system of countering bullying. Such trends suggest that the effectiveness of response mechanisms directly depends on the integration of the public and educational institutions into the common preventive space.

The results obtained allow stating that the analysis of administrative and legal norms of Ukraine indicates that there are gaps in the legal regulation associated with insufficiently detailed procedural mechanisms, unclear status of anti-bullying subjects, and limited opportunities of educational institutions in the field of internal administration of such cases. The results of the analysis were to identify key differences between the Ukrainian and German models, which helped to identify potential areas for their convergence. Such data indicate the importance of forming greater institutional autonomy of educational institutions and clearer administrative interaction between them, local self-government bodies, and law enforcement agencies.

Summarising the results obtained, it can be noted that the study deepens the understanding of the nature of administrative legal relations in the field of countering bullying and demonstrates the importance of comparative legal analysis to identify effective elements of foreign experience. Conceptually, this suggests that the improvement of the national model of countering bullying should be based on a combination of normative certainty, institutional capacity, and public participation. A promising area of further research is the study of the effectiveness of local policies and regulations of educational institutions, comparison of internal response procedures in different regions of Ukraine, and analysis of the impact of socio-psychological factors on administrative mechanisms to counteract bullying.

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Conflict of Interest

None.

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Адміністративні правовідносини щодо протидії булінгу в Україні та світі

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■ **Анотація.** З огляду на стрімке поширення булінгу й появу нових форм його виявів, постає необхідність вивчення динаміки становлення та формування адміністративних правовідносин щодо його протидії. Метою дослідження було порівняння адміністративних правовідносин щодо протидії булінгу в різних країнах. Для досягнення окресленої мети, зважаючи на сучасне людиноцентричне праворозуміння, використано такі методи, як історичний, порівняльно-правовий, моделювання, догматичний. Дослідження присвячено порівняльно-правовому аналізу адміністративно-правових механізмів протидії булінгу в дитячому середовищі, зокрема в контексті досвіду європейських держав. Акцентовано, що жодна правова система Європи не розробила універсально ефективний інструментарій реагування на булінг, однак у низці країн, зокрема в Німеччині, сформовано високий рівень інституційної автономії закладів освіти, які мають широкі адміністративні повноваження щодо запровадження внутрішніх превентивних і процедурних практик. У таких моделях суспільство фактично інтегроване в систему адміністративного нагляду та є активним суб'єктом протидії будь-яким виявам насильства, що демонструє значну ефективність у забезпеченні безпечного освітнього середовища. На основі міждисциплінарного підходу, що поєднує адміністративно-правовий аналіз, елементи соціології девіантної поведінки та компаративні дослідження, обґрунтовано гіпотезу про необхідність модернізації українського законодавства у сфері протидії булінгу, зокрема шляхом внесення змін до Кодексу України про адміністративні правопорушення. Практична цінність дослідження полягає в можливості використання його результатів державними органами різних рівнів для підвищення ефективності взаємодії й удосконалення адміністративних процедур реагування на випадки булінгу

■ **Ключові слова:** цькування; система адміністративного нагляду; правовідносини; права дитини; запобігання булінгу

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Problems of reception of the concept of "soft skills" in contemporary scientific discourse on professional training of police officers

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■ **Abstract.** The relevance of the study was determined by the need for a scientifically verified theoretical and review analysis of the fragmented discourse on soft skills in the context of global transformations of police professionalism standards and the lack of agreed theoretical approaches in contemporary science. The article analysed the concept of soft skills, the stages of its development and contemporary approaches to its interpretation in the context of law enforcement, personnel management and career growth. The study was based on a theoretical and review approach and involved a systematic analysis, comparison and critical reflection on scientific publications devoted to the formation of soft skills as a component of the professionalism of future police officers. The results of the review analysis showed that in contemporary scientific discourse, soft skills are considered an integral part of the professional competence of law enforcement officers. Researchers emphasise key "soft" competencies, including communication skills, emotional intelligence, critical thinking, stress resistance, teamwork and interpersonal interaction. An analysis of scientific sources has revealed significant progress in the development of practice-oriented methods for developing soft skills, in particular through training, role-playing games, and modular educational programmes. At the same time, the review revealed some problematic aspects, in particular the insufficient systematic integration of soft skills into police training programmes, the limited number of long-term studies, and the lack of standardised assessment methods. The results obtained give reason to assert that the scientific discourse on soft skills is actively developing but requires a more systematic, conceptually consistent and empirically proven approach. The study has practical significance as a scientifically sound basis for the systematic development of soft skills in the professional training of future police officers

■ **Keywords:** professional training; cadets; stress resistance; communication skills; emotional intelligence; teamwork

■ Introduction

The relevance of this study was determined by the transformation of requirements for professional activities of police officers in Ukraine in the context of a prolonged security crisis, martial law, and growing public sensitivity to the legitimacy and communicative quality of law enforcement agencies' actions. The national police training system actively promotes the importance of soft skills, but there is no agreed theoretical framework, which complicates their systematic implementation in educational programmes and professional standards. At the regional and global levels, the discussion on the "soft" competencies of the police is intensifying in connection with security sector reforms, the focus on community policing, and

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the spread of international standards of procedural justice. At the same time, scientific publications demonstrate a conceptual dispersion of approaches to the definition, classification and mechanisms for the formation of soft skills, which makes it impossible to correctly compare models of professional training in different jurisdictions. For legal science, this creates the problem of replacing theoretical analysis with declarative statements about the "effectiveness" of soft skills without proper conceptual justification. That is why, as of 2025, there is an urgent need for theoretical and review research aimed at dissecting the scientific discourse on the soft skills of future police officers, clarifying its boundaries and identifying conceptual gaps that are of both practical and scientific importance.

Soft skills are seen as an integral part of police officers' professional competence, directly affecting the quality of their interactions with citizens, decision-making, and resilience to professional stress. O. Magny & N. Todak (2021) analysed interdisciplinary works in psychology, criminology and police studies and concluded that high emotional intelligence is associated with better self-control, more effective communication and the ability to de-escalate conflict situations. At the same time, the researchers emphasised that most of the works are correlative in nature, and empirical evidence of the causal impact of emotional intelligence on job performance remains limited.

A narrative review by C. Bennell *et al.* (2022) focused on the knowledge, skills and abilities (KSA) required to manage potentially conflictual police-community interactions. The authors identified communication skills, self-regulation, situational awareness and teamwork as the core soft skills that shape police professionalism. In their conclusions, they emphasised that the effectiveness of these skills depends largely on the quality of professional training and the practical orientation of training programmes.

The issue of soft skills in the context of sensitive work situations was examined by A. Millar *et al.* (2019). In their work, the authors explored the role of emotional intelligence in police responses to cases of domestic violence involving children. Summarising the available research, they concluded that soft skills contribute to more ethical and balanced behaviour by police officers, but cautioned against their mechanical absolutisation. According to the authors, without adequate institutional support and clear procedures, even a high level of individual soft skills does not guarantee effective decisions.

An evaluation of training programmes aimed at developing de-escalation skills was conducted by C. Villegas (2024). In their review, the authors focused on alternative indicators of training effectiveness, such as procedural fairness, communication style, and citizens' subjective perceptions of police actions. The conclusions indicate that the development of soft skills in future police officers can have a positive impact on professional behaviour, but the results largely depend on the duration of training and assessment methods. The issue of psychological resilience as an element of soft skills is explored in a systematic review by A.F. Moreno *et al.* (2024) on resilience development programmes in police units. The authors conclude that such programmes contribute to reducing professional burnout and increasing adaptability to stressful conditions. At the same time, it is emphasised that most studies focus on existing police officers, leaving out the stage of professional training of future personnel. In the context of professional training, the conclusions of L. Ericsson *et al.* (2025) are important, who analysed interpersonal skills in investigative interviews in a review study. The authors noted that the development of communication and empathy skills during training improves the quality of professional interaction, but the effect is only stable if soft skills are systematically integrated into training programmes.

Thus, an analysis of review studies shows that soft skills are considered in the scientific literature to be an important component of police professionalism, particularly in the areas of communication, de-escalation, emotional self-regulation, and psychological resilience. At the same time, most authors emphasise the limited nature of review and correlative data, which does not allow for unambiguous conclusions about the causal influence of soft skills. It is this circumstance that necessitates further research and the targeted integration of soft skills development into the professional training system for future police officers.

The aim of this theoretical review study was to compare scientific approaches to the formation of soft skills of future police officers by conceptually distinguishing between the definitions used, typologising key "soft" competencies, comparing models of their formation in the professional training system, and critically evaluating the theoretical assumptions on which the respective approaches are based. The study was based on a theoretical and review approach and involves a systematic analysis, comparison and critical reflection on scientific publications devoted to the formation of soft skills as a component of the professionalism of future police officers. The work uses methods of theoretical analysis, synthesis, comparison, classification, generalisation and conceptual modelling of scientific discourse. The methodological strategy was aimed at dissecting scientific discourse by analysing definitions, typologising key soft skills, comparing conceptual models of their formation in the professional training system, and identifying theoretical limitations and existing gaps in scientific literature. This approach made it possible to clearly

define the boundaries of the research problem, identify common principles and differences between existing theoretical approaches, and direct further research towards the development of a systematic model for integrating soft skills into the training of future police officers.

■ Evolution of the concept of soft skills

The term soft skills became popular in the 1980s in the United States. It is often attributed to R. Boyatzis (1982), who systematised managerial competencies, distinguishing between technical (hard) and socio-psychological (soft) skills, and believed that soft skills are key to managerial activity, in particular communication, leadership and emotional intelligence. After that, in the field of management and business schools, soft skills began to be identified as a separate category of skills necessary for career success, regardless of technical competencies. According to L.M. Spencer & S.M. Spencer (1993), these "soft" skills are critical for communication, collaboration, and successful performance of professional functions.

D. Goleman (1995) made a significant contribution to the popularisation of soft skills through the concept of emotional intelligence, emphasising the importance of self-awareness, impulse control, perseverance, motivation, empathy and social agility, which determine the success and effectiveness of interpersonal relationships. As R.E. Boyatzis *et al.* (2005) point out in their study, soft skills play an important role in building trust within a team, maintaining motivation and developing corporate culture.

According to D. Goleman *et al.* (2002), soft skills are crucial not only for ordinary employees, but also for managers, leaders, and heads of institutions and organisations. The authors have proven that 70-90% of a manager's success depends on the presence of "soft" competencies, rather than technical knowledge. Their concept of resonant leadership demonstrates that a leader, relying on emotional intelligence, creates a positive emotional atmosphere in the team, increases motivation, reduces the risk of professional burnout and increases team effectiveness. The structure of emotional intelligence encompasses self-awareness, self-regulation, social sensitivity, and interpersonal relationship management.

F. Luthans & C.M. Youssef (2007) presented the concept of Positive Organisational Behaviour, which focused on soft skills such as optimism, psychological resilience, hope, self-efficacy, and emotional regulation. As the authors point out, developing these skills increases productivity, reduces professional stress, improves loyalty to the organisation, and contributes to the psychological well-being of staff, as well as emphasising the need for the targeted development of employees' psychological resources. This approach demonstrates the integration of soft skills with health psychology and the prevention of professional burnout in organisations.

According to J.J. Heckman & T. Kautz (2012), the importance of soft skills should also be assessed from the perspective of economics, education and social policy. The authors note that non-cognitive skills are no less important than intellectual abilities and include self-discipline, perseverance, responsibility, social skills and the ability to self-control. It has been proven that the formation of soft skills in childhood and youth has a long-term economic and social effect, contributing to higher incomes and lower risks of deviant behaviour and unemployment. M.M. Robles (2012) identified 10 key soft skills in a systematic review, including communication skills, teamwork, flexibility, ethics, professional responsibility, interpersonal skills, critical thinking, conflict resolution, positive attitude, and time management, emphasising that these skills are often more important than hard skills because they determine an employee's adaptability, ability to cooperate, and leadership potential. As stated in their study by M.M. Robles & D. Smith (2013), the development of soft skills also has a practical aspect in the corporate environment, where effective methods of developing them include training, coaching, mentoring and role-playing. The authors emphasise that these tools contribute to the professional growth of employees and increase their adaptability to the demands of modern work activities.

Thus, the development of the concept of soft skills in the 1980s-2010s demonstrates a gradual transition from the separation of technical and socio-psychological competencies to a comprehensive understanding of their role in professional effectiveness and leadership. Initially, the foundation was laid for identifying soft skills as key to management activities, with an emphasis on communication, leadership, and emotional intelligence, and later their critical importance for communication and cooperation in work teams was emphasised. In the 1990s and early 2000s, the concept was expanded through the introduction of emotional intelligence, which emphasised the role of soft skills in building trust, motivation and corporate culture, and it was proven that soft skills are often more important than technical knowledge for the success of managers. At the beginning of the 21st century, soft skills were integrated with health psychology and positive organisational behaviour, highlighting optimism, resilience, hope and emotional regulation as core competencies for increasing productivity and reducing stress. It was shown that the development of soft skills has economic and social effects, emphasising the importance of self-discipline, responsibility and social skills in the long term. Finally, key soft skills were systematised and effective methods for their development were identified, with an emphasis on training, mentoring and role-playing. Thus,

during this period, soft skills have transformed from additional competencies into a systemically important component of the professional and leadership potential of employees and managers, combining psychological, social and managerial aspects.

■ Reception of the concept of soft skills in Ukraine

In the Ukrainian scientific community, interest in the issue of soft skills in police training has significantly increased in the context of martial law, social crises and the growing burden on law enforcement agencies. This necessitates the systematisation of modern scientific approaches to understanding soft skills, determining their structure, functional significance and ways of developing them in the process of professional training. In this context, it is particularly important to analyse the evolution of the concept of soft skills and the results of contemporary research into their role in the professional activities of police officers.

M.I. Skrypnyk (2013) viewed soft skills as a complex integral characteristic that includes a system of value-targeted, cognitive and activity-based dominants. In particular, professionalism is determined by a high level of general culture, professional competence, the ability to creatively modify the work process, goal setting and goal achievement, scientific reflection and the introduction of innovations in the professional sphere. Particular attention is paid to the formation of soft skills that ensure the effectiveness of interpersonal interaction, adaptability to change, and the ability to make informed decisions in conditions of stress and uncertainty.

An analysis of the formation of "soft" competencies in higher education students in various fields confirms the existence of specific meta-competencies that ensure the universality of professional training (Rashkevycha, 2016). These include the ability to work in a team; creativity; the ability to formulate and solve problems; apply knowledge in practice; self-education; effective communication in spoken and written languages; independence; ethical behaviour; processing and using information; knowledge and understanding of the professional field; conflict resolution and negotiation; and a focus on achieving quality.

At the same time, a critical analysis of the reception of the concept of soft skills in Ukraine points to certain limitations. Firstly, the emphasis on formal competencies and the normative component often prevails over the development of adaptive and interpersonal skills in educational programmes, which reduces the practical readiness of graduates for complex professional situations (Boiko-Buzyl & Shvets, 2017). According to H.H. Tsvietkova & H.I. Savluk (2021), the category of soft skills should include a set of interrelated structural and content-related skills, in particular: communication, situational awareness, flexibility, complex problem solving, critical thinking, creative abilities, people management skills, interpersonal interaction, emotional intelligence, forming one's own opinion and decision making, customer focus, negotiation skills and flexibility of thinking. V. Halchenko (2023) notes in his review that among the "soft" competencies of future educators in preschool education institutions, creativity is distinguished as the ability to generate new ideas, communication skills for establishing friendly relationships with children, parents and colleagues, the ability to work in a team and motivate others, resourcefulness as the ability to overcome contradictions and find optimal solutions in difficult situations, frustration tolerance and pedagogical optimism, i.e. belief in one's own strengths and the potential of pupils.

Thus, in Ukrainian scientific discourse, the concept of soft skills is considered an integral part of the professionalism of law enforcement officers and higher education students in general. The analysed history of research shows that soft skills integrate psychological, social, ethical and professional competencies, ensuring effective interpersonal interaction, adaptability to change, and the ability to make informed decisions in conditions of stress and uncertainty. Analysis of the scientific literature has helped to establish that most researchers identify key soft skills such as communication, creativity, critical thinking, conflict and team management, emotional intelligence and customer focus, as well as the ability to self-educate and apply knowledge in practice.

■ The development of the concept of soft skills in the context of police training in contemporary studies.

Further research has confirmed the practical importance of developing soft skills in police training. Thus, R.O. Korotkevych (2023) and O.H. Marchenko (2023) consider communication skills, conflict management, emotional self-control and decision-making, emphasising that the development of these skills increases the effectiveness of police work and promotes conflict-free interaction with citizens. An analysis of educational programmes for police officers shows that special attention should be paid to working in stressful and crisis situations, as well as interpersonal interaction while performing official duties in difficult conditions (Molchanova, 2024; Pchelina, 2025).

Yu.Yu. Boiko-Buzyl & D.V. Shvets (2017) identified several groups of competencies, including legal (knowledge of legislation and the ability to apply it), professional and ethical (compliance with moral standards and professional ethics), psychological (emotional stability, self-regulation, working with people in stressful situations), communicative (effective communication, persuasion, establishing mutual

understanding), social (tolerance, empathy, understanding of social processes), information and digital (mastery of modern technologies and digital security), moral and volitional (responsibility, discipline, determination), leadership (team organisation, acceptance of responsibility), as well as civic and patriotic competence. This comprehensive vision allows to view soft skills not as an additional category, but as a systemic component of professionalism that integrates psychological, social and ethical aspects of activity.

In practical terms, training, role-playing games and interactive tasks that promote the development of emotional intelligence, communication skills and teamwork are important for the formation of soft skills (Tiurina *et al.*, 2024). The professionally important qualities of future police officers cover a wide range of characteristics: general and in-depth professional knowledge, developed intelligence, creative thinking, analytical and prognostic abilities, effective memory and attention, imagination and intuition, communicative competence, nervous and mental stability, adequate self-esteem, and high motivation to achieve success (Pampura & Boiko-Buzyl, 2024). At the same time, researchers emphasise that the effectiveness of performing professional tasks is determined not by individual qualities, but by a complex of interacting personality traits in a specific context of activity. For example, stress resistance, sociability, analytical thinking, and physical endurance interact and shape the overall effectiveness of a future police officer (Pampura & Boiko-Buzyl, 2024). However, it should be noted that although Ukrainian studies show a high level of awareness of the importance of soft skills, their systematic inclusion in training programmes remains incomplete. There is often a lack of clear assessment methods, standards for the development and integration of soft skills into practical training, which limits their potential to improve the professional readiness of cadets.

A study of the impact of training sessions in various service-related sports on the dynamics of cadets' psychophysical condition, conducted by I.M. Okhrimenko *et al.* (2024), showed that additional training in service-related sports has a more effective impact on the psychophysical condition of future law enforcement officers compared to traditional physical training sessions. The most pronounced effect on physical condition indicators was found in the group of cadets who practised multi-event sports, and on emotional stability indicators – in the group of cadets who practised martial arts. These results confirm the need to improve the psychophysical condition of cadets during training, which will contribute to the effectiveness of their future law enforcement activities.

It is worth noting the scientific position of D.V. Shvets *et al.* (2025). Studying the psychological readiness of future law enforcement officers for professional activity under the influence of wartime stress factors, the researchers found that cadets who had undergone preliminary corrective psychological work demonstrated better indicators of their psycho-emotional state and stress resistance than those who had not undergone such work. Thus, it was proven that well-organised professional psychological training contributes to increasing the level of psychological readiness of future law enforcement officers for professional activity under the influence of wartime stress factors.

The development of the concept of soft skills in police training in modern studies is becoming particularly important in the context of growing demands on the professional and psychological readiness of law enforcement officers. Scientific research emphasises that effective training of future officers includes not only professional knowledge and technical skills, but also the development of communicative, analytical and emotional competencies, which are reflected in the structure of soft skills (Zadorozhnyi, 2023; Danylyuk & Nikolaesku, 2025). Project and analytical activities are considered a basic component of the competence of future officers, which shapes critical thinking, the ability to analyse information and plan actions in complex conditions (Zadorozhnyi, 2023). According to S. Danylyuk & I. Nikolaesku (2025), the development of soft skills in students in the context of martial law in Ukraine contributes to increasing their psychological resilience, adaptability and effective teamwork. Thus, the formation of analytical and socio-communicative competencies is an integral part of police training in modern studies. Particular attention is paid to psychological readiness as a component of professional training for future lawyers and police officers. This aspect includes cognitive, motivational, emotional-volitional and functional components that ensure the effectiveness of professional activity and contribute to the development of soft skills (Demkiv & Lukianova, 2019; Tsurkan-Saifulina & Stupak, 2022). Psychological training covers not only the acquisition of knowledge, but also the development of the ability to work in stressful situations, make informed decisions and maintain emotional stability, which is critically important in law enforcement practice. The formation of military professional competence and culture of future officers is also a complex process that combines knowledge, practical skills, and socio-psychological qualities. Military professional culture, as emphasised by O. Ilchenko (2023), includes value orientations, behavioural standards and motivational components that ensure readiness for action in complex socio-professional conditions. In this approach, soft skills become not only auxiliary skills, but also an important component of the professional identity of future officers.

Contemporary researchers M. Emsing *et al.* (2024) analysed a wide range of scientific works that examine typical sources of conflict between police officers and citizens, particularly during arrests, mass events, family incidents, crises and stressful situations. The researchers identified strategies of de-escalation, negotiation, communicative influence, emotional control, and behavioural regulation as key factors in reducing violence and risks for both parties. The authors pay particular attention to the role of interpersonal skills of police officers: empathy, active listening, emotional self-regulation, tolerance of uncertainty, and the ability to make quick decisions without using excessive force. At the same time, they emphasise the significant lack of research that directly analyses soft skills as an independent resource for effective and ethical conflict management in the police. The authors justify the need to integrate soft skills into police training programmes as an essential component of violence prevention, increasing public trust and ensuring the legitimacy of police actions.

A.F. Moreno *et al.* (2024) found that the development of resilience is directly related to key police soft skills – self-control, emotional intelligence, communication, the ability to recover from traumatic events, and stress resistance. At the same time, the researchers point to the uneven quality of research, the lack of long-term observations, and the need for standardised training programmes, especially for future police officers.

In view of the above, attention should be focused on developing the soft skills of future police officers, as developed soft skills help modern police officers to act effectively in risky situations, maintain public trust and preserve professional stability in crisis situations. Thus, future police officers should develop such specific "soft" competences as communicative ability, the capacity to engage in dialogue, emotional intelligence, stress resilience, self-regulation, resilience, empathy, critical thinking, teamwork skills, responsibility, flexibility in extreme situations, and the ability to resolve conflicts constructively.

Police officers have two important communication tasks: providing information, such as giving instructions or testifying in court, and obtaining or seeking information, such as interviewing witnesses and suspects. How a police officer performs these communication tasks greatly influences the judgements and feelings of those with whom they communicate and can have a significant impact on the outcome of any situation. Thus, the ability to communicate effectively is fundamental to much of police work, and modern police officers need a set of communication strategies that can be adapted to the many situations they encounter.

A practical extension of the above can be found in the research of Australian scientists M. Morgan & C. Harfield (2025), who note that although the police often respond to people experiencing psychological crises, they often lack the communication training necessary to peacefully resolve these complex situations. The researchers proposed a three-day training programme for the police on communication and de-escalation, which was conducted by experienced police negotiators for general service officers. Using adult learning theory (andragogy) as a lens, the study found that trainee police officers valued a student-centred, active approach to learning that differed from traditional rote learning. Training participants reported long-term benefits, noting the effectiveness of the training in peaceful crisis de-escalation in practice. Limitations were also identified, including the lack of follow-up activities, advanced training, and the inaccessibility of the programme at the police academy and to all front-line officers.

Equally important in the context of communication is the intercultural competence of the modern police officers. I.J. Mihailovs (2023) found that the daily work of the police in modern conditions requires proper management and cultural awareness in communicating with residents, with the further development of intercultural competence among police officers as a prerequisite for successful work and cooperation with different communities in a multicultural society. Thus, measures to develop intercultural competence should be included in training programmes for cadets and professional development programmes for serving police officers.

In current conditions of increased turbulence, the development of another key "soft" competence – the emotional intelligence of future law enforcement officers – is becoming particularly relevant. O. Magny & N. Todak (2021) note that a police officer's emotional intelligence plays an extremely important role in resolving issues of the use of force, minimising the influence of personal biases, and improving the use of procedural justice when interacting with the public. The researcher also points to the possible consequences of developed emotional intelligence in terms of improving the health and well-being of police officers, as well as their resilience after experiencing trauma and other challenges of professional activity. One such challenge of professional activity is the conduct of interrogations by police officers. According to P. Risan *et al.* (2016), during investigative activities, police officers may encounter interrogations in which both parties experience a wide range of emotional states. Such emotional reactions must be taken into account and controlled in order to obtain reliable information about a particular event.

A study by A. McDowall *et al.* (2019) was devoted to the development of emotional intelligence in future police officers. The researchers conducted a pilot experiment as part of a broader research

programme aimed at understanding and tracking the motivation and characteristics of cadets as they change and develop throughout the police training and education programme. In their opinion, emotional intelligence (EI), which provides the ability to recognise and work with emotions, is crucial in police work, given the complexities of interacting with the public and stressful working conditions.

K.A. Kamri *et al.* (2019) believe that creating a supportive working environment is crucial for developing police officers' ability to manage stress while performing their duties. The researchers have shown that police unit managers should pay attention to the internal factors of police officers' psychological well-being by providing conditions for their career growth and establishing positive relationships between employees and management. The results of the experimental study showed that the level of stress among police officers in the camp was moderate. This is because the police officers did not experience high levels of stress at work. Accordingly, it was found that police officers at the camp were able to cope well with eight stress factors, namely: work and working relationships; organisational structure and climate; the role of the manager; career and achievement; working relationships; working environment; personal and family problems; and disciplinary problems. Thus, it was proven that the ability to cope with stress at work is undoubtedly related to the presence of developed emotional intelligence.

Thus, all of the above confirms the need to form the foundations of professionalism in future police officers by developing important personal qualities and "SOFT SKILLS" in them during professional training. In this context, J. Thompson & B. Payne (2019) proposed expanding the range of potential measures to develop the professionalism of cadets and serving officers by conducting specialised modules in a university environment, supporting the transition from "training to education" and "from work to profession."

An analysis of current research shows a high level of awareness of the importance of soft skills in police training and a wide range of competencies that are recognised as critical to professional effectiveness. At the same time, there are certain gaps, in particular the insufficient systematic inclusion of soft skills in training programmes, the lack of standardised assessment methods and long-term studies on the effectiveness of their development. The priority of individual skills and the interaction between different components of professional qualities in a specific context of activity remain controversial. The achievements of the discourse include the integration of psychological, communicative and interpersonal aspects into police training and the development of practice-oriented methods for developing soft skills, in particular training courses, role-playing games and modular programmes. Overall, the scientific discourse demonstrates progress in understanding the importance of soft skills, while requiring a more systematic, standardised and empirically supported approach.

Conclusions

The subject of this review study was to examine the concept of soft skills and analyse approaches to their development in professional training, particularly for future police officers, as well as to compare scientific definitions, typologies and models of soft skills development. The aim of the study was to systematise existing approaches, evaluate their effectiveness and identify gaps in scientific discourse, which was achieved through a comprehensive analysis of literature and practical training programmes. A historical review of the evolution of the concept of soft skills was conducted, which showed a gradual transition from the separation of technical and socio-psychological competencies to a comprehensive vision of their role in professional effectiveness and leadership. It was found that the reception of soft skills in Ukraine encompasses the integration of psychological, social, ethical and professional competencies, with an emphasis on communication, critical thinking, conflict management, emotional intelligence and the ability to self-educate and apply knowledge in practice. An analysis of current research on police training revealed a wide range of competencies that are recognised as key to professional effectiveness, including emotional intelligence, stress resistance, resilience, teamwork and intercultural competence. Certain gaps have been identified, including insufficient systematic integration of soft skills into training programmes, a lack of standardised assessment methods, and a shortage of long-term studies on the effectiveness of their development. The results of the analysis indicate significant achievements in scientific discourse: the integration of psychological, communicative and practical methods, the use of training, role-playing and modular programmes for the development of soft skills. The data obtained allow to conclude that the development of soft skills is critically important for improving the professional readiness and effectiveness of future police officers in stressful, crisis and interpersonally complex situations.

A systematic review of scientific sources has established that contemporary discourse demonstrates progress in understanding the importance of soft skills, but issues such as the standardisation of training programmes, the interaction of individual competencies in specific contexts of activity, and the assessment of their impact on professional effectiveness remain insufficiently researched. The results obtained deepen the understanding of the subject, emphasising that soft skills are not just additional

skills, but are a system-forming factor of professionalism. Promising areas for further research include the development of standardised models for the formation and assessment of soft skills, long-term empirical studies of their impact on professional effectiveness, and the study of the integration of soft skills into various professional contexts and training programmes.

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Проблеми рецепції концепту “soft skills” у сучасному науковому дискурсі щодо професійної підготовки поліцейських

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■ **Анотація.** Актуальність дослідження зумовлена потребою в науково вивіреному теоретико-оглядовому аналізі фрагментованого дискурсу щодо soft skills в умовах глобальних трансформацій стандартів поліцейського професіоналізму й відсутності узгоджених теоретичних підходів у сучасній науці. У статті проаналізовано концепцію soft skills, етапи її становлення та сучасні підходи до трактування в контексті правоохоронної діяльності, управління персоналом і кар’єрного зростання. Дослідження ґрунтується на теоретико-оглядовому підході й передбачає систематичний аналіз, порівняння і критичне осмислення наукових публікацій, присвячених формуванню soft skills як складової професіоналізму майбутніх поліцейських. Результати оглядового аналізу засвідчили, що в сучасному науковому дискурсі soft skills розглядають як невіддільну складову професійної компетентності працівників правоохоронних органів. Дослідники акцентують на ключових «м’яких» компетентностях, зокрема комунікативних навичках, емоційному інтелекті, критичному мисленні, стресостійкості, здатності до командної роботи й міжособистісної взаємодії. Аналіз наукових джерел засвідчив наявність значних напрацювань у формуванні практично орієнтованих методик розвитку soft skills, зокрема через тренінги, рольові ігри й модульні освітні програми. Водночас огляд виявив проблемні аспекти, зокрема недостатню системність інтеграції soft skills в освітні програми підготовки поліцейських, обмежену кількість довгострокових досліджень і відсутність стандартизованих методик оцінювання. Отримані результати дають підстави стверджувати, що науковий дискурс щодо soft skills активно розвивається, але потребує системнішого, концептуально узгодженого й емпірично підтвердженого підходу. Дослідження має практичне значення як науково обґрунтована база для системного розвитку soft skills у професійній підготовці майбутніх поліцейських

■ **Ключові слова:** професійна підготовка; курсанти; стресостійкість; комунікативність; емоційний інтелект; командна робота

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Complexity as a condition for the effectiveness of legislation in the field of crime prevention

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■ **Abstract.** The relevance of scientific research was determined by the fragmentary knowledge of the problem of complexity in the field of legal science in general and in criminology in particular. The expansion of epistemological boundaries of complexity was proposed by developing a criminological system and highlighting its structure. The paper examined the inter-system interaction of various branches of legislation designed to provide legal protection and regulation of social relations in the field of preventing criminal illegality. The research methodology was based on a systematic approach, complex systems theory, supplemented by hermeneutic methods and other special legal research methods. The purpose of the study was to understand the external (classical, traditional) manifestation of complexity through the inter-systemic links between different areas of legislation in the field of preventing criminal wrongdoing. The general orientation and practical possibilities of the norms of various branches of anti-criminal legislation of Ukraine in preventing the phenomenon of criminal illegality were revealed. The preventive potential of the criminal, criminal procedural, criminal executive, administrative, and administrative procedural legislation of Ukraine, including during the legal regime of martial law in our state, was clarified. The incompleteness of Ukraine's criminal law was highlighted through the prism of international and European legislation, which sets standards in the field of crime prevention. The necessity of observing the intersystem interaction of these branches with criminological legislation as a complex of the criminological system was determined. It has been substantiated that the effectiveness of Ukrainian legislation in the field of preventing criminal illegality correlates with the degree of external and internal regulatory and legal expression of complexity. The practical significance of the study was to use the idea of complexity of anti-criminal legislation to increase the effectiveness of the entire system of preventing criminal offences, and to transfer the idea of external and internal expression of complexity to the entire sphere of law enforcement

■ **Keywords**: integrated approach; system of legislation; legislation in the field of crime prevention; criminal legislation

■ Introduction

In Ukrainian legal science, the issue of preventive possibilities of legislation was considered mainly within the framework of its individual branches. However, there is a lack of scientific research where this problem would concern anti-criminal legislation in general. Moreover, these aspects were not previously considered through the prism of the problem of complexity. The development of contemporary criminological science in Ukraine is characterised by a certain stagnation and lack of a corresponding impulse in the study of theoretical problems that have a cross-cutting nature. The main increase in criminological knowledge is mainly conditioned by the results of applied scientific research on the knowl-

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edge of the state of crime, including the war period (Orlov, 2023) and the development of measures to prevent certain types of criminal offences.

Criminological theory is mostly based on the achievements of scientists obtained more than half a century ago. In this regard, the opinion of B. Holovkin (2020) seems fair, who emphasised that currently, criminological science in Ukraine is forming new approaches to transforming scientific vision, formulating new provisions and applying innovative solutions. According to the researcher's estimates, future criminology largely correlates with the results of current criminological research, and with the prospects for the development of, among other things, criminological theory. Therefore, there is an urgent need for knowledge, including problems that are not only important for the development of the doctrine of criminological science, but which are marked by a fundamental character and a holistic penetrating property through the prism of all criminological matter.

One of the scientific problems that deserve a thorough study in the field of criminology is considered to be complexity, which is at the heart of an integrated approach. In the progressive scientific thought of scientists mainly from Western countries, complexity was considered through the prism of complexity theory (Turner & Baker, 2019), sometimes referred to as the science of complexity (Vivo *et al.*, 2025). This issue is currently a mainstream topic in science, as complexity theory concerns the functioning of organised and unorganised social, legal, and other systems, where complexity is an integral and essential feature. Thus, P. Vivo *et al.* (2024) endowed legal systems with complex adaptive properties that are becoming important for criminal law and justice management. G. Harari & L. Monteiro (2024) investigated the model of organised crime and corrupt judiciary and demonstrated bifurcation and emergent behaviour as a classic application of nonlinear dynamics and complexity techniques to criminal systems. M. Quinteros & M. Villena (2022) examined the evolutionary interpretation of cross-system interactions ("games") of crime and punishment in the context of unstable social connections and their implications for government deterrence policies. J. Liu *et al.* (2021) applied the concepts of uncertainty and complexity to the analysis of crime trends during the coronavirus pandemic, considering the application of an integrated approach in criminology. K. Liu *et al.* (2024) conducted a multidisciplinary spatial and statistical analysis of complex relationships between the urban environment and crime as an example of applying complex thinking. D. McMillon *et al.* (2025) analysed criminal activity based on a comprehensive approach to selecting and evaluating relevant statistical markers to predict the state of crime in the long term.

Despite the fact that many criminological studies use the concept of complexity or state their complex nature, this scientific construct has become a kind of terminological template, a certain scientific template, the true essence and meaning of which some researchers do not fully understand. The scientific problem of complexity has been explored superficially thus far. Therefore, the purpose of this study was to learn the external (classical) manifestation of complexity through intersystem connections of various branches of legislation in the field of preventing the phenomenon of criminal illegality.

Materials and Methods

In the course of the study, there was also a need to apply methods due to various parameters of the general scientific methodology of the system approach. These were the method of system analysis as well as the system and structural method. They allowed expanding the understanding of the anti-criminal possibilities of certain branches of anti-criminal legislation, and the structure of the system of legislation of Ukraine in the field of preventing the phenomenon of criminal illegality, respectively. The hermeneutical method was used to interpret and understand the content of legal norms and provisions of legislation, and to analyse their relationship with social realities. It allowed exploring the categories "complexity", "efficiency", and "crime prevention". Special legal methods were also used in the study. In particular, the dogmatic (formal legal) method was used to analyse the content of norms in various areas of legislation in the field of crime prevention. Based on this method, their legal nature and logical structure were clarified. The systemic legal method allowed considering anti-criminal legislation as a single set of norms (an integral model of prevention) that interact in the process of crime prevention. The comparative legal method was used in the analysis of international, European, and national legislation of certain Western countries in the law enforcement sphere to establish the existence of relevant legal norms and provisions in Ukraine that relate to contemporary standards of crime prevention.

Conceptualisation of the problem of complexity at different levels of scientific knowledge helped to consider it through the prism of a special system object. This was the case with Ukraine's criminological system. It was considered as being formed by several related complexes (levels). One of the layers of the criminological system under consideration was the complex of criminological legislation. In the process of inter-system interaction, the criminological system affects not only the crime system. Its complexes interact with other systems: criminal law, criminal procedural, criminal enforcement, administrative law, administrative procedure, etc. Therefore, in order to

assess the degree of mutual influence of the listed systems on each other, and to weigh the cumulative inter-system effect in the legal protection and regulation of social relations, one of the classic manifestations of complexity was studied: the external systemic links between the norms of various branches of Ukrainian legislation in the field of crime prevention, aimed at achieving a common goal.

The results of the study were based, among other things, on the theory of complex systems. It allowed the study to consider the system of anti-criminal legislation of Ukraine as a complex (comprehensive) systemic object, formed by various branches that contain their own regulatory and legal means of prevention. The complexity of such a system was also conditioned by its multi-element nature in the form of the presence of a large number of norms and close external system communication between the relevant industries.

The study of the external (classical) manifestation of the complexity of anti-criminal legislation was carried out based on the analysis of key laws and regulations of Ukraine representing various branches of legal regulation in the field of preventing criminal illegality. The source base of the study included the Criminal Code of Ukraine[1], the Criminal Procedural Code of Ukraine[2], and the Criminal Enforcement Code of Ukraine[3], which reflect the substantive, procedural, and enforcement aspects of the state's response to crime. Their analysis allowed tracing the internal logic of interaction between criminal prohibitions, criminal proceedings, and mechanisms for implementing criminal liability as interrelated elements of a single anti-criminal complex.

Results and Discussion

The criminological system of Ukraine is in a permanent state of exchange of information and energy with the external environment. This process is linked, among other things, to the close inter-system and inter-complex connections between the criminological system and its individual complexes with other systems and, accordingly, their complexes: from the entire social system of Ukraine to the systems of legislation related to the problem of crime and its prevention. First of all, this refers to criminal, criminal procedure, penal enforcement, administrative, and some other branches of Ukrainian legislation. In other words, the normative legal dimension of complexity in the criminological system should not be limited only to the complex of criminological legislation. This problem needs to be considered in the system of all legislation of Ukraine in the field of prevention of illegality (criminal and administrative). The consideration of this problem from this perspective is fully consistent with the systematic approach.

Specialised literature notes that the characteristic features of contemporary law are interdisciplinarity, complexity, and integrativeness. This is a condition for the development of law, a way out of the crisis (Manko, 2022), in which law currently exists. It is fair to believe that the above thesis concerns not only law, but also its sources (forms), i.e., legislation (Ryndiuk & Hryshko, 2022). In addition, sectoral differentiation and cross-sectoral integration are currently considered to be the main areas of development in legislation. It is the latter trend that is characterised by complex development of legal norms.

The integrative impact of legal norms is a condition for more effective solution of different social problems (Dudnik, 2015). Considering the above, a separate comprehensive cluster of Ukrainian legislation in the specific field of crime prevention has a better chance of actually solving the problem of criminal illegality if the norms of the selected branches of legislation are applied simultaneously.

Cross-sectoral complexity can be called a naturally formed means of self-preservation of the national legal system of Ukraine, especially in a very difficult (crisis) period and the time of functioning of society in the conditions of numerous force majeure events. It is clear that the legal system must respond in its own way to serious social challenges generated and caused by them. This undoubtedly includes crime in all its various illegal manifestations. Therefore, it is the complexity of the legal system and, accordingly, the complex nature of the legislation of Ukraine in the field of crime prevention that is one of the few ways out of the situation described above.

Criminal legislation in Ukraine has the most powerful and multifaceted impact on society and behaviour, including unlawful behaviour, of citizens. One of the indicators of its effectiveness is its performance of a general preventive function. Potentially, every citizen can be brought to criminal responsibility under certain conditions. However, Ukrainian criminal law is generally incapable of having a real impact on individuals with established criminal motivations (Kolodyazhny, 2019). This opinion is consistently promoted in contemporary research by Western legal scholars. Thus, B. van Rooij *et al.* (2025) emphasised that punishment plays an important role in preventing crime. It can potentially shape criminal behaviour through at least 13 different mechanisms: 5 have a positive effect on reducing crime, while 8 have a negative effect on stimulating crime. In

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedural Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[3] Criminal Executive Code of Ukraine. (2003, July). Retrieved from https://zakon.rada.gov.ua/laws/show/1129-15#Text.

another study, L. Wilson & R. Boratto (2020), using the example of crime against the environment, demonstrated that repressive criminal law policies are not effective in reducing the level of relevant offences, including repeated and recidivist ones. In addition, according to these researchers, punitive policies ultimately harm individuals and the state's economy. However, it is not recommended to reject certain socially significant properties of criminal legislation, to deny its certain ability to protect public relations, certain social benefits and values, and to protect the rights of citizens, although not always in an effective way.

Despite the sceptical attitude about the effectiveness of the Ukrainian legislation on criminal liability and its ability to really influence the behaviour of citizens and prevent numerous criminal offences, this does not exclude the need to consider some of its socially useful properties. They are most fully manifested in the criminal law protection of public relations in various spheres and industries. In fact, this is one of the facets of complexity, when the regulatory (regulatory and protective) impact on the phenomenon of criminal illegality is carried out by combining the norms of various branches of legislation in the field of crime prevention. Therefore, the existence of certain criminological preventive effects in the provisions of the Criminal Code of Ukraine[1] (CC of Ukraine) should not be ruled out, even if they are not as noticeable and obvious as criminal scientists, law enforcement officers and, by and large, the entire Ukrainian society would like them to be.

In the development of this thesis, it is advisable to turn to separate considerations of V. Holina (2020) on the preventive function of criminal law. The researcher identified at least three ways of influencing the consciousness, will, and emotions of people: creating a deterrent effect through fear of punishment, isolation, or other negative consequences; encouraging ordinary law-abiding behaviour through special prevention and correction of convicts; and strengthening moral prohibitions, which is the content of general prevention. The lack of effectiveness of one of these areas in certain historical circumstances does not mean that the importance of other preventive properties of criminal legislation should be levelled or denied.

Criminogenic tendencies in society are opposed by the legal system, including criminal legislation, which implements the following key preventive functions: a) bringing to an unlimited number of persons, and to the perpetrator of a crime, information about possible punishment and its negative consequences; b) forming and maintaining moral and ideological pressure that encourages a person to behave lawfully; c) stopping criminal activity at certain stages of its development. Thus, V. Holina (2020) noted that the mechanism of ideological intimidation in general continues to work. Its effectiveness is enhanced when legal regulations are consistent with other social regulators: moral norms, ideological guidelines, customs, traditions, etc. That is why "pure" general prevention, which is based only on criminal legislation, has never existed and cannot exist. The researcher was also right when emphasising the dependence of the effectiveness of the preventive function of the criminal legislation of Ukraine on the success of criminological policy. It is obvious that in this aspect, in particular, in the combination of criminal law and criminological means of legal nature, the complexity of preventing the phenomenon of criminal illegality is manifested.

In addition, the relationship between criminal legislation and criminological science is bilateral. Criminologists not only assess how effective criminal legal means of preventing criminal offences are, but also the results of contemporary criminological research contribute to the development of the relevant scientific field, influence legislative decisions, and determine the pace of criminalisation or decriminalisation of individual acts (Melnychuk, 2014).

The criminal procedure legislation of Ukraine occupies its own place in the intersystem interaction of legislation in the field of crime prevention. For example, S.-C. Hsu *et al.* (2022), after analysing more than 1.5 thousand scientific studies conducted during 1989-2020 by researchers from different countries of the world, came to the conclusion that criminal procedural means (arrests of suspects in committing offences, prosecution, imprisonment of convicts in rehabilitation institutions), regulated by law, are a separate component in the overall system of crime prevention. A. Henriksen (2024) identified the significant role of the court in preventing offences through the use of procedural mechanisms. O. Kaplina *et al.* (2023) examined the risks of using artificial intelligence in criminal proceedings and noted that the limited use of digital tools only for auxiliary purposes carries minimal risks of interference with human rights and freedoms and, as a result, can increase the effectiveness of criminal procedural preventive capabilities. In general, criminal procedural legislation is understood as a set of laws regulating public relations in the field of criminal proceedings (Dressler *et al.*, 2020). This system includes the provisions of the Constitution of Ukraine[2], international treaties ratified by the Verkhovna Rada of Ukraine, norms of the Criminal Procedural Code of Ukraine (CPC of Ukraine), and other laws (Ryabukhina & Tsyhanyuk, 2014).

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Constitution of Ukraine. (1996, June). Retrieved from https://rm.coe.int/constitution-of-ukraine/168071f58b.

The key purpose of Criminal Procedure legislation is to ensure the proper and effective application of substantive law norms, primarily articles of the Criminal Code of Ukraine[1]. Consequently, its purpose is to protect the rights and freedoms of individuals and legal entities, and to protect society and the state from criminal offences (Kivalov, 2011). The main laws regulating criminal procedural relations is the CPC of Ukraine.

According to experts in the field of criminal procedure, the development of a conceptual vision of the model of modern criminal proceedings is based on a system of general theoretical, legal, and praxeological provisions that directly determine its content and form in Ukraine. However, it is the legal framework that is of leading importance. They constitute an externally expressed part of the law and are represented by a set of heterogeneous legal norms recorded in the relevant sources – mainly written documents officially recognised by the state. Their characteristic feature is their complexity and multidimensional nature, since some norms establish the areas for reforming and developing criminal procedure institutions, while others ensure the proper implementation of the criminal process in practice (Hlynskaya *et al.*, 2016).

It is possible to determine the importance of criminal procedure legislation in the field of crime prevention through the tasks of criminal proceedings stipulated in Article 2 of the Criminal Procedural Code of Ukraine[2]. These are: the protection of the individual, society, and the state from criminal offences, the protection of the rights, freedoms, and legitimate interests of participants in criminal proceedings, and ensuring a speedy, complete, and impartial investigation and trial so that everyone who has committed a criminal offence is held accountable to the best of their guilt, no innocent person is accused or convicted, no person is subjected to unjustified procedural coercion and that every participant in criminal proceedings is subjected to appropriate legal procedure[3]. Moreover, protection from a criminal offence, as the task of criminal proceedings, is "an activity of an external subject in relation to encroachment", which applies or initiates the application of criminal procedural norms, which is aimed at creating obstacles to a specific act provided for in the Criminal Code of Ukraine[4], in order to stop it, prevent the occurrence of negative consequences of such, or minimise them (Novozhilov, 2021).

The main criminal procedural mechanisms aimed at fulfilling the tasks of criminal proceedings can be distinguished. These are, among other things, measures to ensure criminal proceedings (Article 131 of the Criminal Procedural Code of Ukraine[5]), in particular: summons by an investigator, inquirer, prosecutor, court summons; imposition of a monetary penalty; temporary restriction on the use of a special right; removal from office; temporary suspension of a judge from the administration of justice; temporary access to things and documents; temporary seizure of property; arrest of property; detention of a person; preventive measures.

A typical method of ensuring criminal proceedings in order to ensure the proper behaviour of a suspect and accused is a set of preventive measures (Dekailo & Deineka, 2022). Moreover, criminal procedural preventive measures in their pure form cannot be compared with criminological measures for the prevention of crime. After all, according to Part 1 of Article 177 of the Criminal Procedural Code of Ukraine[6], the purpose of applying a preventive measure is to ensure that the suspect or accused fulfils the procedural duties assigned to a person, and to prevent attempts to:

1) hide from the pre-trial investigation bodies and/or the court;

2) destroy, hide, or distort any of the things or documents that are essential for establishing the circumstances of a criminal offence;

3) illegally influence the victim, witness, other suspect, accused, expert, specialist in the same criminal proceedings;

4) prevent criminal proceedings in any other way.

Only in paragraph 5 of Part 1 of Article 177 of the Criminal Procedural Code of Ukraine[7], it is emphasised that preventive measures, including those aimed at preventing a person from committing another criminal offence or continuing the criminal offence of which a person is suspected or accused. Therefore, it can be stated that preventive criminal procedural measures have only a partial purely criminological preventive content. The preventive measures themselves are listed in Article 176 of the Criminal Procedural Code of Ukraine: personal commitment; personal guarantee; bail; house arrest; detention. Moreover, their list is given from the least to the most rigid. A similar approach is applied in

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedural Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[3] Ibidem, 2012.
[4] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[5] Criminal Procedural Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[6] Ibidem, 2012.
[7] Ibidem, 2012.

Article 51 of the Criminal Code of Ukraine[1], which lists criminal penalties depending on the degree of restriction of the rights and freedoms of convicts: from a fine to life imprisonment.

The criminal procedural principles of crime prevention should be considered as an organic and natural part of a broader social activity that covers the norms of both criminal law and criminal procedure. The scientific and regulatory doctrine defines this activity as "prevention of criminal offences". Its provisions should be considered by all subjects engaged in scientific activities or law enforcement in the relevant field (Topchiy *et al.*, 2024). The partial (criminologically "background") preventive effect of criminal procedural measures is mainly dissolved in activities limited to the tasks of criminal proceedings (criminal proceedings). Activities related to the prevention of criminal offences should first of all be expressed in the norms of various branches of legislation in the field of crime prevention. These norms, on the one hand, are the result of the development of doctrines of the relevant branches of knowledge about crime, and, on the other, the legal basis for the implementation of relevant theoretical provisions in law enforcement practice.

The complex branch of legislation considered also covers the norms and principles of Ukraine's criminal enforcement legislation. Recent studies by foreign researchers (Esposito *et al.*, 2024) substantiated the provisions that ensuring decent conditions of detention, access to health care, and preventive programmes in convicts reduces the risks of suicide, violence, and complications, which indirectly increases the chances of re-socialisation and reduced recidivism. In a broad sense, penal enforcement legislation is understood as a system of laws and regulations containing the provisions of penal enforcement law (Holina & Stepaniuk, 2015). In a narrow sense, it is a set of laws that regulate the entire range of public relations related to the execution and serving of criminal sentences, the application of specific measures of criminal enforcement influence against convicts, and international treaties ratified by the Verkhovna Rada of Ukraine (Muzyka *et al.*, 2018).

The basic law on regulating criminal executive relations, and preventing convicts from committing new criminal offences, is the Criminal Executive Code of Ukraine[2] (CEC of Ukraine). In fact, the penal enforcement legislation is, like other branches, a separate complex in the system of legislation of Ukraine in the field of crime prevention in Ukraine. The more substantive orientation of the penal enforcement legislation of Ukraine is revealed through its purpose (Article 1). In particular, the purpose of this branch of the legislation of Ukraine can be called the regulation of the procedure and conditions for the execution and serving of criminal sentences to protect the interests of the individual, society, and the state by creating conditions for the correction and re-socialisation of convicted persons, preventing the commission of new criminal offences by both convicted persons and other persons, and preventing torture and inhuman or degrading treatment of convicted persons (Part 1 of Article 1). That is (a) correction, (b) resocialisation, (c) prevention of criminal offences, and (d) torture are actually means of achieving the goal of protecting the interests of the individual, society, and the state, which is the main goal of regulating the procedure and conditions for the execution and serving of criminal sentences (Avtukhov, 2016).

It is not without reason that preventive measures are referred to in specialist literature as one of the main functions of criminal enforcement law. Given that legislation is an external form of expression of legal norms, it can be stated that the preventive function is also inherent in the criminal enforcement legislation of Ukraine.

The preventive function is manifested primarily in the fact that both the criminal executive law and the criminal executive legislation are aimed at preventing the commission of criminal offences both by the convicted persons themselves and by other groups of persons. In the context of the regime, this function is also referred to as preventive. Within its limits, the internal regulations oblige not only convicts and staff of penitentiary institutions to comply with the established requirements, but also all other persons who are located on the territory of the colony or in premises subject to regime rules (Yatsyshyn, 2010). In this regard, the results of V. Batyrgareieva's (2009) criminological study of recidivism in Ukraine seem entirely justified. The researcher is right to note that the second conviction can be considered critical in the "career" of a recidivist: after the second conviction, there is almost no reason to hope for the final return of the person to a law-abiding life. With these words, the researcher actually recognises that it is possible to prevent a repeat offender from committing a new criminal offence by applying preventive reserves contained in the penal enforcement legislation of Ukraine and the mechanism for executing and serving sentences. Such reserves are reduced to the legally provided possibility of social isolation of a convicted person in an institution of execution of a sentence in the form of imprisonment for a certain period of time and thus protecting society from very likely illegal recidivist behaviour, and its negative social consequences.

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Executive Code of Ukraine. (2003, July). Retrieved from https://zakon.rada.gov.ua/laws/show/1129-15#Text.

It will be fair to extend the preventive property to the criminal executive policy of Ukraine in general. One of its tasks is to develop areas of activity for the prevention of crimes and offences committed by convicts during and after serving their sentences (Driomin *et al.*, 2024). In this regard, V. Vasilyevych (2023) clarified that the goals of the contemporary penal enforcement policy of Ukraine are, among other things, to protect the rights and legitimate interests of citizens, legal entities, and the state from criminal encroachments. It is clear that such a goal is impossible without the practical implementation by the penal enforcement legislation of its preventive socially useful effect.

The specifics of the penal enforcement legislation of Ukraine differ from those in the criminal and criminal procedural legislative branches, primarily in terms of the time of implementation of the preventive legislative potential. The criminal procedure legislation exercises its preventive function during the pre-trial investigation or during the judicial review of criminal proceedings against a subject who is in the procedural status, respectively, of a suspect, accused, or defendant. Criminal and, especially, penal enforcement legislation, show the ability (special prevention) to influence the behaviour of a convicted person, whose guilt has already been proven in court and against whom a court verdict has already been passed.

A separate regulatory component of the legislation of Ukraine in the field of prevention of offences is administrative legislation. It acts as one of the key regulators of public relations, since it is through the norms of administrative law that public administration is carried out, the organisation of the activities of state institutions is ensured, and everyday issues of citizens are resolved (Moroz & Vysotsky, 2020). Recent scientific studies (Oanta, 2022), in particular on the example of Spain, emphasise the high potential of administrative tools as an effective preventive tool along with (or as an alternative to) criminal law response.

The administrative legislation of Ukraine contains a significant number of administrative and preventive tools that have a clear preventive character. These tools cover a range of moral, physical, organisational, and other measures aimed at detecting and preventing offences, maintaining public order, and ensuring security, including in emergency situations. Although their exact list is not consolidated either in the laws or in the scientific literature, they traditionally include: document verification, inspection, suppression of crime, administrative supervision of persons released from prison, measures to counteract domestic violence, etc. (Galunko *et al.*, 2021).

The broadest group is administrative termination measures, which include: the requirement to stop illegal behaviour (Article 25 of the Law of Ukraine "On the Security Service of Ukraine"[1]); summoning persons (Part 2 of Article 268 of the Code of Administrative Offences of Ukraine[2]; prohibition order (Article 1 of the Law of Ukraine "On Prevention and Combat Domestic Violence"[3]); stopping vehicles (Article 35 of the Law of Ukraine "On the National Police"[4]), and measures to ensure proceedings in cases of administrative offences, in particular, the delivery of the offender, administrative detention, personal search and inspection of things, seizure of things and documents, suspension of drivers from driving vehicles; and measures of administrative suspension of a special nature (Galunko *et al.*, 2021).

A special form of administrative coercion is the application of administrative penalties. They serve as measures of responsibility and are designed to educate the person who committed the administrative offence, instil in them respect for the laws of Ukraine and the norms of coexistence, and prevent the commission of new offences by both the offender and other persons. Administrative penalties serve a threefold purpose: 1) they punish the person guilty of the offence; 2) they contribute to their rehabilitation; 3) they prevent repeat offences, both privately (for the offender) and publicly (for other persons) (Galunko *et al.*, 2021). The Code of Administrative Offences[5] provides for a range of administrative penalties, the list of which is not exhaustive: from a warning to administrative arrest or arrest with detention in a guardhouse (Article 24).

Although the main scientific impulse of knowledge is directed by criminology to socially dangerous acts defined as criminal offences, non-criminal (administrative) offences (misdemeanors) are also of particular scientific interest to criminological science. In most cases, they serve as background phenomena for crime. The latter should be eliminated, including through administrative and legal measures, which, among other things, are concentrated in the preventive function of the Code of Administrative Offences, and many other laws and regulations.

In the structure of administrative unlawfulness, both in terms of relative prevalence and the extent of social harm caused, administrative offences in the

[1] Law of Ukraine No. 2229-XII "On the Security Service of Ukraine". (1992, March). Retrieved from https://zakon.rada.gov.ua/laws/show/2229-12#Text.
[2] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.
[3] Law of Ukraine No. 2229-VIII "On Prevention and Combating Domestic Violence". (2017, December). Retrieved from https://zakon.rada.gov.ua/laws/show/2229-19#Text.
[4] Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from https://zakon.rada.gov.ua/laws/show/580-19#Text.
[5] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.

field of road safety occupy a special place. This is conditioned by the fact that, on the one hand, criminal illegality in the field of road safety and transport operation clearly correlates with administrative illegality in this area. In particular, the results of criminological studies showed that the average ratio of administrative and criminal offences in the field of road safety in Ukraine was 274:1, respectively (Novikov, 2023). On the other hand, in the structure of social consequences from road traffic deaths and injuries, a significant part is made up of consequences from administratively punishable road accidents.

In addition, similar interdependencies are established for other typical offences, for which both criminal and administrative liability is simultaneously provided. This refers to, for example, unauthorised occupation of a land plot (Article 197-1 of the Criminal Code of Ukraine[1] and Article 53-1 of the Administrative Code[2]). Life and socio-legal reality demonstrate that failure to bring a person to legal responsibility for committing a certain administrative offence often leads to the commission of a typical, but already more socially dangerous act in nature, the responsibility for which is already provided for by the Criminal Code of Ukraine[3].

The corresponding preventive potential is also contained in the administrative procedural legislation of Ukraine. In this regard, some foreign researchers (van der Sloot & van der Schendel, 2021) note that modernised administrative and procedural tools have the potential for prevention, but their implementation requires a balance between effectiveness and protection of citizens' rights. The literature notes that the system of sources of administrative procedural law is quite multi-level and complex, since it includes a considerable number of laws and bylaws (Yosyfovych, 2021). The main provisions of administrative proceedings are concentrated in the Code of Administrative Offences (Shapoval, 2022). Administrative and procedural norms regulate the application of administrative and procedural measures. These measures are understood to mean procedural actions taken by administrative jurisdiction bodies and their officials in the course of law enforcement activities with the aim of detecting offences, identifying offenders, creating conditions for clarifying the circumstances of the case, recording, investigating, and securing evidence, and ensuring the enforcement of the decision taken. The basis for applying such measures is the committed offence or available data that reasonably indicates its commission (Bortnykh & Yesimov, 2021).

Administrative and procedural measures based on purposefulness can be classified into the following main groups: a) measures of procedural coercion; b) measures aimed at obtaining evidence. A separate group of such measures concerns the enforcement of administrative penalties and the prevention of offences (Bortnykh & Yesimov, 2021). Thus, Article 260 of the Administrative Code states that measures to ensure proceedings in cases of administrative offences are taken, among other things, in order to stop administrative offences. For this purpose, there is administrative detention (Article 261 of the Code of Administrative Offences). This measure can, among other things, prevent the continuation of illegal activities of a certain person, and, most importantly, prevent the transformation of an administrative tort into a criminal offence. The fact is that there is a rather fine legal line between common acts that are subject to both administrative and criminal liability: petty hooliganism (Article 173 of the Code of Administrative Offences) and hooliganism (Article 296 of the Criminal Code of Ukraine); driving a vehicle while intoxicated (Article 130 of the Code of Administrative Offences) and violation of road safety rules or transport operation rules by persons driving vehicles (Article 286 of the Criminal Code of Ukraine); bullying of a participant in the educational process (Article $173^{(4)}$ of the Code of Administrative Offences) and intentional minor bodily harm (Article 125 of the Criminal Code of Ukraine); sexual harassment (Article $173^{(7)}$ of the Code of Administrative Offences) and rape (Article 152 of the Criminal Code of Ukraine)[4] and many others.

The accompanying preventive content is also contained in Article 264 of the Administrative Code, which provides for personal search and inspection of citizens' belongings. Such measures are traditionally called restriction prevention, because they can prevent, for example, the storage and further use of cold and firearms, or the storage, sale or further use of narcotic drugs or psychotropic substances. A more pronounced preventive potential is noted in Article 266 of the Administrative Code of Ukraine. It regulates the possibility of removing persons from driving vehicles and examining them for intoxication. The adoption of such administrative and procedural measures can prevent the threat of potentially socially dangerous behaviour of drivers, which can lead to injury or death of other road users.

Certain administrative and procedural norms of special laws also have a preventive effect. One of

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.
[3] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[4] Code of Ukraine on Administrative Offenses. (1984, December). Retrieved from https://zakon.rada.gov.ua/laws/show/80731-10#Text.

them is the Law of Ukraine "On the National Police"[1], Article 41 of which provides for police custody of certain categories of persons: minors under the age of 16 who are left without care; persons suspected of escaping from a psychiatric institution or specialised medical institution; individuals who have signs of a pronounced mental disorder and create a real danger to others or themselves; persons who are in a public place and as a result of intoxication have lost the ability to move independently or create a real danger to others or themselves[2]. According to some researchers, police custody refers specifically to measures of administrative coercion, in particular administrative prevention (Kaliman, 2024). These categories of persons are marked by pronounced victim characteristics, especially minors and persons who are in a public place in a state of strong alcoholic intoxication. Persons with obvious signs of a mental disorder, marked by aggressive behaviour, can cause physical harm to other citizens. Therefore, the administrative and procedural regulation of police custody is of great importance for the prevention of offences, in particular for their victimological prevention.

The authors agree with the opinion expressed in the specialised literature that the metasystemic and rhizomatic nature of criminological legislation (including the norms of various branches of Ukraine's anti-criminal legislation) does not imply chaos. Thus, it is a super complex object of scientific analysis and controlled influence, which implies, on the one hand, the need to implement an integrative epistemological movement, combining knowledge, doctrinal provisions, and analytical schemes of work in various branches of law and legislation, on the other – the need to establish legal cross-sectorality. This means developing and supporting cross-sectoral links in the metasystem of criminological legislation (Shabelnikov, 2022). That is why in the system of legislation of Ukraine in the field of crime prevention, all these and some other industries are important. It is their complex (intersystem and at the same time parallel) application that is a condition for greater efficiency and productivity, considering the provision of law and order, public security, protection of human and civil rights and freedoms, the interests of society and the state.

Inter-system interaction of anti-criminal legislation of Ukraine with the leading legal systems of developed countries, in particular on borrowing norms and mechanisms in the field of criminal offence prevention, can significantly improve the content and improve the quality of both law-making and law enforcement activities. The implementation of this approach involves adapting the international, regional European, and national experience of individual leading countries of the world, considering Ukrainian socio-legal features. This helps to optimise the regulatory framework, increase the effectiveness of preventive measures, and harmonise the legislation of Ukraine with contemporary international standards in the field of criminal offence prevention. The described legal mechanisms are mainly concentrated in the so-called criminological legislation. Its core is formed by regulatory legal acts (laws, strategies, programmes, plans, etc.) that define scientifically based standards and basic approaches to influencing the phenomenon of crime.

At the international level, special documents of the United Nations Office on Drugs and Crime (2010) concerning guidelines for crime prevention deserve attention. Generalisation of world practice in this area helped to establish the need to prevent crime, considering the existence of criminogenic factors at different levels of public relations: 1) individual (personal values, beliefs, skills reflected in thoughts and behaviour); 2) group (family values, school factors that take place, respectively, in the family and local community); 3) mass (culture, national mentality, common in a particular society); 4) global (world politics and economy). In addition, this document emphasises a comprehensive combination of interrelated types (approaches) of preventive activities: social prevention; prevention of offences at the community level; situational prevention; implementation of reintegration programmes. It is noted that the effectiveness of crime prevention correlates with the simultaneous implementation of measures within the framework of these approaches. In addition, progressive international practice in this area emphasises cross-sectoral coordination and partnership, that is, the subject complexity of law enforcement activities.

In the EU, one of the most important and still valid sources of criminological legislation is Recommendation No. R (96) 8 of the Committee of Ministers of the Council of Europe on crime policy in Europe during the period of change[3]. The key provisions of this regulation are as follows: 1) the goal of the state policy of crime prevention should not be complete neutralisation of crime, but its control on an acceptable scale; 2) the effectiveness of such a policy should be evaluated based on the ratio of the social consequences of crime with the amount of funds spent on its prevention; 3) the involvement of

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Law of Ukraine No. 580-VIII "On the National Police". (2015, July). Retrieved from https://zakon.rada.gov.ua/laws/show/580-19#Text.
[3] Recommendation of the Committee of Ministers to Member States No. R (96) 8 "On Crime Policy in Europe in a Time of Change". (1996, September). Retrieved from https://rm.coe.int/16804f836b.

the public sector is a condition for the effectiveness of such a policy. A special feature of contemporary EU criminological legislation in this area is the shift of emphasis to the development of laws and regulations that relate to certain types of criminal offences.

The specificity of criminological legislation at the national level lies in the existence of the main laws and regulations of a particular country, within the requirements and principles of which national strategies and programmes for the prevention of offences are developed. For example, in the United States, the Law "On the control of violent crimes and law enforcement" was adopted in 1994. This law: establishes a set of measures to reduce violent crime, including funding for community policing (COPS) programmes and grants to local law enforcement agencies; includes measures to increase prison places, programmes for young people, support for victims, and funding for research and training in the field of law and order; combines preventive initiatives (grants for crime prevention programmes) with control and punishment measures[1]. Similar initiatives are also available in the UK[2]. In Ukraine, unlike in these countries, a basic law has not been developed that would define the principles of criminological policy, considering the progressive world experience of crime prevention.

Conclusions

Knowledge of the main characteristics of cross-sectoral legislative support in the field of crime prevention in Ukraine provides grounds for formulating a number of generalisations. The scientific problem of the existence of complex adaptive systems is of scientific interest to a separate scientific field in the form of complex systems theory. The problem of criminological complexity is closely related to these issues. Complexity as a scientific problem was studied in fragments. This hinders the development of criminological doctrine.

The complex of criminological legislation is an important level of the criminological system of Ukraine. Between it and its elements, there is an interaction with other layers of this system, and with the relevant branches of anti-criminal legislation. Such branches belong to the criminal law, criminal procedural, criminal executive, administrative legal, and administrative procedural systems. Such interaction is a reflection of the external (classical, cross-sectoral) expression of complexity.

The internal manifestation of the complexity that underlies the so-called contemporary interpretation of the legislation of Ukraine in the field of crime prevention is reflected in the completeness, content, and already intra-systemic interaction between the norms belonging to a specific branch of anti-criminal legislation. The possibilities of criminal legislation in influencing the behaviour of citizens, and therefore the crime, are quite limited. The effect of general and special prevention of the provisions of the law on criminal liability is the most stringent (systematically expressed). Strengthening the systemic effectiveness of criminal legislation is possible by combining it with improving morals and changing traditions in society. In the context of social turbulence associated with force majeure circumstances, the importance of criminal legislation increases due to violations of traditional social mechanisms inherent in peacetime. Similarly, the penal enforcement legislation has a repressive essence. It can influence the behaviour of persons, especially those who have committed a criminal offence repeatedly or have committed a recidivism. This branch of legislation concentrates special prevention and is justified in relation to persons who pose a threat to the life, health, property of law-abiding citizens and are capable of causing repeated harm to the interests of society and the state.

Criminal procedural legislation has a side preventive manifestation. For the most part, the norms of this industry are aimed at ensuring criminal proceedings. The administrative and administrative procedural legislation of Ukraine has a more pronounced preventive content compared to the criminal procedural legislation. These areas deserve attention for their intersystem interaction in the context of achieving the goal of the criminological system in the sense that they are most suitable for preventing administrative offences as a background for crime phenomena. By applying administrative and administrative procedural legislative reserves, it is possible to prevent further criminalisation of Ukrainian society, including during the legal regime of martial law in Ukraine. Such cross-system regulatory interaction fits into the theory of "broken windows", the provisions of which emphasise the need to prevent and stop torts so that they do not transform into socially dangerous acts.

Ukraine does not take into consideration current international trends in the development of criminological legislation. Ultimately, the principles of crime prevention are not consolidated in the unified profile law and the corresponding state strategy and programme for crime prevention. The stability and development of the criminological system, and the overall effectiveness of crime prevention, are not possible without: a) close external links of

[1] Violent Crime Control and Law Enforcement Act of the USA. (1994, September). Retrieved from https://www.congress.gov/103/bills/hr3355/BILLS-103hr3355enr.pdf.
[2] Crime and Disorder Act 1998 of the United Kingdom. (1998, July). Retrieved from https://www.legislation.gov.uk/ukpga/1998/37/contents.

criminological legislation with other branches of legislation capable of both their own and common legal means of influencing and spreading criminal offences; b) ensuring intra-industry completeness regarding the combination and practical application of the relevant legislation regulating the relevant legal means of protecting citizens from criminal encroachments.

The vector of further scientific research of the problem of criminological complexity is aimed at the knowledge of its other facets, in particular, concerning the deepening of knowledge about the inter-system links between the anti-criminal legislation of Ukraine and the national legislation of the EU countries in the field of crime prevention.

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Conflict of Interest

None.

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Комплексність як умова ефективності законодавства у сфері запобігання злочинності

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■ **Анотація.** Актуальність наукового дослідження зумовлена фрагментарністю пізнання проблеми комплексності в галузі правової науки загалом і кримінології зокрема. Розширення гносеологічних меж комплексності запропоновано шляхом розроблення кримінологічної системи та визначення її структури. У статті розглянуто міжсистемну взаємодію різних галузей законодавства, що призначені здійснювати правову охорону та правове регулювання суспільних відносин у сфері запобігання явищу кримінальної протиправності. Методологія дослідження ґрунтувалася на системному підході, теорії складних систем, доповнених герменевтичним методом й іншими спеціально-юридичними методами дослідження Метою дослідження було пізнання зовнішнього (класичного, традиційного) вияву комплексності через міжсистемні зв'язки різних галузей законодавства у сфері запобігання явищу кримінальної протиправності. Висвітлено загальну спрямованість та практичні можливості норм різних галузей антикримінального законодавства України в запобіганні явищу кримінальної протиправності. З'ясовано запобіжний потенціал кримінального, кримінального процесуального, кримінально-виконавчого, адміністративного й адміністративного процесуального законодавства України, зокрема в період правового режиму воєнного стану в нашій державі. Обґрунтовано неповноту кримінологічного законодавства України крізь призму міжнародного та європейського законодавства, що визначає стандарти в царині запобігання злочинності. Аргументовано необхідність дотримання міжсистемної взаємодії цих галузей з кримінологічним законодавством як комплексом кримінологічної системи. Доведено, що ефективність законодавства України у сфері запобігання явищу кримінальної протиправності корелює зі ступенем зовнішньосистемного та внутрішньосистемного нормативно-правового вираження комплексності. Практична цінність дослідження полягає у використанні ідеї комплексності антикримінального законодавства для підвищення дієвості всієї системи запобігання кримінальним правопорушенням, а так само перенесення ідеї зовнішнього та внутрішнього вираження комплексності на всю сферу правозастосування

■ **Ключові слова:** комплексний підхід; система законодавства; законодавство у сфері запобігання злочинності; кримінальне законодавство

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Gender and age characteristics of persons who committed criminal offences in Ukraine in 2014-2024

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■ **Abstract.** Identifying trends in the gender and age characteristics of criminal offenders is necessary for developing effective state policy in the field of crime prevention and reintegration of offenders in the post-war period. The aim of the study was to examine the dynamics and structure of crime by gender and age, and to determine the impact of socio-economic, political and psychological factors on the behaviour of offenders. The methodological basis consisted of statistical, comparative-analytical, criminological and systemic-structural methods. The empirical base was formed on the basis of official data from the Office of the Prosecutor General and the results of scientific research. The results of the study showed that during the period under review, the structure of crime in Ukraine underwent significant changes: men consistently predominate among offenders (about 88%), while women account for an average of 12%. The highest level of criminal activity was recorded among persons aged 29-39, while the proportion of minors is steadily declining. A gradual "maturing" of crime and an increase in the proportion of middle-aged and older offenders has been observed, which is associated with a decline in living standards, unemployment, psychological exhaustion and military factors. The scientific novelty of the work lies in the combination of quantitative statistical analysis with a qualitative criminological interpretation of the social processes that influence the formation of criminal behaviour in conditions of martial law. This made it possible to identify new trends in the structure of criminal activity among the population. The practical significance of the study lies in the possibility of using its results to improve criminological forecasting, formulate state strategies for crime prevention, increase the effectiveness of law enforcement agencies, and develop targeted programmes for the social rehabilitation of individuals prone to deviant behaviour

■ **Keywords**: criminal offender; criminological characteristics; age groups of criminal offenders; criminal activity; criminal activity coefficient; martial law

■ Introduction

In the context of the transformation of Ukrainian society, as a result of prolonged socio-economic crises, armed aggression and changes in the system of public administration, research into the criminological characteristics of persons who commit criminal offences is becoming particularly relevant. The gender and age characteristics of crime are key indicators that reflect not only the level of criminal activity among

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the population, but also deeper social processes – the destruction of traditional moral values, the impact of war on behavioural patterns and the adaptation of individuals to crisis conditions. During 2014-2024, Ukraine underwent major changes in the legal, economic and demographic spheres, which significantly affected the nature and dynamics of crime. Martial law, internal migration, social inequality and psychological trauma have become factors shaping new trends in the criminal behaviour of the population. The analysis of these changes is important both for the development of criminological theory and for the improvement of state policy in the field of crime prevention.

An analysis of scientific research allows to trace the development of criminological ideas about persons who committed criminal offences in Ukraine in 2014-2024 and to assess the impact of socio-political and military factors on the structure of crime. T.V. Prodan (2020) studies violent crime committed by women, revealing the mechanisms of criminal behaviour formation and emphasising the role of social and psychological factors and the public in crime prevention.

A.V. Movchan & T.I. Sozanskyi (2023), based on the results of the SOCTA survey, identify the characteristic features of organised crime in Ukraine: corrupt ties, the use of legal businesses to legalise profits, money laundering, drug trafficking, human trafficking, fraud and other property crimes. I. Bohatyrov & A. Bohatyrov (2024) also confirm the active use of economic instruments by organised groups in the current conditions of martial law, including raiding, fraudulent schemes and the legalisation of capital through fictitious enterprises.

The issue of mercenary and war crimes has repeatedly been the focus of attention of scholars. Particularly noteworthy are the studies by H.I. Pishchenko & A.O. Lysenko (2025) and Yu.Iu Tsaruk (2024), devoted to the analysis of the structure of mercenary offences, their latest forms (in particular, looting) and ways to prevent fraud using modern technologies. Also noteworthy are studies devoted to the impact of war on the crime situation in the country, presented by S.S. Shramko & A.V. Kalinina (2022), Yu.V. Orlov (2023), and Ye.O. Pysmenskyi (2024). Transformational changes in the structure of crime caused by military factors have been identified. M.I. Khavroniuk (2025) justifies the need to adapt criminal law policy to modern conditions and use a criminological approach for a more in-depth analysis of statistical indicators. The problems of the reliability of statistics and the methodology of their processing are highlighted by O.V. Bahanets (2021) and M.V. Karchevskyi (2024), emphasising the need to improve data collection and integrate alternative assessments of the effectiveness of law enforcement agencies.

Thus, research on the topic demonstrates a multidimensional approach to the study of criminal behaviour and the structure of crime in Ukraine, taking into account the specifics of female violent crime, organised and mercenary offences, the impact of martial law and the need for comprehensive counteraction to crime. At the same time, issues of statistical data reliability, improvement of criminological forecasting, and adaptation of criminal law policy to the conditions of the war and post-war periods remain relevant.

The aim of this study was to examine the transformation of the gender and age characteristics of persons who committed criminal offences in Ukraine in 2014-2024 in the context of socio-economic and military-political changes in the country. The scientific novelty of the results obtained lies in the combination of quantitative statistical analysis with criminological interpretation of the social processes that determine the dynamics of crime.

■ Literature Review

It is also important to consider global trends in the study of the criminological characteristics of individuals who have committed criminal offences and to identify the key factors (socio-economic, psychological, cultural, etc.) that influence the formation of criminal behaviour. In particular, Y. Gu *et al.* (2023) investigated the mental and psychosocial factors of serious crimes, finding that most offenders with violent behaviour had been diagnosed with schizophrenia and had not received proper treatment. N.K. Tharshini *et al.* (2021) proved that personality traits – psychopathy, impulsivity, narcissism – significantly increase the risk of criminal behaviour, which highlights the importance of psychological prevention in the early stages of socialisation.

The study of socio-economic factors of crime occupies an important place in contemporary research. A. Poama (2025) considers poverty to be a moral and psychological factor that can provoke deviant behaviour through frustration and social alienation. A meta-analysis by M. Lankester *et al.* (2025) and research by R.R. Swisher & C.R. Dennison (2016) confirmed a consistent inverse relationship between the level of education and criminal activity among young people: low academic achievement increases the propensity for delinquent behaviour.

Age and gender aspects of crime are explored in the works of M.V. Van Koppen (2018), R. Traon *et al.* (2022), R. Đoković & M. Kavarić (2025). These studies show that offenders who begin criminal activity in adulthood tend to have shorter criminal "careers" and lower rates of recidivism. The authors also note that a distinctive feature of female criminality is its formation under the influence of violence, patriarchal social relations, and psychological

trauma. Noteworthy is the criminological study by A.J. Vanhee (2025), which demonstrates that previous illegal income is a factor that increases the risk of reoffending, i.e., contributes to recidivism. In turn, T.K. Kenemore & B.S. In (2025) emphasise in their work the importance of social support and spiritual resources in the process of post-penitentiary adaptation aimed at preventing the commission of offences by persons with a criminal past.

Thus, studies indicate the multifactorial nature of criminal behaviour, which is shaped by psychological, socio-economic, educational, gender and cultural factors. Generalising these results is important for improving Ukrainian criminological theory and practice, especially in the context of social transformations and martial law.

Materials and Methods

The study was based on an analysis of official statistical data obtained from unified reports on persons who committed criminal offences (form No. 2) for 2014-2024, published by the Office of the Prosecutor General (n.d.). They cover key indicators characterising the number of persons who committed criminal offences, their distribution by gender, age, categories of crimes, and the dynamics of these indicators during the period under review.

The study uses a combination of general scientific and specialised methods. First of all, a statistical method was used to conduct a quantitative analysis of official indicators and identify trends in the level of criminal activity among different demographic groups of the population. Particular attention was paid to the study of the rates of criminal activity among men and women, as well as representatives of different age categories per 100,000 persons of the corresponding sex or age. The rates of criminal activity are calculated using formula (1):

$$\text{C.a.r.} = (\text{N.p.}/\ \text{P}) * 10{,}000\ (\text{or } 100{,}000), \quad (1)$$

where C.a.r. – the criminal activity rate; N.p. – the number of identified persons who committed criminal offences; P – the population of a certain category. This approach made it possible to neutralise the impact of demographic fluctuations and allows for an objective assessment of the intensity of criminal behaviour.

To identify common and distinct trends in crime dynamics, a comparative-analytical method was used, which made it possible to track how indicators changed in different periods – before the start of the active phase of the war, during the years of martial law, and during periods of relative stabilisation. Such a comparison is important for determining the degree of influence of socio-economic, political and military factors on the behaviour of different categories of the population. The use of a systemic-structural research method helped to establish a relationship between the demographic characteristics of offenders and their level of criminal activity. At the same time, the study of scientific literature made it possible to compare the results of the analysis of the gender and age characteristics of crime with the conclusions of other researchers and to critically evaluate existing scientific approaches to the study of this phenomenon.

Results and Discussion

The number of identified persons who committed criminal offences (offenders who were identified by law enforcement agencies in 2024, and who committed criminal offences both in 2024 and in previous years) in Ukraine in 2024 compared to 2023 remained almost unchanged and amounted to 126,732 (+3.0%). This was preceded by a significant decrease in 2022 (91,446; –25.6%) and a significant increase in 2023 (122.985; +34.5%), which was associated with the departure of a large number of Ukrainian citizens from the country with the start of full-scale Russian military aggression and the return of some of them in 2023 (Fig. 1). In previous years, there was a trend of a slight but steady decrease in the number of identified persons who committed criminal offences. In 2015-2016, it decreased from 151,696 to 126,950 (–16.3%), but was interrupted the following year due to an increase to 145,679 (+14.8%), and in 2018-2021 the decline continued, with the number of such persons reaching 122,895 in 2021 (-15.4% compared to 2017). This trend was typical for all categories of identified criminal offenders, so no further attention will be paid to it. During 2014-2022, on average, 81% of identified persons were those who committed criminal offences in that year, and 19% were those who did so in previous years. There was a slight decrease in the proportion of persons in the first category in 2023-2024, when their share among all criminal offenders was 79.6% and 77.1%, respectively.

The prolonged decline in the number of identified perpetrators of criminal offences gives grounds to hypothesise a gradual decline in the level of work on the detection and investigation of criminal offences, which has been influenced by both a certain decline in the quality of law enforcement personnel, primarily the police, and a deterioration in the economic, organisational and regulatory legal conditions for law enforcement activities, as well as a decline in the importance of law enforcement as a value for society. Based on the growth of this indicator in 2023-2024, it is hoped that this unfavourable trend in Ukraine has been reversed. It should be noted that over the past 15 years, a downward trend in the number of prisoners has been observed in most European countries (Lappi-Seppälä, 2025).

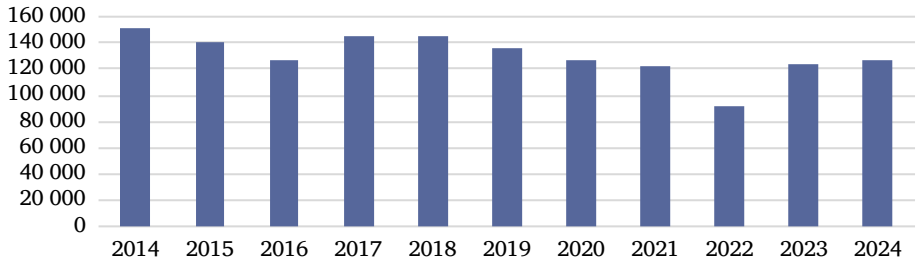

Figure 1. Number of persons who committed criminal offences identified in Ukraine in 2014-2024
Source: developed by the authors based on data from the Office of the Prosecutor General (n.d.)

Among identified criminal offenders, men accounted for an average of 88% each year, and women for 12%, respectively, and the annual deviations from these indicators throughout the entire period under review were insignificant. There is also a significant difference in the rates of criminal activity, i.e. the number of male and female offenders per 100,000 of the population of the respective sex (Fig. 2). In 2024, these indicators were 585 for men and 71 for women. In 2014-2022, the annual quantitative indicators were naturally different, but their ratio remained quite stable. On average, the criminal activity rate for men was 8.4 times higher than that for women, and the annual deviations from the average were very insignificant (the largest in 2021 – 7.1).

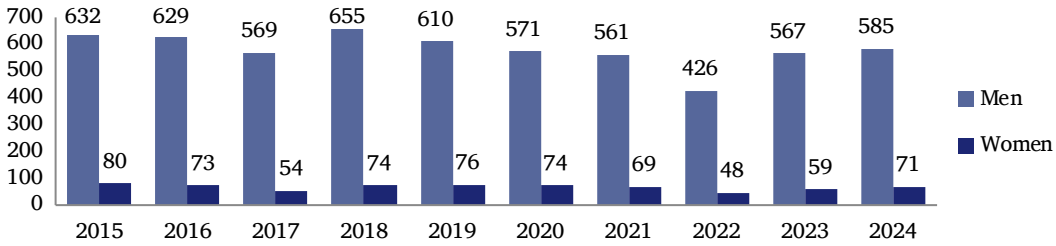

Figure 2. Criminal activity rates of men and women per 100,000 persons of the respective sex in Ukraine in 2014-2024
Source: developed by the authors based on data from the Office of the Prosecutor General (n.d.)

Thus, the process of women's emancipation and their increased participation in many areas of public life has not led to an increase in their criminal activity. Obviously, the difference in the level of criminal activity between men and women is related to deeper physical and psychological differences between the representatives of these sexes. According to a study by P.A. Bourne (2025), traumatic experiences – in particular, sexual abuse in childhood and domestic violence – are a key factor influencing criminal behaviour in women, often mediated through substance abuse and socio-economic instability. A similar statement is found in a study by B.B. Mejía *et al.* (2015), which notes that trauma caused by sexual, physical, and emotional abuse (reported by 77% to 90% of female prisoners) is a key factor contributing to the development of behavioural problems in adolescence and subsequent criminality, substance abuse and criminality in adulthood.

Before moving on to the age characteristics of offenders, it should be noted that age affects the level of an individual's mental development, the degree of their development as a personality, which is characterised by a set of regular interrelated physiological and psychological changes. In their monograph, V.M. Filonenko & I.S. Nechitailo (2022) note that the age-related characteristics of personality development are reflected in a set of requirements that are imposed on a person at a certain stage of their life, their social position, and their attitude towards their environment. The commission of certain crimes is characteristic of individuals at a particular age, but age is not the cause of crime, and its physiological influence is neutralised by the more powerful action of social factors.

Ranked by number and share among all criminal offenders, the list of age groups of such persons in 2024 looks as follows:

- persons aged 29-39 – 36.3% (45,952; +0.9% compared to the previous year);
- persons aged 40-54 – 31.3% (39,583; +8.3%);
- persons aged 18-28 – 21.5 % (27,233; –0.5 %);
- persons aged 60 and older – 5,1 % (6,468; +4.5 %);
- persons aged 55-59 – 4.3 % (5,482; +4.3 %);
- persons aged 16-17 – 1.0 % (1,309; +1.0 %);
- persons aged 14-15 – 0.5 % (573; –11.4 %).

As the data presented indicate, persons aged 29-39 predominated among criminal offenders. Most

of them are young adults, but already possessing a certain degree of life experience, while those aged over 35 (according to paragraph 17 of Article 1 of the Law of Ukraine No. 1414-IX[1] young people are defined as persons aged between 14 and 35) in fact belong to the category of mature adults. This is followed by an almost equally numerous group of persons aged 40-54, that is, individuals of mature, middle age who already have substantial life experience and for whom caution and balanced decision-making are characteristic. Young people aged 18-28 ranked only third in 2024, and their percentage share was significantly lower than that of the two most numerous age groups.

It should be noted that in their study M. Molcho *et al.* (2025) concluded that in most countries of Europe and North America the level of bullying has declined over time. The authors interpret this reduction in aggressive behaviour as part of broader changes in social contexts and behavioural patterns typical of the lives of contemporary young people. By contrast, cyberbullying has shown a significant increase since 2018, which negatively affects the mental health and well-being of young people.

The absolute and relative indicators for criminal offenders belonging to other age groups are considerably lower. As noted by V. S. Batyrhareieva (2007) and V.M. Filonenko & I.S. Nechitailo (2022), after the age of 45 convicted persons tend to adopt a less active life position, with their activity subsequently declining rapidly. It should be emphasised that among them representatives of the two oldest age groups predominate, namely persons aged 60 and over and those aged 55-59. The smallest numerical indicators among all identified persons who committed criminal offences were recorded for juveniles aged 16-17 and 14-15. At the same time, Y. Lu (2024) questions the thesis of an invariant relationship between age and crime, emphasising that this relationship is significantly influenced by national characteristics, historical development, and cultural context.

The indicated age structure of criminal offenders emerged as a result of prolonged and multidirectional dynamic processes affecting offenders in the specified age groups, which should be briefly characterised. The number of criminal offenders aged 29-39 has always been substantial, and accordingly its dynamics generally coincided with the dynamics of the overall number of criminal offenders in the country. Initially, their number decreased from 50,536 in 2014 to 44,899 (–11.2% over two years) in 2016. Over the following two years it increased to 54,012 (+20.3%) and 54,857 (+1.6%), after which it steadily declined, reaching 46,695 in 2021 (–14.9% compared to the 2018 figure). In 2022-2023, a well-known sharp fluctuation in the number of such persons occurred: first a decrease to 34,272 (–26.3%), followed by a significant increase to 45,531 (+32.9%). The share of representatives of this age group among all criminal offenders increased during the first three years of the analysed period from 33.3% in 2014 to 35.4% in 2016, and from that year onwards persons aged 29-39 became the most numerous age group among all individuals who committed criminal offences. In subsequent years, their percentage share remained very stable, averaging 37.3%.

Similar dynamic changes were characteristic of the number of criminal offenders aged 40-54. In 2015-2016, their number declined from 32,054 to 26,668 (–16.8%); in 2017–2018 it increased to 33,332 (+25.0% compared to the 2016 figure); in 2019-2021 there was a slight decrease to 31,888 (–4.3% compared to the 2018 figure); in 2022 the number fell to 25,092 (–21.3%), followed by growth in 2023 to 36,542 (+45.6%). The share of persons in this category among all criminal offenders remained at 21–22% in 2014-2016, but increased steadily in subsequent years and exceeded 30% in 2024. During 2014-2021, persons aged 40-54 constituted the third largest group of criminal offenders, while from 2022 onwards they became the second largest.

The number of offenders aged 18-28 predominantly declined over the analysed period. In 2015–2021, it decreased from 52,690 to 31,714 (–39.8%); in 2022 it fell significantly to 22,245 (–29.9%), and in 2023 it increased to 27,375 (+23.1%). In line with this dynamic, the percentage share of this age group among all criminal offenders decreased noticeably. In 2014-2015, it amounted to 34.7% and 35.0%, respectively, which was the highest among all age groups. From 2016, the proportion of persons in this age group declined, as a result of which they initially ranked second in terms of numbers, and from 2021 ranked third. Representatives of the three analysed age groups accounted, on average, for 89.5% of all identified persons who committed criminal offences during the analysed period, while in 2024 this figure amounted to 89%.

The dynamics of the number of criminal offenders aged 60 and over differed from those observed in other age groups. In 2015–2016, their number also declined and amounted to 3,552 (–15.7% compared to 2014). Over the subsequent five years, it predominantly increased, reaching 4,754 in 2021 (+35.0%), after which there was a slight decrease in 2022 to 4,334 (–8.8%), followed by a significant increase in 2023 to 6,190 (+42.8%). The share of persons in this age group among all criminal offenders, after

[1] Law of Ukraine No. 1414-IX "On the Basic Principles of Youth Policy in Ukraine". (2021, May). Retrieved from https://zakon.rada.gov.ua/laws/show/1414-20#Text.

declining to 2.5% in 2015, increased steadily and reached 5.0% in 2023.

The number of criminal offenders aged 55-59 fluctuated throughout the analysed period. In 2015-2016, there was a decrease from 4,843 to 4,011 (–17.2% compared to 2014); in 2017-2018, the number increased to 5,117 (+27.6% compared to the 2016 figure); in 2019–2021, it declined to 4,715 (–7.9%). Subsequently, in 2022, a significant decrease occurred to 3,659 (–22.4%), followed by a substantial increase in 2023 to 5,257 (+43.7%). The percentage share of persons in this age group among all criminal offenders remained at approximately 3.2% in 2014-2017, after which it began to increase, reaching 4.3% in 2023.

A declining trend was characteristic of the two youngest groups of persons who committed criminal offences. The number of criminal offenders aged 16-17 steadily decreased during 2015-2022, falling overall from 4,655 to 1,227 (a 3.8-fold decrease), and increased only slightly in 2023 to 1,296 (+5.6%). The percentage share of such persons among all criminal offenders stood at 1.5% in 2014-2015, after which it declined continuously and amounted to 0.5% in 2023 and 2024. The number of identified persons who committed criminal offences at the age of 14-15 decreased over the analysed period from 2,265 in 2014 to 951 in 2021 (a 2.4-fold reduction compared to 2014). In 2022, their number declined sharply to 519 (–45.4%), followed by an increase of 24.7% in 2023 to 647. The share of juveniles in this age group among all offenders declined over the analysed period from 0.3% to 0.1%.

Among the identified persons who committed criminal offences, there is another category of juveniles that is mentioned less frequently – those who committed criminal offences under the age of 14. Data on their number are included in official state statistical reporting because, in accordance with Article 97 of the Criminal Code of Ukraine[1], courts may apply compulsory educational measures to such persons. This group includes children aged 11-14, since, pursuant to Article 498 of the Criminal Procedure Code of Ukraine[2], criminal proceedings concerning the application of compulsory educational measures provided for by Ukrainian criminal law are conducted in respect of persons who committed a criminal offence after reaching the age of eleven. The number of such persons was small and, over the analysed period, showed an almost continuous decline. In 2014, 433 such persons were recorded; in subsequent years, their number decreased 2.1 times, reaching 208 in 2021. This was followed by a significant reduction to 98 in 2022, which then changed to an increase in 2023 to 147. In 2024, 132 such persons were identified. Their share among all criminal offenders remained at approximately 0.2% until 2021, after which it declined to 0.1%. It should be noted that the reduction in the number of such children in recent years represents a positive trend.

The statistical data examined are informative and useful; however, they also have certain limitations. They are based on a classification of offenders' age groups that dates back to the period of the former Soviet Union, in which the identified age groups cover differing numbers of years and, accordingly, the size of the populations within these groups varies considerably. This makes it impossible to accurately determine the level of criminal activity of representatives of the respective age groups. To assess their criminal activity more correctly, it is advisable to use indicators such as specialised criminal activity rates for each age group calculated per 100,000 population of the corresponding age in the country. These indicators eliminate differences in the number of years covered by each age group and, consequently, differences in the size of those groups.

In 2024, these age groups were distributed according to the criminal activity rate as follows:

- persons aged 29-39 – 628;
- persons aged 18-28 – 597;
- persons aged 40-54 – 448;
- persons aged 55-59 – 197;
- persons aged 16-17 – 164;
- persons aged 14-15 – 66;
- persons aged 60 and older – 64.

As can be seen, the distribution of age groups of criminal offenders by the level of the criminal activity coefficient differs somewhat from their distribution by absolute numbers. First place in this ranking is again occupied by persons aged 29-39, whose criminal activity is the highest, followed by those aged 18-28, and then by persons aged 40-54. Individuals aged 55-59 occupy the next position, with a criminal activity coefficient 2.3 times lower than that of persons aged 40-54, followed by 16-17-year-olds, whose indicator is slightly lower still. The lowest criminal activity coefficients are observed among representatives of the youngest age group (14-15 years) and the oldest age group (60 years and over). The distribution of age groups of criminal offenders by the value of this indicator more accurately reflects the level of their criminal activity in accordance with their physical and social condition at a certain age.

It was also necessary to establish the nature of the dynamics over the analysed period, which made it possible to identify long-term trends in changes in the level of criminal activity (Fig. 3). The criminal

[1] Criminal Code of Ukraine. (2001, April). Retrieved from http://zakon.rada.gov.ua/laws/show/2341-14.
[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from http://zakon.rada.gov.ua/laws/show/4651-17.

activity coefficient of persons aged 18-28 was the highest during the first nine years of the period under review and became the second highest only in 2023-2024. In 2015, this indicator increased to 770; in 2017–2018 it amounted to 785 and 781, respectively; over the subsequent three years it declined to 672 (–14.0% compared to the 2018 level); in 2022 it fell sharply to 488 (–27.4%); and in the following year it increased to 600 (+23.0%). The significant decline in the criminal activity coefficient for this age group occurred in 2022-2024, which allows the assumption that this reduction was influenced by the factor of mass mobilisation of men into the Armed Forces of Ukraine. The corresponding indicator for persons aged 29-39 ranked second in magnitude throughout 2014-2022, but from 2023 onwards became the highest. In 2015-2016, it decreased from 659 to 602 (–8.6%); over the following two years it increased to 725 (+20.4% compared to the 2016 figure); and in 2019-2021 it declined again to 626 (–13.7% compared to the 2018 figure). Subsequently, as is typical during wartime, a significant reduction occurred in 2022, to 469 (–25.1%), followed by a noticeable increase in 2023 to 622 (+32.6%).

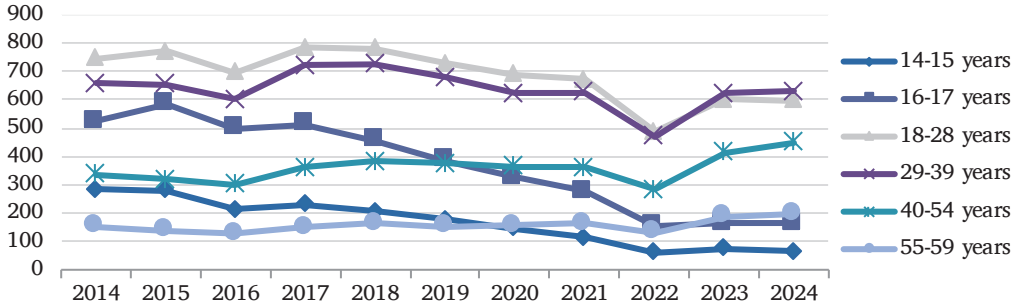

Figure 3. Criminal activity rates of persons who committed criminal offences at a certain age, detected in Ukraine in 2014-2024, per 100,000 population of the country in the corresponding age group
Source: developed by the authors based on data from the Office of the Prosecutor General (n.d.)

The dynamics of the criminal activity coefficient for persons aged 40-54 differed from those observed in the two age groups of offenders discussed above. Throughout most of the analysed period, this indicator remained relatively stable, and fluctuations in the direction of either decrease or increase were moderate. In 2015-2016, the criminal activity coefficient for this age group declined from 335 to 300 (–10.4%); over the following two years it increased to 381 (+27.0%); and in 2019–2021 it decreased annually, albeit very slightly, reaching 262 by the end of this three-year period (–5.0% compared to the 2018 figure). Subsequently, in 2022, it declined to 284 (–21.5%), while in 2023 it increased sharply by 45.4% to 413, with this growth continuing in 2024. As a result of these dynamics, persons in this age group ranked fourth in terms of criminal activity during 2014–2019, and from 2020 moved to third place, where they remained in subsequent years.

Throughout the analysed period, there was a consistent and substantial decline in the level of criminal activity among representatives of both juvenile age groups. Thus, the criminal activity coefficient for 16-17-year-olds increased in 2015 from 523 to 584 (+11.7%), but in subsequent years declined steadily (with the exception of 2017) and in 2021 amounted to 278, representing a 2.1-fold decrease compared to the 2015 figure. In 2022, this indicator declined sharply to 154 (–44.6%); however, in 2023, unlike many other criminal statistics, it did not increase significantly and remained at approximately the 2022 level (162), with the same situation observed in 2024.

As a result of this substantial decline in the criminal activity coefficient, the position of representatives of this age group among offenders of other age groups also changed. In 2014-2019, they ranked third in terms of this indicator; in 2020-2022, fourth; in 2023, they moved to fifth place, where they remained in 2024. A similar dynamic was observed for the youngest age group, namely 14-15-year-olds. During 2015-2021, their criminal activity coefficient decreased 2.5 times, from 285 to 115. In 2022, it declined almost twofold to 60, and in the subsequent two years remained at approximately the same level, amounting to 74 and 66, respectively.

During 2014-2019, persons in this age group ranked fifth in terms of this indicator, and from 2020 moved to sixth place, where they remained for the rest of the period. Naturally, the least criminally active were the oldest offenders – persons aged 60 and over. In 2015-2016, their criminal activity coefficient declined from 43 to 37, after which it began to increase slightly in subsequent years, reaching 47 in 2021. In 2022, this indicator declined to 43, while in 2023 it increased significantly to 61, remaining at the same level in 2024.

Thus, the number of identified offenders in Ukraine in 2024 remained at the level of the previous year, although sharp fluctuations had been

observed earlier, associated with wartime events and changes in migration processes. The long-term trend indicated a gradual decrease in the number of identified offenders, which may point to a decline in the quality of law enforcement performance and their operational conditions. In terms of gender structure, men predominated, and the gap in the level of criminal activity between men and women remained consistently significant – a fact explained not by social changes, but by deeper bio-psychological factors. The age structure of offenders was characterised by the dominance of young and middle-aged people, while the participation of juveniles and older persons was minimal. Overall, the observed trends and their interpretations align with international studies that emphasise the influence of social, psychological, and cultural factors on crime.

■ Conclusions

The study showed that crime in Ukraine underwent significant transformations between 2014 and 2024, caused by a combination of socio-economic, political, psychological and military factors. The structure of criminal offences shows clear gender and age patterns that reflect the underlying processes of social change in the country.

First of all, men consistently dominate among those who have committed criminal offences, accounting for an average of 88% of the total number of offenders. This disproportion persists throughout the entire period under study and is explained by both biosocial differences between the sexes and gender stereotypes and traditional roles in society. An age analysis showed that the most criminally active group is people aged 29-39 (on average, more than a third of all criminal offenders), who combine life experience with social mobility and professional activity. In second place are people aged 40-54, whose share has grown steadily during the period under review. Young people aged 18-28 are gradually losing their leadership in terms of criminal activity, which is partly due to mass mobilisation, a decline in the number of men in this category, and changing social norms.

At the same time, there has been a decline in crime among minors, especially among those aged 14-17, which may indicate both the strengthening of preventive measures and the forced displacement of a significant number of children abroad since 2022. On the other hand, the proportion of middle-aged and older offenders (aged 55 and over) is increasing, indicating a worsening socio-economic situation and the psychological consequences of the war, which are pushing people towards deviant behaviour.

It has been established that during the period under review, there has been a fluctuation in the total number of offenders, which could hypothetically be linked to a temporary decline in the effectiveness of law enforcement agencies. At the same time, recent years have shown a trend towards partial stabilisation of indicators, indicating that the law enforcement system is adapting to the crisis conditions. Thus, contemporary crime in Ukraine is characterised by a gradual decline in the role of young people, an increase in criminal activity among mature individuals, and a stable gender imbalance. These trends reflect the profound social changes caused by the war and require a rethinking of state policy in the field of crime prevention in the context of post-war reconstruction of society.

Based on ten years of data, patterns of the "age shift" of crime and its gender stability during the period of martial law have been traced. In further research on this topic, it would be appropriate to specify and deepen the analysis by comparing the types of criminal offences committed by representatives of different gender and age groups.

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■ Conflict of Interest

None.

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Статево-вікова характеристика осіб, які вчинили кримінальні правопорушення в Україні у 2014-2024 роках

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■ **Анотація.** Виявлення тенденцій у гендерно-вікових характеристиках злочинців є необхідним для розроблення ефективної державної політики у сфері запобігання злочинності та реінтеграції правопорушників у післявоєнний період. Метою дослідження було вивчення динаміки та структури злочинності за статевою та віковою ознаками, визначення впливу соціально-економічних, політичних і психологічних факторів на поведінку правопорушників. Методологічну основу становили статистичний, порівняльно-аналітичний, кримінологічний, системно-структурний методи. Емпіричну базу сформовано на основі офіційних даних Офісу Генерального прокурора та результатів наукових досліджень. Результати дослідження засвідчили, що впродовж аналізованого періоду структура злочинності в Україні зазнала суттєвих змін: серед правопорушників стабільно переважають чоловіки (близько 88 %), натомість жінки становлять у середньому 12 %. Найвищий рівень кримінальної активності зафіксовано серед осіб віком 29-39 років, водночас частка неповнолітніх постійно знижується. Виявлено поступове «дорослішання» злочинності та зростання питомої ваги правопорушників середнього й старшого віку, що пов'язано зі зниженням рівня життя, безробіттям, психологічним виснаженням і воєнними чинниками. Наукова новизна роботи полягає в поєднанні кількісного статистичного аналізу з якісним кримінологічним тлумаченням соціальних процесів, що впливають на формування злочинної поведінки в умовах воєнного стану. Це дало змогу окреслити нові тенденції в структурі кримінальної активності населення. Практичне значення дослідження полягає в можливості використання його результатів для вдосконалення кримінологічного прогнозування, формування державних стратегій запобігання злочинності, підвищення ефективності діяльності правоохоронних органів і розроблення цільових програм соціальної реабілітації осіб, схильних до девіантної поведінки

■ **Ключові слова:** кримінальний правопорушник; кримінологічна характеристика; вікові групи кримінальних правопорушників; кримінальна активність; коефіцієнт кримінальної активності; воєнний стан

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Organisational and legal basis for prioritising the activities of investigative units of the National Police of Ukraine in the context of criminal procedural activities

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■ **Abstract.** The study analysed the organisational and legal basis for prioritising the activities of investigative units of the National Police of Ukraine in the context of criminal procedural activities. The relevance of the study is conditioned by the growing burden on investigative units (more than 1.5 million criminal proceedings in 2024 with an average load of 307 proceedings per investigator) and the need for strategic management under martial law. In such circumstances, prioritisation acts not only as a management tool, but also as a factor in ensuring the efficiency, sustainability, and effectiveness of the activities of pre-trial investigation bodies. The purpose of the study was to substantiate and systematise the concept of prioritisation in the functioning of investigative units as a means of improving criminal procedural activities and optimising the use of limited resources. The methodology included: systematic and comparative legal approaches, analysis of statistical and regulatory data, and generalisation of empirical materials of pre-trial investigation practice. The use of these methods helped to identify both theoretical and applied aspects of prioritisation in criminal proceedings. The results of the study showed that determining the priority of criminal proceedings is based on a set of legal, procedural, and social criteria: the severity of the crime, the risk to the life and safety of individuals, the presence of procedural deadlines, public response, and the urgency of investigative (search) actions. The paper offered a detailed five-stage prioritisation algorithm that covers legal qualifications, procedural status, operational and official circumstances, the investigation stage, and the final assessment. The necessity of improving the mechanisms of interdepartmental coordination, optimising the workload, and considering the expectations of civil society was substantiated. The practical significance of the study was to develop a structured approach to managing priorities in the activities of investigative units, which will contribute to improving the effectiveness of pre-trial investigation, ensuring timely procedural response, and building public confidence. The necessity of introducing specialisation, updating the training system, and introducing uniform priority criteria, especially in the investigation of war crimes and crimes against vulnerable categories of persons, was justified

■ **Keywords:** management of investigative resources; algorithm for determining priorities; specialisation of investigative units; interdepartmental coordination of pre-trial investigation; criteria for the public significance of crimes; optimisation of criminal procedural activities

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Introduction

In the current realities of limited administrative and human (service) resources, and growing public expectations and significant threats, the law enforcement agencies of Ukraine are obliged to act strategically and carefully to ensure human and civil rights and freedoms. In the context of a long war, it is critically important to determine priority areas of activity for investigative units of the National Police of Ukraine, since their task is to protect the individual, society and the state from criminal offences and illegal encroachments. Prioritisation, as a form of management in public activities, helps not only to increase the effectiveness of the investigation, but also to properly allocate resources, build public trust, and respond to current challenges. As of today, considering the realities of the functioning of the Ukrainian state, prioritisation is not about convenience, but about survival, sustainability, and efficiency.

The importance of applying this approach is primarily conditioned by the significant workload of investigative units of the National Police of Ukraine. According to information from the Office of the Prosecutor General of Ukraine (2025), in 2024, police investigators investigated more than 1.5 million criminal proceedings, of which 431,000 were initiated in 2024. The investigation of more than 280 thousand criminal proceedings was completed, of which 62 thousand materials were sent to the court. The average workload per investigator is 307 criminal proceedings. During the first quarter of 2025, police investigators investigated 1 million 185 thousand criminal proceedings, which is almost 8% more than during the same period previous year (1 million 100 thousand). 148 thousand criminal proceedings were initiated in the first quarter of 2025 (for this period in 2024 – 153 thousand). Of those that were in the proceedings, 61 thousand criminal proceedings were investigated. Materials on almost 16 thousand criminal proceedings were sent to the court in three months of 2025. Such a significant workload on the investigative apparatus of the National Police of Ukraine, which, according to internal service materials, has a staff of just over 11,000 employees (National Police of Ukraine, 2024), is a factor in increasing employee stress (Balynska *et al.*, 2024) and creates a need to apply prioritisation methods in their work, which, in turn, has not been researched from a scientific standpoint and therefore requires in-depth scientific analysis.

According to the Decree of the Cabinet of Ministers of Ukraine dated August 23, 2024 No. 792-p[1], which approved a comprehensive strategic plan for reforming law enforcement agencies as part of the security and defence sector of Ukraine for 2023-2027, paragraph 2.4.1. provides for an annual (considering the results of an analytical report on the structure, dynamics of crime and features of the criminal situation on the territory of the state) determination of national and regional priorities for countering crime. Given that the National Police of Ukraine is responsible for implementing this task, the issue of creating a scientific and theoretical basis for the application of a system of national and regional priorities for combating crime, based on the results of practical activities, is of paramount importance in terms of conducting pre-trial investigations.

Considerable attention is paid to the problem of allocating and prioritising police resources, which directly affects the effectiveness and fairness of criminal investigations, and in the world scientific literature. H. Maslen & C. Paine (2024) substantiated the ethical specificity of such decisions, arguing that, unlike in the medical field, the police act in the context of a collective assessment of needs and a balance between efficiency and fairness. In this context, E. Halford (2024) proposed the Decision-Making Framework for Policing, which provides a cognitive-analytical approach to prioritisation and resource allocation, integrating heuristic, naturalistic, and rational principles.

From the legal standpoint, L. Landström *et al.* (2019) showed that prioritisation in the police has legal limits: excessive selectivity in investigations can run counter to the principle of legality and equality of citizens before the law. T. Sullivan *et al.* (2018) proves that in organised crime cases, decisions on the order of investigations should be based on a set of criteria – public harm, level of corruption risks, geographical prevalence, and criminal impact.

The problem of effective management of investigative units was considered by H. Prince *et al.* (2021), who assessed the evidence base of effective investigative practices. A similar opinion was developed by N. Deslauriers-Varin & F. Fortin (2021), emphasising the importance of evidence-based approaches for justifying decisions on the priority of investigations. In the field of digital forensics, G. Horsman (2022) proposed a formalised method for prioritising cases in digital evidence laboratories using the Hierarchy of Case Priority (HiCaP) model, which is based on risk assessment and case characteristics. D. Wilson-Kovacs & J. Wilcox (2023) analysed how risk-based demand assessment in digital forensics in England and Wales faces challenges, and offered updated

[1] Resolution of the Cabinet of Ministers of Ukraine No. 792-p "On Approval of the Action Plan Aimed at Implementing the Comprehensive Strategic Plan for the Reform of Law Enforcement Agencies as Part of the Security and Defence Sector of Ukraine for 2023-2027". (2025, August). Retrieved from https://zakon.rada.gov.ua/laws/show/792-2024-%D1%80#Text.

system approaches to improve backlog management and collaboration between operational and technical teams. Ultimately, R.A. Wickenheiser (2023) suggested a proactive approach to crime scene processing that indirectly promotes prioritisation of high-value evidence through rapid analysis such as Rapid DNA, reducing the accumulation of cases in laboratories. In the context of prioritising suspects, D.K. Rossmo & A.M. Jones (2025) demonstrated how group-individual probability confusion distorts ranking in information overload investigations, leading to cognitive errors and recommendations for probabilistic training for investigators.

Thus, in the modern doctrine, the prioritisation of police activities is interpreted as a multidimensional management phenomenon that combines legal restrictions, ethical principles, and analytical tools for optimising resources. The purpose of the study was to reveal the content and significance of prioritisation in the activities of investigative units, and to determine its role in improving the effectiveness of criminal procedural activities in conditions of limited resources.

Materials and Methods

The methodological basis of the study was a combination of systematic, functional, and activity-based approaches to the analysis of criminal procedural activities. Within this conceptual framework, prioritisation was considered not as a separate management technique, but as an element of organising the activities of pre-trial investigation bodies, which is developed under the influence of legal, procedural, social, and security factors. The theoretical basis also included scientific approaches to the problem of allocating limited resources in law enforcement activities, and advanced foreign concepts of media influence on justice and prioritisation of criminal proceedings.

In the course of the study, a complex of general scientific and special legal methods was used. The formal legal method was used to analyse the provisions of the Criminal Code of Ukraine[1] and the Criminal Procedure Code of Ukraine[2], in particular, regarding the categories of crimes, procedural terms, and the procedure for performing certain procedural actions. With its help, regulatory limits were established within which criminal proceedings were prioritised. The method of system analysis allowed considering the activities of investigative units as an integral mechanism in which prioritisation was associated with the workload, specialisation of investigators, stages of criminal proceedings and external control.

The comparative legal method was used to analyse approaches to prioritisation in foreign research, in particular, in the framework of the discussion on the concept of "No viral – no justice". This allowed comparing the conclusions of foreign researchers with the results obtained in Ukrainian conditions, and substantiating the specifics of the national context. The logical and structural method was used in the construction of the author's algorithm for prioritising the activities of investigative units, which helped to form a consistent model for evaluating criminal proceedings based on a set of legal and procedural parameters.

The empirical basis of the study was the materials of law enforcement practice, in particular, court decisions of the Cassation Criminal Court within the Supreme Court, which revealed the ambiguity of approaches to the application of procedural deadlines and statute of limitations. Official statistics of the Office of the Prosecutor General of Ukraine on the state of pre-trial investigation and the structure of criminal offences, including in terms of war crimes, were also used. These materials helped to substantiate the conclusions regarding the congestion of investigative units and the impact of "dead" criminal proceedings on the prioritisation system.

The source base of the study also consisted of laws and regulations, in particular, the Order of the Ministry of Internal Affairs of Ukraine on the organisation of the activities of pre-trial investigation bodies, which allowed analysing the issues of specialisation of investigators, including administrative documents of the Cabinet of Ministers of Ukraine in the field of law enforcement reform. The processing of these materials established an institutional framework for implementing prioritisation mechanisms.

The sequence of the study included, firstly, the analysis of legal regulation and scientific approaches to prioritisation; secondly, the investigation of the practice of applying procedural deadlines and statute of limitations; thirdly, the analysis of the features of prioritisation under martial law; and, fourthly, the development of a generalised author's algorithm for prioritising the activities of investigative units. It was this logic of the study that ensured the achievement of the goal and the validity of the results obtained.

Results and Discussion

Present-day realities define new requirements for the justice system, in particular, for the organisational processes of pre-trial investigation. An important aspect of this system is its adaptation to the specifics of the internal and external situation. Law enforcement agencies, in particular pre-trial investigation bodies and the prosecutor's office under martial law, inevitably face new challenges and the need to review the structure and organisation of pre-trial

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.

investigation. The change in political and social life caused by the introduction of martial law brings to the fore the need to optimise the organisational processes of pre-trial investigation. A. Kubaienko (2023) argues that under martial law, changes in the political and social context make it necessary to review the organisational models of pre-trial investigation and implement structural changes aimed at improving the efficiency, stability, and fairness of the functioning of the criminal justice system.

In this context, it becomes an important task to ensure effective and prompt detection and investigation of illegal actions, and on the part of the prosecutor's office, effective procedural management of the investigation of criminal offences under martial law. Thus, the issues of optimising the processes of pre-trial investigation are really defined as priorities and require constant scientific and practical attention, which is impossible without analysing the opinions of scientists and researchers. However, the issues of factors influencing the definition of priority and the very concept of priority in the pre-trial investigation management system require additional clarification, considering the subject and object of research.

Priority, in the classical socio-philosophical sense, is the degree of importance or preference given to a particular task, action, solution, or object over others. Priorities set the order of actions or choices based on goals, resources, and circumstances (Busel, n.d.). Accordingly, in a broad sense, the priority in the functioning of the investigative units of the National Police of Ukraine in the context of criminal procedural activities can only be those criminal procedural foundations and specifically formulated and socially established public demands that will objectively influence the further functioning of the relevant investigative unit and satisfy society, whose rights and freedoms are ensured by the functioning of law enforcement agencies in general.

Among the main factors influencing the determination of priority in Ukraine, it is worth highlighting: the severity of the crime (particularly serious and serious, according to Article 12 of the Criminal Code of Ukraine[1] (CC of Ukraine) – priority is given to crimes against life, health, sexual freedom, or committed against particularly vulnerable categories (children, persons with disabilities, the elderly, victims of domestic violence); the presence of a threat to the life or safety of persons – higher priority is given to those where there is a risk of re-committing a crime or a threat to victims, witnesses, or society; the presence of procedural deadlines – those where persons are detained in accordance with Article 208 of the Criminal Procedure Code of Ukraine[2] (CPC of Ukraine) are primarily investigated, as this is conditioned by time constraints in respect of their retention, notification of suspicion to such persons; public outcry and public interest – proceedings which arouse considerable public and public attention or are actively covered by the media or with a large number of applicants; urgency of carrying out procedural actions – existence of a threat of destruction, alteration, or concealment of evidence – carrying out a search, questioning, inspection of the scene of an accident or temporary access to things and documents; investigation stage – if the pre-trial investigation is at the final stage, the investigator can focus on its completion, in order to prevent violation of deadlines or loss of evidence.

D. Keatley (2025) suggests applying the Analysis of Competing Hypotheses (ACH) method, a structured analytical approach to evaluating competing versions in criminal proceedings. This method allows organising hypotheses and evidence in the form of a proof-hypothesis matrix, clearly recording which factual data is compatible or incompatible with each version of events. This approach helps to avoid cognitive biases, in particular, confirmation bias and tunnel vision, and provides a more objective definition of further areas of Investigation.

Further development of the idea of analytical prioritisation is observed in the study by J. Mortera & W.C. Thompson (2025), who, using Bayesian modelling, proved that the epistemic value of evidence depends not only on its content, but also on the sequence of its receipt in relation to the development of the hypothesis. Evidence obtained after putting forward a version may have a different credibility than those that appeared before it, which makes it necessary to consider the time logic of forming an evidence base when planning investigative (search) actions. This Bayesian approach avoids "fitting" facts to assumptions and increases the reliability of conclusions in the prioritisation process.

In addition, it should be emphasised that complaints received from interested persons in the framework of criminal proceedings can potentially indicate problems in its investigation and serve as an indicator of the need to implement control measures for a specific pre-trial investigation, that is, to prioritise it. It should be noted that these priorities in general may not be effective in practical application, provided that there are strategically distorted approaches to calculating the burden on investigators, which now has a stable regulatory and legislative basis.

In particular, the practice of pre-trial investigation contains situations when criminal proceedings are subject to closure due to the expiration of the statute of limitations (in accordance with parts 5 and

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.

6 of Article 49 of the Criminal Code of Ukraine[1] and Paragraph 3[-1] of part 1 of Article 284 of the Criminal Procedure Code of Ukraine[2]), however, the courts do not take appropriate decisions or examine the application within a reasonable time. Thus, as of April 01, 2025, investigators and investigators are conducting more than 180 thousand criminal proceedings that are subject to closure on the specified grounds (of which 44 thousand and, for a minor crime; 70 thousand, for serious crimes; 3 thousand and, for a particularly serious crime). Simultaneously, materials of about 10 thousand such proceedings were sent to the court for closure, which is 5.3% of those that are subject to closure (Office of the Prosecutor General of Ukraine, 2025).

The judicial practice has developed ambiguously, and only the decisions of the Supreme Court (ruling of March 22, 2021 in Case No. 326/1101/20[3]) determine that within the meaning of Article 284 of the CPC of Ukraine[4], the closure of the criminal proceedings on the basis of its paragraph 3-1 of part 1 is the court's duty, while other decisions (ruling of 15 February 2024 by the panel of judges of the First judicial chamber of the Cassation Criminal Court in Case No. 687/1066/22[5]) it is indicated that the closure of criminal proceedings on the basis of paragraph 3-1 of part 1 of Article 284 of the CPC of Ukraine[6], in which the victim, who noted that the criminal offence was committed by specific persons directly indicated by the pre-trial investigation body, is a significant violation of the requirements of the Criminal Procedure Code of Ukraine. Researchers also draw attention to the fact that the issue of ambiguity in the application of the provisions of paragraph 3-1 of part 1 of Article 284 of the Criminal Procedure Code of Ukraine[7] are relevant and require detailed information.

V.V. Dovhanych (2022) points to the fact that the application of the statute of limitations for bringing to criminal responsibility has its own differences at certain stages of criminal proceedings. If this period expired during the pre-trial investigation, the court must close the proceedings by applying Article 49 of the Criminal Code of Ukraine[8]. Logically linking these criminal procedural features, it should be emphasised that this category of criminal proceedings, first of all, blurs the part of them in which an active pre-trial investigation is carried out, procedural decisions are made and investigative (search) actions are carried out, and accordingly, it is impossible to establish priority in those criminal proceedings in which the terms of involvement have expired, but this indicator continues to be considered in the total number of proceedings in which a pre-trial investigation is carried out. These arguments concerning the prioritisation of the criminal proceedings to be investigated demonstrate that this is not a matter of the investigator's subjective choice, it relies on clear criteria provided for both by law and by internal acts of the pre-trial investigation bodies.

In addition, an important aspect of the study of the issue related to prioritisation in pre-trial investigation is the incorrect determination of the priority of criminal proceedings, which can lead to serious negative consequences – both procedural and official. This helps to identify the main groups of risks, namely: service and disciplinary risks (complaints of victims, lawyers, deputies, prosecutor, and other interested parties, negative assessment during certification or inspection, growing distrust of the law enforcement system); procedural risks (violation of the terms of pre-trial investigation defined in Article 219 of the Criminal Procedure Code of Ukraine[9], delay in criminal proceedings with detainees, failure to comply with the instructions of the prosecutor or investigating judge, late delivery of suspicion or conducting a search, acquittal of the perpetrator or failure to prove guilt, etc.). A study of police attitudes to prioritising fraud shows that cultural factors often exceed resource constraints, leading to biases in the distribution of attention (Kassem & Turksen 2025).

Moreover, since the criminal procedure legislation of Ukraine defines the protection of individuals, society, and the state from criminal offences and illegal encroachments as the highest priority in the activities of pre-trial investigation bodies, the opinion of relevant public institutions and other subjects of civil society is also taken into consideration when prioritising the activities of investigative units of the National Police of Ukraine.

Effective interaction between civil society and the state is the basis for building a strong democracy in Ukraine. It requires the creation of institutional prerequisites, such as guarantees of human rights, a high level of self-organisation of citizens, and a

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[3] Ruling of the Cassation Criminal Court within the Supreme Court in Case No. 326/1101/20. (2021, March). Retrieved from https://reyestr.court.gov.ua/Review/95682158.
[4] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[5] Ruling of the Cassation Criminal Court within the Supreme Court in Case No. 687/1066/22. (2024, February). Retrieved from https://reyestr.court.gov.ua/Review/117044181.
[6] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[7] Ibidem, 2012.
[8] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[9] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.

consistent state policy. In this context, I. Kovbas & L. Bzova (2025) pointed to the fact that the lack of trust in state institutions, the formal nature of public involvement, and limited transparency of the authorities negatively affect the quality of interaction between civil society and law enforcement agencies and the perception of the results of their activities. Only through partnership between the authorities and the public, supported by effective interaction, can sustainable progress be achieved in the development of civil society and the realisation of public interests. Accordingly, the criteria expressed by civil society for prioritising the activities of investigative units should be considered and taken as the basis for forming a policy for the functioning of the relevant law enforcement agency. An analysis of open sources and law enforcement practices shows that the criteria by which civil society measures priority in this context are based on the values, emotions, fears, and expectations of citizens.

However, the definition of public resonance as one of the key criteria for prioritising criminal proceedings in contemporary scientific literature is considered not only as an instrument of democratic control, but also as a potentially problematic factor that generates the risk of the so-called "No viral – no justice" phenomenon. The essence of this concept is that the effectiveness and intensity of the response of the law enforcement system depends on the level of information "virality" of a particular event in the media space, while less public, but no less serious criminal offences risk remaining out of the focus of institutional attention. In particular, S. Charman & E. Williams (2021), analysing the mechanisms of distribution of police resources, proved that the criteria of "resonance" and "media" often correlate not with objective public harm, but with the idea of "deservedness" of victims. In their opinion, this logic undermines the principle of equal access to justice, because vulnerable, socially marginalised groups of people usually have much less media resources to mobilise public support.

A similar opinion is held by H. Maslen & C. Paine (2024), who, as part of an ethical analysis of resource allocation in policing, pointed out that unlike the healthcare system, where prioritisation is based primarily on clinical indicators, in policing it is often formed under the influence of political pressure, emotional resonance, and public expectations, which creates the risk of situational rather than strategic prioritisation. Simultaneously, the results of the analysis carried out in this study show a different picture. On the one hand, public outcry acts as a real factor in managing attention to criminal proceedings, which is confirmed by the practice of responding to high-profile violent crimes, corruption offences, and criminal proceedings against public figures. On the other hand, the statement about the dominance of the media factor as a determining factor in the prioritisation process seems debatable, since the results of this study indicate a much more complex multi-factor decision-making model.

In particular, in the activities of investigative units of the National Police of Ukraine, public resonance does not function independently, but is closely interrelated with such objective legal parameters as: the severity of the crime (Article 12 of the Criminal Code of Ukraine[1]), the presence of a threat to the life and safety of persons, procedural terms (articles 208, 219 of the Criminal Procedure Code of Ukraine[2]), pre-trial investigation stage, risk of loss of evidence. It is this set of factors, and not just information activity that forms the real logic of allocating an investigative resource.

The reason for the discrepancy between the critical approaches of Western researchers to the phenomenon of "No viral – no justice" and the results of this study may lie in the differences in the institutional context. In countries of sustainable democracies, where basic standards of access to justice are relatively stable, media influence can be a factor in distorting prioritisation. But in the conditions of martial law, a massive increase in the number of criminal offences and limited human and time resources in Ukraine, public attention also performs a compensatory function – it serves as an indicator of social tension, the level of fears and expectations of citizens.

The conclusions by S. Charman & E. Williams (2021) regarding the risk of discriminatory selectivity in prioritisation, given the results of this study, it is advisable to consider in a different plane. In Ukrainian conditions, the threat of violation of the principle of equality is created not so much by the media, but by the objective congestion of investigative units and the accumulation of "dead" criminal proceedings, in particular, those that are formally subject to closure due to the statute of limitations, but continue to be considered in the general load array.

The study by R. Kassem & U. Turksen (2025) also confirmed that cultural attitudes within law enforcement agencies can exceed resource constraints in importance, forming a bias in priority selection. In this context, the results of this study complement these conclusions, demonstrating that in Ukraine, the source of prioritisation distortions is often not only the organisational culture, but also the regulatory unsettled filtering mechanisms of proceedings that have actually lost their procedural perspective.

Thus, the results of the study partially support criticism of the concept of "No viral – no justice",

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.

recognising the risks of media-dependent selectivity, but at the same time deny its universality for the Ukrainian context. Prioritisation in the activities of investigative units of the National Police of Ukraine is formed not as a consequence of exclusively Information pressure, but as a result of a complex interaction of legal restrictions, procedural deadlines, public expectations, security threats, and management decisions under martial law.

In the future, it is necessary to move from a theoretical understanding of the priority of criminal proceedings to its practical instrumentation. Generalisation of the results obtained helped to form an expanded algorithm for prioritising the activities of investigative units of the National Police of Ukraine. It is a comprehensive model that combines legal, procedural, organisational, and social factors, and can be used as an internal reference point for distributing the investigative burden.

The algorithm includes five consecutive steps. At the first stage, a legal assessment of the crime is carried out: determining its category in accordance with Article 12 of the Criminal Code of Ukraine[1], the number of episodes, and the number and special status of victims. The parameters obtained affect the initial level of priority, which increases in the case of serious crimes, multiple episodes, or the presence of vulnerable categories of victims. The second stage concerns the procedural state of criminal proceedings. Presence of a detainee, declared suspicion or deadlines approaching the limit under Article 219 of the Criminal Procedure Code of Ukraine[2], increases the priority level. Urgent investigative (search) actions are also important, the implementation of which is of urgent importance or is associated with the risk of loss of evidence. At the third stage, operational and official circumstances are taken into consideration, in particular, external control by the prosecutor, the court, the management of the pre-trial investigation body or society, the connection of proceedings with other criminal cases, and the existence of an international element that may cause additional time or procedural restrictions. The fourth stage concerns the stage of criminal proceedings. The readiness of materials for the completion of the investigation forms an average level of priority, while waiting for the conclusions of expert examinations can either reduce or increase priority, depending on whether the corresponding results have been obtained. The fifth stage involves the final assessment of all previous indicators and assigning criminal proceedings one of three priority levels: high, medium or low. Thus, the algorithm serves as a consistent assessment mechanism that allows ensuring the proportionality of the distribution of the investigative burden in accordance with legal significance, risks, and operational circumstances.

Prioritising the areas of work of investigative units of the National Police of Ukraine is not just words, but real changes in the organisation of their activities. To this end, the structure of investigative units is constantly being updated by creating specialised departments to investigate the most pressing and socially significant categories of crimes (as regulated by the relevant organisational and staffing regulations), and by determining the specialisation of investigators for specific types of crimes (in accordance with subparagraph 6 of paragraph 4 of Section V "Powers of the heads of investigative units of the National Police" of the Order of the Ministry of Internal Affairs of Ukraine No. 570[3] of 6 July 2017), in particular: against the life and health of a person; committed by organised groups and criminal organisations); corruption, including in the sphere of official activities; involving minors and with their participation; committed in conditions of armed conflict or in temporarily occupied territories; against the environment; related to human trafficking; in the sphere of transport and critical infrastructure, etc.

This approach helps not only to improve the quality of investigations, but also to accumulate experience and knowledge to work with complex and sensitive cases, build a productive team, and predict future challenges. In the context of the functioning of the National Police of Ukraine during global security challenges related to the large-scale invasion of Russia on the territory of Ukraine, it is necessary to pay attention to the fact that police investigators, as part of joint investigative teams with the security service of Ukraine, are also involved in the investigation of war crimes. A significant part of the collection of primary materials and the actual work on the ground falls on the police investigators.

As of May 01, 2025, investigators of the National Police of Ukraine registered almost 152 thousand criminal proceedings on the facts of crimes committed in the context of armed conflict (Office of the Prosecutor General of Ukraine, 2025). Of these, more than 135 thousand were initiated under Article 438 of the Criminal Code of Ukraine[4] on the established facts of committing war crimes by Russian troops (laws and customs of war: generally accepted norms

[1] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/4651-17#Text.
[3] Order of the Ministry of Internal Affairs of Ukraine No. 570 "On Approval of the Instruction on the Organisation of Activities of Pre-Trial Investigation Bodies of the National Police of Ukraine". (2017, July). Retrieved from https://zakon.rada.gov.ua/laws/show/z0918-17#Text.
[4] Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.

of international humanitarian law established by international treaties, primarily the Geneva and New York conventions). Documentation of such offences requires prioritisation based on the risk of loss of evidence and international attention (Chlevickaitė, 2025). Considering the above discussion approaches, generalised public criteria and expected actions of the police can be presented in Table 1.

Table 1. Public criteria and expected actions of the police in the process of prioritising criminal proceedings

Public criterion	What society expects	What the police / investigator should do
Resonance	Publicity, result, report	Communication, presbrifings
Cruelty	Severe punishment	Prioritisation, focus on uncompromising evidence
Mass character	System response, post-prevention	Cooperation with other bodies, approval of strategies/plans to strengthen the area of work
Potential inequality	Integrity, openness	Neutrality, legality, permissible public disclosure, speed

Source: developed by the author

Given that the investigation of these crimes is a priori the highest priority among others, it should be noted that the possibility of allocating internal priority to this category is quite complex from both a scientific and practical standpoint. Such criteria include: probability of loss of physical evidence; scale (number of deaths, destruction of infrastructure), resonance (public or international attention), the presence of victims who need help, or witnesses who are still available. At a time when the number of war crimes is growing every day and resources remain limited, prioritisation is not a choice, but a necessity. And it is precisely because of this that it is a guarantee that the cases that pose the greatest threat to human rights, historical memory, and international reputation of Ukraine will be properly documented.

■ Conclusions

The subject of this study was the organisational and legal basis for prioritising the activities of investigative units of the National Police of Ukraine in the context of criminal procedural activities in conditions of increasing workload, martial law, and limited resources. The analysis indicated that the set goal of the study, which was to substantiate and systematise the concept of prioritisation in the functioning of investigative units as a means of improving criminal procedural activities and optimising the use of limited resources, was achieved.

The results of the study showed that prioritisation in the activities of investigative units has a complex multi-factor character and is formed under the influence of a combination of legal, procedural, organisational, and social factors. It was found that the determination of the priority of criminal proceedings is based on the gravity of the crime, the presence of a threat to the life and safety of persons, procedural deadlines, the stage of pre-trial investigation, the risk of loss of evidence, and public expectations and resonance. The analysis of the legislation helped to establish that the procedural terms and specifics of detention significantly affect the logic of distributing the investigative burden. The obtained data indicate that prioritisation is not a situational managerial response, but a systematic tool for organising criminal procedural activities.

The analysis of the practice of pre-trial investigation and judicial practice showed that a significant distorting factor in the contemporary system of prioritisation is the presence of a significant number of criminal proceedings, which are formally subject to closure due to the statute of limitations, but in fact continue to be considered and affect the workload of investigators. The ambiguity of judicial approaches to the application of relevant procedural norms is revealed, which increases management risks and complicates the development of a stable practice of determining priorities. It was also found that under martial law, the investigation of war crimes objectively acquires the highest level of priority, while simultaneously requiring internal differentiation depending on the risk of loss of evidence, the scale of damage, and international resonance.

Summarising the results obtained, it can be noted that the prioritisation of the activities of investigative units appears as a key tool for ensuring the real ability of the state to perform its criminal procedure functions in conditions of system overload. Conceptually, the above shows that without scientifically based approaches to prioritisation, even formally stable procedural mechanisms lose their practical effectiveness. Further scientific research should focus on a comparative analysis of the national prioritisation model with international practices and on exploring the possibilities of integrating analytical tools into the activities of pre-trial investigation bodies.

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Організаційно-правові засади пріоритезації діяльності слідчих підрозділів Національної поліції України в контексті кримінальної процесуальної діяльності

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■ **Анотація.** У статті проаналізовано організаційно-правові засади пріоритезації діяльності слідчих підрозділів Національної поліції України в контексті кримінальної процесуальної діяльності. Актуальність дослідження зумовлена збільшенням навантаження на слідчі підрозділи (понад 1,5 млн кримінальних проваджень 2024 року за середнього навантаження 307 проваджень на одного слідчого) і необхідністю стратегічного управління в умовах воєнного стану. Аргументовано, що пріоритезація не лише відіграє роль управлінського інструменту, а й є чинником забезпечення ефективності, стійкості та результативності діяльності органів досудового розслідування. Метою дослідження було визначення поняття та обґрунтування ролі пріоритезації у функціонуванні слідчих підрозділів як засобу вдосконалення кримінальної процесуальної діяльності та оптимізації використання обмежених ресурсів. Методологія охоплювала: системний і порівняльно-правовий підходи, аналіз статистичних і нормативних даних, а також узагальнення емпіричних матеріалів практики досудового розслідування. Застосування цих методів надало можливість дослідити як теоретичні, так і прикладні аспекти пріоритезації в кримінальному процесі. Результати засвідчили, що визначення пріоритетності кримінальних проваджень ґрунтується на сукупності юридичних, процесуальних і соціальних критеріїв: тяжкості злочину, ризику для життя та безпеки осіб, наявності процесуальних строків, суспільного резонансу й невідкладності слідчих (розшукових) дій. У статті запропоновано деталізований п'ятиетапний алгоритм пріоритезації, який охоплює юридичну кваліфікацію, процесуальний стан, оперативно-службові обставини, стадію розслідування та підсумкову оцінку. Обґрунтовано потребу вдосконалення механізмів міжвідомчої координації, оптимізації навантаження та урахування очікувань громадянського суспільства. Практичне значення дослідження полягає у формуванні структурованого підходу до управління пріоритетами в діяльності слідчих підрозділів, що сприятиме підвищенню ефективності досудового розслідування, забезпеченню своєчасного процесуального реагування та зміцненню довіри суспільства. Доведено необхідність запровадження спеціалізації, оновлення системи підготовки кадрів і впровадження єдиних критеріїв пріоритезації, передусім у розслідуванні воєнних злочинів і злочинів проти вразливих категорій осіб

■ **Ключові слова:** управління слідчими ресурсами; алгоритм визначення пріоритетів; спеціалізація слідчих підрозділів; міжвідомча координація досудового розслідування; критерії суспільної значущості злочинів; оптимізація кримінальної процесуальної діяльності

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International mechanisms for combating domestic violence: The experience of Vietnam

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■ **Abstract.** The article focused on analysing the specifics of preventing domestic violence under Vietnamese law with a view to sharing and borrowing positive experiences in combating this phenomenon. The methodological basis of the study consisted of normative, historical, comparative, formal-dogmatic, and systemic-structural methods. Attention was drawn to Vietnam's policy on preventing and combating domestic violence, which can be implemented in the areas of sustainable development and the fulfilment of international obligations, as well as ensuring the development of society. It has been established that this issue became extremely relevant in Vietnam after the country acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and it was precisely in the context of fulfilling international obligations that measures aimed at ensuring gender equality in all spheres of public life began to be taken. It has been determined that the main causes of domestic violence in the country are gender inequality and stereotypes about the roles of men and women, and therefore their eradication is an important part of preventing such violence. The main elements of the Vietnamese system for combating domestic violence, which includes both legal (punishment of perpetrators) and social (counselling support, medical assistance to victims) measures, were outlined. Based on an analysis of Vietnamese legislation, it has been determined that measures to combat domestic violence were primarily focused on protecting victims of violence and providing them with social, psychological and legal assistance, as well as rehabilitation and corrective work with family members. The tools and mechanisms that can be implemented in the policy to combat domestic violence in Ukraine have been identified

■ **Keywords:** international experience; regulatory framework; prevention; violence; gender equality; family; victim protection

■ Introduction

The growing concern about domestic violence in different countries shows how dangerous and threatening it is, considering its complex consequences: it can be life-threatening, cause serious mental health issues, and hurt social well-being. Violence causes particularly serious harm to the youngest members of the family – children who have witnessed or been victims of it. That is why this phenomenon requires decisive action and radical steps on the part of authorised entities and authorities in general.

As for legal mechanisms to combat domestic violence at the global level, this issue is not new on the

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agenda and, accordingly, has been little studied in legal science. Leading criminologists and practitioners have conducted and continue to conduct in-depth research on this issue. Among the latest publications on the topic of current international experience in preventing domestic violence, the study by K. Gurkovska & A. Nikitin (2020), who analysed the administrative and legal measures to combat domestic violence in countries with Roman-Germanic legal systems: Belgium, Germany, France, Norway and Portugal. The researchers emphasise that a characteristic feature of German legislation in this area is the focus on removing the perpetrator of domestic violence from the family. French legislation provides for the possibility for family judges to issue special regulations to ensure the safety of victims of domestic violence.

D. Tychyna (2023), based on a study of family protection issues in Ukraine, outlined a conceptual vision of a system for preventing domestic violence at various criminological levels, taking into account the victimological aspects of the problem. In characterising the legislation of different countries, the scholar considers France's experience to be valuable in terms of providing information to police officers who combat this type of violence, as well as in the 'electronic' monitoring of abusers and the protection of victims. The scholar also discusses the need to adopt experience in the implementation of measures and mechanisms aimed at material, technical, financial, and personnel support. I. Kovalenko (2023), researching protection issues in Ukraine and international experience in preventing domestic violence, concluded that many countries pay attention to the prevention of this phenomenon, in particular: in the United States, there is a programme called "Violence is not my choice"; Sweden has a rapid response system for cases of domestic violence, and the Republic of Bulgaria provides for exceptional types of penalties to combat domestic violence (e.g., public condemnation).

P. Mandzyk (2023), defining domestic violence as gender-based, outlined the characteristics of overcoming its manifestations in the United Kingdom, Denmark, Iceland, Canada, New Zealand, Norway, and Sweden, emphasising that women in countries with armed conflicts are more likely to be victims of gender-based violence. N. Miloradova & V. Dotsenko (2023), comparing the components of international and national experience in combating domestic violence in wartime, revealed the strategies used by civil society organisations in different countries, namely: 1) the formation of a Coalition to End Violence Against Women in Armenia; 2) the functioning of the Sukhumi Women's Fund in Georgia, which responds to cases of domestic violence through a combination of identification and response strategies.

The research conducted by S. Erdenebolor *et al.* (2024) to examine the effectiveness of legislative initiatives to combat domestic violence in different cultural contexts in ten countries (five European and five Asian, with additional analysis of Kyrgyzstan, Uzbekistan, Ukraine and Poland) cannot be ignored. The study showed a higher level of implementation of comprehensive protection mechanisms in European countries, where the following proved to be most effective: electronic monitoring of abusers in Sweden; the emergency response system for serious danger calls (TGD) in France; and specialised courts in Spain, which have accelerated the processing of domestic violence cases. In Asia, the most effective measures were the implementation of rehabilitation programmes for abusers in Mongolia and the expansion of the legal definition of domestic violence in India.

The study by C. Chinkin & L. Gormley (2023) examines the development of international legal approaches to violence against women in the context of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[1]. The authors emphasise that, taking into account a holistic approach to various manifestations of violence against women, defining violence as discrimination against women and simultaneously applying a human rights-based approach, General Recommendation No. 19 on violence against women of 1992 (UN Committee on the Elimination of Discrimination against Women, 2019) has become an instrument that clearly places violence against women within the sphere of international human rights law.

A. Kolisnyk (2024), highlighting the international legal framework for combating domestic violence, emphasised the need to amend and supplement both existing international and national legislation of participating countries in order to ensure equal protection against domestic violence for women, men and children; making international legislation in this area binding. K. Pisotska & K. Sharamok (2024), having analysed effective practices in Norway, the United States, Germany, Switzerland, France and Poland to prevent the phenomenon under study, emphasise that Poland's experience with blue cards – documents filled out by police officers when domestic violence is detected – is innovative and can be replicated. This document serves to document facts related to domestic violence and to assess the risk of further violence. V. Grishko (2025) presented the results of a scientific study of a multidisciplinary approach to the formation of policies to prevent and combat domestic violence and the feasibility of its use. Using the experi-

[1] Convention on the Elimination of All Forms of Discrimination Against Women. (1979, December). Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.

ence of the United States and Canada as an example, the researcher found that the use of a multidisciplinary approach in the development of national and regional policies involves the comprehensive interaction of various spheres of society: social, legal, medical, psychological and educational. The multidisciplinary approach within Canadian policy is reflected in the fact that no case of domestic violence should remain without public condemnation and punishment for the perpetrator; prevention and counteraction of this phenomenon is carried out at all levels.

The aim of this study was to conduct a comparative analysis of the legal regulation of this phenomenon in Vietnam, with a view to identifying opportunities for borrowing best practices for implementation in Ukraine.

Materials and Methods

To achieve the aims of the study, a range of methods was employed, including the normative method, historical method, comparative method, classification method, formal-dogmatic method, the method of legal concentration, institutional analysis, and the system-structural method. The application of the normative approach to the study of legal issues relating to countering domestic violence in Vietnam, combined with the systemic approach, made it possible to analyse legal norms and outline the identified issues through the lens of interdependent elements. The formal-dogmatic method was applied to examine legislative norms in terms of their form and content. The method of legal and logical concentration enabled the tracing of the development of the phenomenon of "domestic violence" in relation to social, historical, and economic processes occurring within society. The historical-legal method facilitated the assessment of the development of Vietnamese legislation in the field of preventing and combating domestic violence. The method of institutional analysis provided the opportunity to evaluate Vietnam's policy on countering domestic violence within the existing political, economic, and legal environment. The scientific inquiry also employed specialised methods of cognition: the comparative method, which enabled the characterisation of foreign experience in combating domestic violence; and content analysis, which was used when examining informational materials from online resources, mass media, and social networks. A substantial part of the study focused on understanding the traditions and customs of Vietnamese society that formed the basis for the development of its legal framework. The research process included the following stages: an overview of the regulatory and legal provisions governing domestic violence prevention in Vietnam; an assessment of the practical implementation of these norms within the relevant field; and an evaluation of the effectiveness of Vietnam's policies on preventing and combating domestic violence.

The study analysed legal acts of Vietnam regulating the field of countering violent behaviour within the family, assessing them in terms of their alignment with general social phenomena and the reforms under way in Vietnamese society, as well as their conformity with the principles and norms of international law and democratic international practice. The normative and legal basis of the study consisted of the Constitution of the Socialist Republic of Vietnam[1], Convention on the Elimination of All Forms of Discrimination Against Women[2], the Law of Vietnam "On Prevention and Control of Domestic Violence" in its 2007[3] and 2022[4] versions, the Law on Children of Vietnam (2016)[5], the Criminal Code of Vietnam[6], the Labour Code of Vietnam[7], the National Programme on the Prevention and Control of Domestic Violence[8], Directive of the Secretariat of the Socialist Republic of Vietnam No. 06-CT/TW "On Strengthening the Party's Leadership in Family Building Work in the New Situation"[9] and others. The study also

[1] Constitution of the Socialist Republic of Vietnam. (2013, November). Retrieved from https://xaydungchinhsach.chinhphu.vn/toan-van-hien-phap-nuoc-cong-hoa-xa-hoi-chu-nghia-viet-nam-119231225213002261.htm.
[2] Convention on the Elimination of All Forms of Discrimination Against Women. (1979, December). Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.
[3] Law of Socialist Republic of Vietnam No. 02/2007/QH12 "On Domestic Violence Prevention and Control". (2007, November). Retrieved from https://thuvienphapluat.vn/van-ban/EN/Van-hoa-Xa-hoi/Law-No-02-2007-QH12-of-November-21st-2007-on-domestic-violence-prevention-and-control/84027/tieng-anh.aspx.
[4] Law of Socialist Republic of Vietnam No. 13/2022/QH15 "Law Prevention and Combat Against Domestic Violence". (2022, November). Retrieved from https://thuviennhadat.vn/van-ban-phap-luat-viet-nam/law-13-2022-qh15-prevention-and-combat-against-domestic-violence-551941.
[5] Law of Socialist Republic of Vietnam No. 102/2016/QH13 "Children Law". (2016, April). Retrieved from https://thuvienphapluat.vn/van-ban/EN/Van-hoa-Xa-hoi/Law-102-2016-QH13-children/312407/tieng-anh.aspx.
[6] Criminal Code of Socialist Republic of Vietnam. (2015, November). Retrieved from https://thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Bo-luat-hinh-su-2015-296661.aspx.
[7] Labour Code of Socialist Republic of Vietnam. (2003, January). Retrieved from https://asean.org/wp-content/uploads/2016/08/Doc-9_Vietnam60.pdf.
[8] National Programme for the Prevention and Control of Domestic Violence of the Socialist Republic of Vietnam. (2022, January). Retrieved from https://datafiles.chinhphu.vn/cpp/files/vbpq/2022/01/45-qd.signed.pdf.
[9] Directive of the Secretariat of the Socialist Republic of Vietnam No. 06-CT/TW "On Strengthening the Party's Leadership in Family Building Work in the New Situation". (2021, June). Retrieved from https://surl.li/gwlufp.

made use of official reports, including Human Rights Watch (2021), which provided information on the number of recorded unlawful acts related to domestic violence and enabled the formation of a general picture of this category of criminality.

Results

Producing effective measures to counteract domestic violence is a priority task for most countries around the world. In European countries, in particular, a vector of successive standardisation of legislation in the field of preventing and countering domestic violence is currently evident. This trend was amplified by the adoption of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)[1]. In addition, the European Court of Human Rights has developed established practice in the sphere of protection against domestic violence, which is encompassed by the content of relevant rights, including the right to life (Art. 2 of the European Convention on Human Rights), the prohibition of torture (Art. 3 European Convention on Human Rights), and the right to respect for private and family life (Art. 8 European Convention on Human Rights)[2].

In accordance with the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part, which was ratified back in 2014[3], Ukraine committed to progressively adapt its legislation to the *acquis* of the EU in line with the directions defined in this Agreement, and to ensure its effective implementation. One of these directions provides for ensuring gender equality and equal opportunities for men and women in employment, education and training, and economic and social activities. Measures to counteract domestic violence in various countries are not limited to criminal law but "include a range of advisory, social and economic measures to help victims of domestic violence deal with these manifestations on the part of the perpetrator". There is a tendency towards the expansion of legal protection measures and the introduction of both protective and punitive ways of solving the problem.

The issue of domestic violence also attracts attention and is actively studied in Asian countries. Specifically, the eradication of gender-based violence is recognised as a key goal of sustainable development for countries such as China, the State of Japan, and the Republic of Korea. According to the Asian/Pacific Institute on Gender-Based Violence, between 16% and 55% of Asian-American women have experienced physical and/or sexual intimate partner violence at some point in their lives. However, they generally report personally experienced domestic violence less frequently compared to other races. This is partly due to internalised gender norms and obligations, cultural values that place the family and community above the self, and the belief that marital conflicts are a private matter (Truong, 2023). Statistics also show that in South-East Asia, 33% of women with a partner, aged 15 to 49, experience physical and/or sexual violence at least once by a current or former husband or male partner (UN Women, 2021). At the same time, compared to statistical data in South Asia and Europe, Central and Eastern Asia observe the lowest rates of this phenomenon (Bannikov & Velygodsky, 2021).

In this aspect, Vietnam – a developing country with a mixed legal system – draws attention. Like the states mentioned above, Vietnam also faces similar challenges in promoting gender equality, especially in eradicating discrimination against women. Vietnam is a society where disputes are primarily resolved through out-of-court settlements. Vietnamese laws also emphasise the high role of mediation, and therefore civil and family disputes are resolved through peaceful agreements. In rural areas, especially in hard-to-reach regions, many issues of daily life are regulated by customary law (in accordance with Art. 5 of the Constitution[4] every nationality has the right to "preserve and develop its fine customs, practices, traditions, and culture").

Vietnamese society, deeply influenced by Confucianism and Buddhism, continues to support and glorify male preferences. The preservation of gender stereotypes and discrimination shaped by social norms is the main cause of domestic violence in Vietnam. Despite the Vietnamese government's efforts since 2010 to implement programmes to prevent and respond to gender-based violence, the alarming reality is that nearly 63% of women report having experienced at least one form of violence in their lifetime. However, for various reasons, many of them do not seek legal protection (Huong, 2024). According to the results of a national survey conducted in 2021, 32% of women have experienced

[1] Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). (2011, May). Retrieved from https://zakon.rada.gov.ua/laws/show/994_001-11#Text.
[2] Convention for the Protection of Human Rights and Fundamental Freedoms (with Protocols) (European Convention on Human Rights). (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004#Text.
[3] Association Agreement between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and their Member States, on the Other Hand. (2014, September). Retrieved from https://zakon.rada.gov.ua/laws/show/984_011#Text.
[4] Constitution of the Socialist Republic of Vietnam. (2013, November). Retrieved from https://xaydungchinhsach.chinhphu.vn/toan-van-hien-phap-nuoc-cong-hoa-xa-hoi-chu-nghia-viet-nam-119231225213002261.htm.

physical or sexual violence from their husbands. Among them, 90.4% of women who experienced physical or sexual violence from their husbands did not seek help, and only 4.8% sought help from the police (Long, 2022). However, domestic violence remains an acute problem in society: in 2023, more than 3,200 cases were reported in approximately 3,100 families, which is 1,214 cases fewer than in 2022. The quantitative indicators for the forms of violence were divided as follows: physical violence (1,520 cases), emotional violence (1,404), economic violence (230) and sexual violence (110). Women were 4.6 times more likely to be victims of violence than men (Vietnam strives to clamp, 2025). Domestic violence in Vietnam takes various forms, but economic violence is common because the lives of women and children depend largely on men for various reasons (childbirth, prohibition of work by the husband, unemployment, labour market discrimination, etc.). In Vietnamese families, children can be used by family members (men) to put pressure on women (mothers), thereby enabling physical and psychological violence. Economic violence manifests itself in the following ways: refusal to support children; concealment of income; spending family money only on one's own needs; independent decision-making on most financial matters; strict control over family members' spending, etc. (GSO, 2016). According to a report by Human Rights Watch (2021), violence against children, including sexual violence, is widespread in Vietnam, not only at home but also in schools. Media reports have repeatedly described cases where guardians, teachers or state guardians have sexually harassed, beaten or whipped children. During the first six months of 2021, amid isolation due to the coronavirus pandemic, there have been reports of an increase in physical and sexual violence against children in Vietnam.

As one of the first countries to join CEDAW[1], Vietnam has made efforts to fulfil its national obligations by taking various measures aimed at ensuring gender equality in all spheres of public life, which, in turn, has yielded successful results. In addition, in order to fulfil its obligations as a CEDAW member state, Vietnam has established legal norms to improve the status of women in virtually all areas of society and to ensure equal rights for women alongside those of men. According to research published in 2025, one in three women (32%) in the country has experienced physical and/or sexual violence during lifetime. Almost all women (90.4%) who have experienced physical and/or sexual violence from men did not seek help, and only a very small number (4.8%) reported the violence to law enforcement agencies (Vietnam strives to clamp, 2025).

Since the late 1950s, Vietnam has paid attention to protecting women's rights, confirming their participation in public life. The 1959 Constitution of the Democratic Republic of Vietnam emphasises that "women in the Democratic Republic of Vietnam enjoy equal rights with men in all areas of political, economic, cultural, social and domestic life" (Article 24)[2]. This provision was duplicated in the Constitution, confirming that the state, society and the family create conditions for the comprehensive development of women and the enhancement of their role in society; discrimination on the basis of sex is strictly prohibited[3].

Prevention and control of domestic violence reflect Vietnamese national traditions of preserving and promoting cultural norms, encouraging dignified behaviour within the family, and building progressive, happy, and stable families. The country's first ever Law on Preventing and Combating Domestic Violence was adopted in 2007[4]. "This law has provided a solid legal basis for the development and implementation of many policies and measures over the past two decades," said Ms. Naomi Kitahara, UNFPA representative in Vietnam (Nguyen, 2022). The legal concept of domestic violence was defined as "intentional acts by certain family members that cause or may cause physical, mental or economic harm to other family members" (Article 1.2)[5].

However, the first version of the law was not perfect and had some flaws and inaccuracies. According to Naomi Kitahara, an independent review of its provisions showed that it needed to be revised to make it more effective, with a focus on human rights and an approach focused on the victims. It should be noted that in Vietnam, human rights are recognised and protected by the Constitution (Article 14)[6]. Domestic (family) violence is, in essence, a violation of human rights, especially the rights of women, children, the

[1] Convention on the Elimination of All Forms of Discrimination Against Women. (1979, December). Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women.
[2] Constitution of the Democratic Republic of Vietnam. (1959, December). Retrieved from https://surl.lu/rjxaig.
[3] Law of Socialist Republic of Vietnam No. 02/2007/QH12 "On Domestic Violence Prevention and Control". (2007, November). Retrieved from https://thuvienphapluat.vn/van-ban/EN/Van-hoa-Xa-hoi/Law-No-02-2007-QH12-of-November-21st-2007-on-domestic-violence-prevention-and-control/84027/tieng-anh.aspx.
[4] Ibidem, 2007.
[5] Ibidem, 2007.
[6] Constitution of the Socialist Republic of Vietnam. (2013, November). Retrieved from https://xaydungchinhsach.chinhphu.vn/toan-van-hien-phap-nuoc-cong-hoa-xa-hoi-chu-nghia-viet-nam-119231225213002261.htm.

elderly and people with disabilities, but it occurs within the family. A human rights-based approach to domestic violence is one of the fundamental and fundamentally new aspects of preventing and combating domestic violence in Vietnam. That is why the law proposes to cover various forms of violence against women and girls that may occur outside the family environment and to establish types of assistance for victims of domestic and gender-based violence, such as medical care, counselling, police protection, social services and justice.

Strengthening the legal protection of victims of domestic and gender-based violence was reflected in the new law adopted on 15 November 2022[1]. It is noteworthy that the new version of the regulatory act enshrines the concept of "psychological trauma" and provides for programmes introduced by international and local non-governmental organisations and Vietnamese researchers to combat domestic violence and assist women who have experienced violence (Kwiatkowski, 2024). Programmes operating in Vietnam that provide assistance to women who have experienced violence include counselling on the emotional and social consequences, as well as physical problems arising from violence by their husbands. In addition to the above provisions, it also pays special attention to vulnerable groups such as people with disabilities, children and the elderly. The law contains many provisions aimed at protecting women, especially pregnant women, women raising children under 36 months of age, and victims of domestic violence – Articles 3 (1) (d), 4 (2), 13 (2) (b), 16 (2) (c). Article 53 of this Law also provides for the responsibility of the Vietnam Women's Union to coordinate with relevant agencies, organisations, and individuals to protect and support women who are victims of domestic violence. One of the new and progressive points of the 2022 Law on Preventing and Combating Domestic Violence in Vietnam is the addition of acts of sexual violence and sexual coercion against women in Vietnam to Articles 2 (1) and 3 (1) (i). In addition, the new version of the law clearly provides for the provision of basic and integrated services in one place to support survivors of violence.

The forms of information, communication and education on preventing and combating domestic violence, in accordance with Article 15 of the Law on Preventing and Combating Domestic Violence of 2022, are: thematic conferences, seminars, training sessions and discussions; direct universalisation of laws; dissemination of information in the media, via loudspeakers, on the internet, on billboards and posters; integration into the programmes and activities of educational institutions; organisation of communication simulations and campaigns; integration into literature, art and sports activities, trade union activities, residential communities and models for preventing and combating domestic violence; other forms in accordance with the law[2].

The Law specifies the following concrete measures for the prevention and fight against domestic violence through promotion and education:

- further strengthening of information and promotion work on the provisions of the Law on Preventing and Combating Domestic Violence and the Law on Gender Equality among the general public in order to raise awareness and change behaviour regarding domestic violence among all segments of the population;
- educational activities on gender equality cover every family, as well as schools and society. To prevent domestic violence, it is necessary to raise awareness among both sexes about their rights and responsibilities in their relationships with each other and with other family members;
- promoting good traditions in every family, enhancing the role of relatives and loved ones in preventing domestic violence to support stability, solidarity and peace in the family, as well as effective resolution of conflicts and disputes between its members;
- promoting a movement towards the formation of a cultural framework and a civilised way of life, focusing on the formation of cultural families, cultural villages and cultural areas with criteria such as the absence of domestic violence, alcohol abuse, gambling, drug use, etc., in order to be recognised as cultural familie;
- strictness in resolving conflicts related to domestic violence, in accordance with the provisions of the law;
- integration of domestic violence prevention and gender equality programmes into socio-economic development programmes and plans at all levels and in all sectors[3].

Thus, the Law on Preventing and Combating Domestic Violence, as amended in both 2007 and 2022[4], has played an important role in expanding the concept of domestic violence and related new meanings on a national scale. With regard to

[1] Law of Socialist Republic of Vietnam No. 13/2022/QH15 "Law Prevention and Combat Against Domestic Violence". (2022, November). Retrieved from https://thuviennhadat.vn/van-ban-phap-luat-viet-nam/law-13-2022-qh15-prevention-and-combat-against-domestic-violence-551941.
[2] Ibidem, 2022.
[3] Ibidem, 2022.
[4] Law of Socialist Republic of Vietnam No. 13/2022/QH15 "Law Prevention and Combat Against Domestic Violence". (2022, November). Retrieved from https://surl.li/coxdzi.

criminal liability for domestic violence, the current Criminal Code of Vietnam (as amended in 2015, with amendments and additions in 2017[1]) does not provide for specific crimes related to domestic violence against women. However, a number of criminal offences can be applied to most forms of domestic violence against women, such as coercion into sex, rape (Article 141), murder (Article 123); intentional infliction of bodily harm (Article 134); cruel treatment of family members (Article 185).

In addition to the Criminal Code of Vietnam, one of the legal documents regulating a number of issues related to the prevention and combating of domestic violence is the Labour Code of 2019[2]. The areas of legal regulation covered by the Code include: regulation of working conditions and social policies to protect workers with disabilities, elderly workers and young workers (Article 4 (7) of the Labour Code). In particular, the Code also contains provisions aimed at protecting the rights of women, including women who are victims of domestic violence, such as provisions on ensuring gender equality, provisions on 'working conditions and social policies for the protection of female workers' – Article 4 (7).

The Law on Children of Vietnam from 2016[3] emphasises that violence against children, including girls, is "an act of torture, cruel treatment and beating; causing harm to the body and health; insulting and humiliating honour and dignity; isolation, expulsion and other deliberate actions that cause physical and mental harm to children" (Article 4 (6)). In addition, the Law also prohibits certain acts against children, including girls, such as "depriving children of their right to life; sexual abuse, violence, cruel treatment and exploitation of children; failure to provide, conceal or obstruct the provision of information about children who have been abused or children who are at risk of exploitation or violence to families, educational institutions, competent authorities and individuals" – Article 6 of the Law.

The implementation of the Vietnamese Government's policy on combating domestic violence is being adjusted with the adoption of the National Programme for the Prevention and Combating of Domestic Violence, approved in January 2022. Its key objectives are: to provide more than 70% of people at risk of domestic violence with knowledge and skills to respond to cases of domestic violence; to provide 95% of identified victims of domestic violence with protection, legal assistance and medical care; 95% of communes, districts and settlements to provide and follow models for the prevention and control of domestic violence; providing 90% of people directly involved in the prevention and counteraction of domestic violence with knowledge, skills and professional practices in the specified field; improve their professional competence and skills (Viet Nam is determined…, 2024).

In addition to the legal documents published by the National Assembly, Vietnam also has a number of documents regulating the implementation of laws in the field of preventing and combating domestic violence in general and protecting women who are victims of it. Among these documents are Government Decree No. 76/2023/ND-CP of 2023[4], which details a number of articles of the 2022[5] Law on Preventing and Combating Domestic Violence, Government Decree No. 70/2008/ND-CP[6], which details the implementation of a number of articles of the Law on Gender Equality.

Directive of the Secretariat No. 06-CT/TW of 24 June 2021[7] affirms that Vietnamese families play an important role for individuals and society, and are one of the important factors determining the country's sustainable development. Reconciliation in the prevention and combating of domestic violence is understood as the persuasion of the parties by a mediating group of the family, clan, agency, organisation and grassroots level, which agrees to end violence, conflicts and disputes in a satisfactory manner,

[1] Criminal Code of Socialist Republic of Vietnam. (2015, November). Retrieved from https://thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Bo-luat-hinh-su-2015-296661.aspx.
[2] Labour Code of Socialist Republic of Vietnam. (2003, January). Retrieved from https://asean.org/wp-content/uploads/2016/08/Doc-9_Vietnam60.pdf.
[3] Law of Socialist Republic of Vietnam No. 102/2016/QH13 "Children Law". (2016, April). Retrieved from https://thuvienphapluat.vn/van-ban/EN/Van-hoa-Xa-hoi/Law-102-2016-QH13-children/312407/tieng-anh.aspx.
[4] Decree of the Government of Socialist Republic of Vietnam No. 76/2023/ND-CP "On Detailing a Number of Articles of the Law on Domestic Violence Prevention and Control". (2023, November). Retrieved from https://english.luatvietnam.vn/chinh-sach/decree-76-2023-nd-cp-detailing-law-on-domestic-violence-prevention-and-control-274524-d1.html.
[5] Law of Socialist Republic of Vietnam No. 13/2022/QH15 "Law Prevention and Combat Against Domestic Violence". (2022, November). Retrieved from https://thuviennhadat.vn/van-ban-phap-luat-viet-nam/law-13-2022-qh15-prevention-and-combat-against-domestic-violence-551941.
[6] Resolution of the Government of Socialist Republic of Vietnam No. 70/2008/ND-CP "On Detailing the Implementation of a Number of Articles of the Law on Gender Equality". (2008, June). Retrieved from https://english.luatvietnam.vn/decree-no-70-2008-nd-cp-dated-june-04-2008-of-the-government-detailing-the-implementation-of-a-number-of-articles-of-the-law-on-gender-equality-36024-doc1.html.
[7] Directive of the Secretariat of Vietnam No. 06-CT/TW "On Strengthening the Party's Leadership in Family Development in the New Situation". (2021, June). Retrieved from https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Chi-thi-06-CT-TW-2021-tang-cuong-su-lanh-dao-cua-Dang-doi-voi-cong-tac-xay-dung-gia-dinh-479330.aspx.

restoring the lives and psychology of individuals and families. Therefore, mediation is becoming a popular alternative method of conflict resolution in Vietnam. At the same time, the mediation (reconciliation) process for preventing and combating domestic violence must use a women-centred approach, respecting cultural values and women's autonomy. This approach, among other things, focuses on respect for women, viewing women who have experienced violence not only as lone victims, but also as wives, mothers, daughters-in-law, helping women to realise their attachment to their families and communities, thereby seeking to unite and support not only family members and relatives, but also society.

In 2023, the counteraction of domestic violence in Vietnam achieved some encouraging results and even exceeded the goals set for 2025, specifically: 74.6% of individuals suffering from domestic and/or gender-based violence were provided with counselling; 100% of victims were identified and given access to counselling support; and 100% of people who committed domestic and gender-based violence were brought to criminal accountability and provided with consultation (Vietnam strives to clamp …, 2024).

Thus, along with the system of specialised legal documents on the prevention and fight against domestic violence, Vietnam also has documents in other related fields, such as gender equality, marriage and family, and labour, including special provisions for the protection of women who are victims of domestic violence. These legal documents are intended to best protect the rights of women, striving to ensure social justice and gender equality.

It must be noted that in preventing and stopping acts of violence, local authorities coordinate their actions with the police, non-governmental organisations, and the community to intervene promptly and respond strictly to violations. Currently, 827 trusted public addresses and 158 hotline numbers are operating in the country's provincial cities, communes, districts, and towns, ready to support, counsel, and receive information from victims and witnesses. Out of 102 cases identified and reviewed, 70 people received comments and criticism from the community; 4 people were subjected to educational measures at the commune, district, and city levels; 1 person was subjected to administrative accountability (warning); 1 person was subjected to administrative accountability (fine); and 5 people were brought to criminal accountability (imprisonment) (Hòa Bình…, 2025).

Also, every year, the Provincial Steering Committee for Family Work and the 10 out of 10 district and city Steering Committees for Family Work publish the Inspection Plan for the implementation of family work, prevention, and control of domestic violence. Such a plan provides for inspection work aimed at strengthening state management of the family sector, covering the execution of provincial and central directives on family work, and the prevention and control of domestic violence in the new situation in provincial cities. Simultaneously, the advantages, limitations, difficulties, shortcomings, and causes that need to be overcome are evaluated, and solutions are proposed for the effective implementation of family work, prevention, and control of domestic violence in the future (Hòa Bình…, 2025).

Along with this, the Committee for Family Work at the community level and the grassroots (territorial) mediation team have implemented measures to protect and support victims of domestic violence. They provide counselling services, legal aid, and medical care to victims of violence. Specifically, in 2024, the number of medical examination and treatment facilities with temporary shelter for victims of domestic violence throughout the entire province was 176 (The effectiveness of communication…, 2024).

To implement the adopted laws into public life, the policy on gender equality is actively promoted and implemented in Vietnam. Specifically, information about gender equality and domestic violence is disseminated to human resources staff, party members, and many segments of society in various forms, such as: integrating gender equality content into local plans and programmes, or through training, conferences, seminars, meetings, and reading newspapers at the beginning of the day (Huyen, 2024).

Vietnam is also working to fulfil its obligations under international conventions, in particular CEDAW and the Convention on the Rights of the Child[1]. As of 2025, the country is considering ratifying the 2019 Violence and Harassment Convention[2]. These conventions further reflect the Vietnamese government's commitment to eliminating gender-based violence and promoting gender equality. However, gender-based violence remains a complex problem, and Vietnam must focus on developing more decisive intervention measures to achieve the goals of the 2030 Agenda for Sustainable Development (2015).

Raising awareness is the first step towards preventing and reducing domestic violence in Vietnam. The next step is to help families in need. This support can come from services provided by the state or

[1] Convention on the Rights of the Child. (1989, November). Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.
[2] ILO Convention No. 190 "Violence and Harassment Convention". (2019, June). Retrieved from https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810.

from new programmes developed by the residents themselves. In recent years, many intervention models for preventing domestic violence have been widely deployed throughout the country, particularly in ethnic minority and mountainous areas. A typical example of such a model is the "Model for the Prevention and Minimisation of the Harmful Effects of Gender-Based Violence" led by the Ministry of Labour, War Invalids and Social Affairs. It is used to implement intervention measures, including: clubs for the prevention and minimisation of the harmful effects of gender-based violence, teams for the prevention and combating of gender-based violence, community shelters, etc. Other models include: a model for preventing and combating domestic violence, which is implemented within the framework of the "Creating Sustainable Families" club and groups for preventing and combating domestic violence; a model for preventing and combating domestic violence and building happy families; the model for communication on gender equality and preventing and combating gender-based violence, implemented within the framework of the "Farmers' Association" (Lao Động, 2020).

From 1 to 30 June 2025, Vietnam launched the National Month of Action to Prevent and Combat Domestic Violence in 2025 with the communication theme: "End violence, promote love". The objectives and requirements of the National Month of Action to Prevent and Combat Domestic Violence in 2025 were defined as follows: to enhance the role, responsibility and effectiveness of coordination at all levels and branches, from central to local, thereby mobilising the combined forces of the entire political system and the entire population to participate in preventing and combating domestic violence; strengthening communication activities to raise awareness and responsibility of institutions, organisations and individuals in preventing and combating domestic violence, promoting the protection of women and children and building happy families (Implementation of the National ..., 2025). The main themes of the National Month of Action to Prevent and Control Domestic Violence in 2025 include:

- Proactive prevention and response to domestic violence is the responsibility of all levels, sectors and society as a whole;
- Obstructing the detection, reporting and prosecution of domestic violence is a violation of the law;
- Discrimination based on physical appearance, gender, sexual orientation and abilities of family members is domestic violence.
- Forced pregnancy, abortion and gender selection are acts of domestic violence;
- Forced early marriage, marriage, divorce or obstruction of legal marriage or divorce are acts of domestic violence;
- Neglect or careless treatment of older persons is an act of violence against them.

The implementation of such programmes primarily reflects the synchronisation and consistency of policies to combat domestic violence, contributing to their effectiveness and efficiency, as well as economy and adequacy, taking into account the real situation in the relevant institutions, departments and localities in particular. In this regard, active promotion aimed at enhancing the role and cultural standards of family life, and supporting the development of prosperous, harmonious, and civilised family relationships, represents a positive investment and an effective step within policies designed to prevent and eradicate domestic violence.

Discussion

Over the past ten years, Vietnam has recorded a certain decline in incidents of physical violence committed by men and partners against women, while the prevalence of sexual violence has remained unchanged (MOLISA *et al.*, 2020). Intimate partner violence is a traumatic event that negatively affects not only child development but also women's health (Duc Le & Thanh Giang, 2025). Overall, among women aged 15-19 who are sexually active, forced initiation into sexual activity is common not only in Vietnam but also worldwide (15%), including in the Asia-Pacific region (14%), and women account for 91% of victims (Yount *et al.*, 2023). At the same time, state perceptions of a stable, modern and civilised nation are linked to normative gender ideologies, where a happy family is seen as the basic unit of a stable society (Phinney, 2022; Gammeltoft, 2023).

In 2010, Vietnam conducted its first National Survey on Domestic Violence against Women (GSO 2010). The survey results drew particular attention from the government and the public to the widespread violence against women that occurs at home – a place that should be their safe haven. Domestic violence occurs daily in many forms, regardless of the victim's ethnicity, socio-economic status or place of residence. Violence is passed down from generation to generation, and the economic losses it causes to families, communities and the country are significant.

Following this survey, the Vietnamese government has paid more attention to gradually improving relevant policies and laws, strengthening the enforcement of legal requirements and regulations, launching nationwide communication campaigns to raise public awareness, and rolling out a range of important services for victims of violence. Government agencies and civil society organisations have responded widely and actively to the government's initiatives in both preventing and responding to cases of violence.

In 2019, Vietnam conducted its second National Survey using the World Health Organisation's Multinational Survey methodology on women's health and domestic violence, with some adjustments (Lao Động, 2020). This method was also used for the 2010 survey (GSO, 2010). The results of this survey provided Vietnam with a basis for understanding what has changed and what has not, as well as for determining what needs to be done to bring about change in the right direction in the future. The scope of this survey is broader, including an expansion of the age range from 15 to 64 years. The issue of violence is also being studied outside the family, extending to the workplace and other public places. Particular attention is paid to violence against the most vulnerable groups of women in Vietnam, namely women from ethnic minorities and women and girls with disabilities. Economic losses have been calculated to show how much the country has lost economically as a result of violence against women and girls.

The results of the second survey showed that violence by a husband/partner or other person affected 9,251,740 women aged 15 to 64 who had ever had a husband/partner in Vietnam, with serious consequences for them and their families. The rate of women experiencing various forms of violence in Vietnam remains high. The rate of all types of violence except sexual violence was lower in 2019 than in 2010, which may indicate the effectiveness of policies and programmes. However, the rate of sexual violence in 2019 was higher than in 2010, with nearly two-thirds of women still experiencing one or more forms of violence during their lifetime. It is therefore important to note that the rates are declining slowly and therefore require greater efforts to eradicate violence against women in the country.

During the COVID-19 pandemic, domestic violence in Vietnam has escalated due to social distancing policies. The COVID-19 pandemic has brought various challenges to people's daily lives, but its impact has been particularly severe for women, both in their professional and domestic spheres (Huong, 2024). As noted in a report by UN Women (2020), in the early months of the pandemic, women were disproportionately affected due to their higher representation in precarious jobs, particularly in the informal sector, where they receive inadequate pay and protection. Throughout the pandemic, women, girls and vulnerable groups faced an increased risk of gender-based violence due to their limited influence and participation in decision-making within households. This vulnerability has been exacerbated by changes in social protection systems, restrictions on mobility and limited access to information and services. The COVID-19 pandemic in Vietnam has disrupted the supply of contraceptives and essential medical resources to women, reflecting global disruptions in the supply of various goods and services (World Bank, 2023). The rate of domestic violence in Vietnam has increased by at least 30% during the Covid-19 pandemic (UNICEF VietNam, 2020).

In a case study on the prevention of domestic violence in Vietnam, P.T.L. Huong (2024) concluded that there are legislative inconsistencies in the application of gender-sensitive procedures aimed at eliminating all forms of violence against women. In particular, the cessation of violence against women may simultaneously involve the application of different legal procedures, including criminal, civil and administrative procedures. The author notes that this lack of unity in the principles governing the handling of cases of violence against women leads to inconsistencies and an increased risk of victimisation. In addition, new forms of violence, such as cyber violence and dating violence, are not currently regulated by existing legislation. Thus, according to the researcher, Vietnam urgently needs to develop a comprehensive legal framework aimed at eradicating all forms of violence against women. The expert's position is debatable, as overcoming such challenges and threats primarily requires enhanced and comprehensive countermeasures.

R. Herrero-Arias *et al.* (2020), based on their study of the strategies used by victims to cope with violence from their partners and maximise their safety and well-being in Vietnam, emphasised that women's decisions to endure violence or leave their abusers are part of an active decision-making process in which they take into account complex structural barriers. These include poverty, social stigma, discrimination and cultural beliefs surrounding the ideal of family harmony. Motherhood is also a key factor shaping women's strategies. To better combat intimate partner violence, interventions must take into account structural gender inequality in family and social contexts. In the context of high levels of intimate partner violence and associated mental health problems and serious trauma, there is a need to improve the medical services and support available to women who suffer from intimate partner violence in Vietnam (Nguyen *et al.*, 2018). As shown, scholars primarily focus on domestic violence against women in Vietnam; however, an equally important group remains insufficiently considered – children, who should be regarded as a core priority for the development of any state.

Despite the growing interest in the phenomenon of domestic violence at the global level, as well as the positive dynamics in countering this phenomenon, the outlined problem continues to occupy an important place among issues of national importance in any country. Vietnam is no exception, where countering domestic violence must take into account

a gender-transformative approach that includes the needs of children, adolescents and their caregivers. Ensuring the well-being and protection of children requires ongoing investment in strengthening national child protection systems. Similarly, data on preventing and responding to violence against women underscore the need for a comprehensive, multisectoral approach to combating this phenomenon.

Conclusions

The Government of Vietnam is taking consistent steps to combat domestic violence, prioritising amendments to relevant laws and policies on the prevention and counteraction of domestic violence, and raising public awareness with the aim of changing stereotypes and patterns of behaviour. Despite the fact that combating this phenomenon requires long-term commitments, substantial human and financial resources, capacity-building, and strong political will from both central and local authorities, Vietnamese policy demonstrates progress in developing the institutional framework necessary to ensure an effective response to domestic violence and other forms of violence against women, as well as to provide support to its victims.

However, the practical implementation of measures aimed at preventing and combating domestic violence at the local level continues to face challenges connected with the mechanisms and capacities of institutions and organisations responsible for implementing this policy. In Vietnamese society, persistent gender inequality and a culture of male dominance socialise women into accepting, tolerating, and even rationalising domestic violence, while remaining silent about such incidents. International efforts have recognised the need for a comprehensive and multisectoral approach to this complex social issue, with law enforcement agencies and the justice sector playing a crucial role. Therefore, there is a pressing need for coordinated action to adopt a wide range of solutions to enhance the effectiveness of policy implementation and enforcement of domestic violence prevention laws.

As of 2025, the key directions (provisions) of the policy on countering domestic violence in Vietnam can be defined as: 1) improving the legislative framework and policies for the prevention and control of domestic violence; 2) creating and operating a service provision system for domestic violence prevention; 3) educational and communication activities regarding the prevention and control of domestic violence; 4) capacity building (strengthening) for personnel directly involved in the prevention and control of domestic violence at all levels; 5) inter-sectoral cooperation in the prevention and fight against domestic violence.

In addition to the above, in the prevention of violent manifestations, measures aimed at minimising harm after violence primarily focus on: creating necessary support services that can respond to the violence and provide timely support or treatment for victims of violence; providing psychological assistance and rehabilitation for women who have suffered violence; ensuring mandatory treatment, rehabilitation of offenders, and implementing measures aimed at changing their violent behaviour.

Considering the above, it can be summarised that the main provisions of the policy on countering domestic violence that can be highlighted for the purposes of implementation are: 1) a comprehensive response to domestic violence incidents, meaning working not only with victims but also with offenders, which will enable the cessation of violence and contribute to a reduction in the overall level of violence; 2) information and education are two key elements upon which Vietnam's policy relies in counteracting and preventing domestic violence; 3) prevention of aggressive relationships in the family, particularly through fostering an intolerant attitude towards any form of violence.

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Conflict of Interest

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Міжнародні механізми протидії домашньому насильству: досвід В'єтнаму

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■ **Анотація.** Статтю присвячено аналізу особливостей запобігання домашньому насильству за законодавством В'єтнаму з метою обміну та запозичення позитивного досвіду з протидії такому явищу. Методологічну основу дослідження становили нормативний, історичний, компаративістський, формально-догматичний, системно-структурний методи. Увагу акцентовано на політиці В'єтнаму в запобіганні та протидії домашньому насильству, яку реалізують у напрямах сталого розвитку та виконанні міжнародних зобов'язань, а також забезпеченні розвитку суспільства. З'ясовано, що надзвичайної актуальності у В'єтнамі це питання набуло після приєднання країни до Конвенції про ліквідацію всіх форм дискримінації щодо жінок, і саме в частині виконання міжнародних зобов'язань започатковано вжиття заходів, спрямованих на забезпечення гендерної рівності в усіх сферах суспільного життя. Визначено, що основною причиною домашнього насильства в країні є гендерна нерівність і стереотипи ролей чоловіків та жінок, тому викорінення їх є важливою складовою попередження такого насильства. Оглядово висвітлено основні елементи в'єтнамської системи протидії домашньому насильству, яка охоплює як юридичні (покарання кривдників), так і соціальні (консультативна підтримка, медична допомога постраждалим) заходи. На підставі аналізу законодавства В'єтнаму визначено, що заходи протидії домашньому насильству орієнтовані передусім на захист осіб, які переживають насильство, і надання соціальної, психологічної та юридичної допомоги таким особам, а також проведення реабілітаційної та корекційної роботи із членами сім'ї. Виокремлено ті інструменти й механізми, які можна імплементувати в політику протидії домашньому насильству в Україні

■ **Ключові слова:** міжнародний досвід; нормативне забезпечення; запобігання; насильство; гендерна рівність; сім'я; захист жертв

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Cybercrime: Analysis of new challenges and legal mechanisms of counteraction

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■ **Abstract.** The situation of the spread of hybrid means of warfare contributes to the rapid growth of information crimes of various forms and methods of commission, including those of a complex nature. The purpose of this study was a thorough critical understanding of the main approaches to countering relevant types of cybercrime. The study used systematic, comparative and legal, formal and logical, and functional methods. It was noted that in the national legislation on the legal regulation of the field of cybersecurity, there are a number of gaps that complicate cooperation with other states in countering cybercrime and reduce the effectiveness of security measures, and also suggested ways to eliminate them. The need to streamline the conceptual framework that serves the field of cybersecurity (for example, providing a clear definition of the concept of cyberwarfare), and harmonise national legal norms with relevant international legislation, considering the expediency of unifying the legal norms of different states when regulating the actions of the parties for the effectiveness of international cooperation in combating cybercrime, was emphasised. It was noted that overcoming global cybersecurity problems requires consolidating the efforts of the world's states, improving legal and technical mechanisms, and establishing the foundations of a security culture in cyberspace. The need to create an effective mechanism that would simultaneously guarantee information security of the state and protect democratic rights and freedoms was noted. The practical significance of the results obtained lies in the possibility of using them to improve national legislation in the field of cybersecurity and countering cybercrime, in particular, in the development and adjustment of regulatory legal acts considering the requirements of international law and the provisions of the Budapest Convention

■ **Keywords:** cybersecurity; cyberspace; cyberwarfare; hacker; information; ethical standards; international cooperation

■ Introduction

In times of digital transformation of public relations, computer and information technologies, due to the rapid development and expansion of the use of the Internet, computers, mobile gadgets, and other digital technologies, have become an integral part of human life and at the same time one of the biggest challenges for the national security of countries. Nowadays, rapidly developing, they cover all spheres of life – the economy, critical infrastructure, public administration, social communications, etc., and, accordingly, the risks associated with the misuse of digital resources are growing. Thus, cybercrime is one of the most pressing problems of our time, and its manifestations (cyber-attacks, financial fraud, unauthorised access to information systems, the spread of malicious software, etc.) are

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a phenomenon that is not inferior in importance and prevalence to classical methods of committing crimes, especially in the context of a full-scale war between Ukraine and the Russian Federation, when cyberspace, like land, sea, air, and space, has really turned into a separate very important field of military operations. The aggressor country resorts to cyber threats using the latest technical means (criminal cyber-attacks, espionage, fraud, etc.) as part of the implementation of hybrid forms of aggression against economic, political, technical, military and information security and sovereignty of Ukraine, aimed at destabilising critical infrastructure and information systems of the country, and therefore, the search for ways to prevent the main types of cybercrime, develop cybersecurity strategies to protect citizens, and continuously improve mechanisms to counteract this type of crime becomes particularly relevant. The emergence of AI, blockchain, and other new digital technologies are forcing cybersecurity professionals around the world to constantly review their methods of combating cybercrime.

Thus, despite the fact that various aspects of the problem of cybercrime have been actively studied for decades, the extreme intensity of changes in this area (in 2025, the very nature of cyber threat risks in the world has changed significantly – in cyberspace, as a huge strategic domain, powerful resources are being created for political and economic dominance, and the priorities of countering risks are gradually shifting towards continuous adaptation to them), the continuous invention of new ways of committing cybercrime by intruders and, accordingly, the need for constant development of effective methods of countering them, the emergence of new trends in understanding this issue in the context of world discourse, they determine the timeliness of scientific research.

Various aspects of the problem of cybercrime and ways to counteract it are constantly in the focus of attention of the global scientific community. Thus, E.H. Spafford *et al.* (2023) argued that society is exposed to significant risks, including threats in energy, communications and transportation systems; privacy violations; data falsification; and new types of theft and fraud have also emerged. However, if earlier the subjects of cybercrime were individual criminals, anarchists, extremists, cyberterrorists, then the modern world is more characterised by terrorist networks that seek to seize the tools of democratic governance (DeMillo & Spafford, 2025).

S.B. Karvatska *et al.* (2025), after studying key data protection, cyber defence, and cyberwarfare issues, noted their simultaneous technological uniqueness and legal certainty. They also stressed the importance of creating a harmonised international legal framework for resolving cybersecurity and data protection issues. R. Shak (2024) spoke about the development of narrow (information security protection) and broad (combating all types of offences committed using information and telecommunications technologies) approaches to understanding the concept of cyber-violation or cybercrime. The narrow approach focuses on protecting information security, while the broad approach covers all types of criminal acts committed using information and communication technologies. The researcher noted that it is necessary to develop a unified approach to the definition of cyber violations and develop legislation in accordance with new challenges in the field of cybersecurity. M.I. Krasko & A.I. Tsevukh (2025) defined cybercrime as a socio-legal phenomenon that has a hybrid nature: it simultaneously functions within technical, economic, legal, and even political systems. The main features of cybercrime are anonymity, dynamism, cross-border nature, and high technology. These characteristics make it impossible for countries to respond effectively alone.

The purpose of this study was to critically examine the main approaches to combating such cybercrimes

Materials and Methods

For this research, a number of principles, approaches, and methods were applied to achieve scientific objectivity and comprehensive coverage of the topic. First of all, it is necessary to note the use of an interdisciplinary (interdisciplinary) approach, since information security issues, which at first glance appear to be purely technical in nature, relate to various scientific fields, primarily legal, social, economic, financial, security, etc., and should be considered in the socio-legal and, to a large extent, political sphere. The study was also characterised by a criminological approach, which helped to analyse the nature of cybercrime, its manifestations, features of the identity of a cybercriminal hacker, mechanisms of occurrence of their criminal behaviour, etc. The research methodology included: a systematic method – to investigate the typology of cybercrime, highlighting the components of the system of response and protection to cyber threats, etc.; comparative legal – to analyse international and national cybersecurity legislation for positive achievements and shortcomings; a formal logical method – to formulate the author's opinion on certain aspects of the study based on the scientific analysis carried out; functional – to determine the subjects of legal regulation of the problem of cybercrime.

To conduct a study of the legal regulation of cybercrime problems, the authors mainly used the experience of the European Union and Ukraine, in particular during the war. During the analysis of

laws and regulations, it was studied and analysed as international legal documents, including the Convention on Cybercrime[1], (Budapest Convention), United Nations Convention Against Cybercrime [2], and Ukrainian: Cybersecurity strategy of Ukraine[3], Criminal Code of Ukraine[4] (section "Crimes in the sphere of use of electronic computers (computers, systems and computer networks and telecommunication networks"), in particular Article 361 "Unauthorised interference in the operation of information (automated), electronic communication, information and communication systems, electronic communication networks", laws of Ukraine "On Amendments to the Criminal Procedure Code of Ukraine and the Law of Ukraine "On Eectronic Communications"[5], Law of Ukraine "On the Main Principles of Ensuring Ukraine's Cybersecurity"[6], etc.

Results and Discussion

Cybercrime is a collection of offences committed using information and telecommunications technologies that encroach on information security and/or use a computer, and other devices that provide access to the network, as a tool or means of committing a crime (Shak, 2024). As of 2025, along with the term "cybercrime" in international and Ukrainian legal science, such concepts as "criminal acts in the field of computer information" and "crimes committed using information technologies" were most often used.

The phenomenon of cybercrime is cross-border in nature. Due to the global and cross-border nature of computer and telecommunications systems and the possibility of identity falsification, situations arise when a person commits an offence from one continent against an object on another, and its results appear on a third (Dulepa, 2021; Dykyi *et al.*, 2025). Events take place in cyberspace, in which T.V. Fedorenko & V.V. Fedorenko (2023) considered two components:

1) information in digital format, which exists in two forms: static (files stored on media) and dynamic (network packets, data streams, commands, and requests that circulate in networks are processed by automated systems and submitted to the user in graphic or text form);

2) technical infrastructure, IT technologies and software tools that provide the main processes of working with information – its collection, processing, storage and transmission: Internet infrastructure and network communications, computer equipment, mobile devices, and other gadgets.

Advanced cyber threats are characterised primarily by their global scale, due to the lack of geographical boundaries on the Internet. Any cyberattack can potentially target information systems and networks located in different countries, which significantly complicates the coordination of international efforts to counter cybercrime. An additional risk factor is the high level of anonymity in the digital environment: attackers often use anonymous networks or fictitious digital identities, which significantly complicates their identification and legal liability.

The problem of attributing cyber-attacks is particularly difficult, since various technical means are used to hide the real source of interference, in particular, IP spoofing, routing traffic through intermediate nodes, or using botnets. As a result, establishment of the initiator of an attack is often a long and resource-intensive process. Moreover, advanced cyber threats are characterised by a high level of innovation: cybercriminals are constantly improving their methods, actively introducing the latest technologies, in particular artificial intelligence, machine learning, and advanced cryptographic solutions. This not only increases the effectiveness of criminal actions, but also significantly complicates the functioning and adaptation of cyber defence systems (Haiduk & Zverev, 2024; Krasko & Tsevukh, 2025).

The main characteristic features of cybercrimes that distinguish them from other threats are spatial boundaries, the possibility of global development in the shortest possible time, the lack of subject binding to specific actions in cyberspace (usually cyber-attacks are carried out by competent persons at the appropriate order of the subjects of confrontation) (Dolzhenko, 2020). There is no clear regulatory framework for classifying cybercrime (Dovzhenko, 2019). In accordance with the Council of Europe Convention on Cybercrime[7], cyber activity of a criminal nature is conventionally divided into four groups: offences against the confidentiality, integrity, and availability of computer data and systems (illegal access, data interception, interference with data and systems, abuse

[1] Convention on Cybercrime. (2001, November). Retrieved from https://www.coe.int/en/web/cybercrime/the-budapest-convention.
[2] United Nations Convention Against Cybercrime. (2024, December). Retrieved from https://zakon.rada.gov.ua/laws/show/3551-12#Text.
[3] Decision of the National Security Council of Ukraine "On the Strategy of Cybersecurity of Ukraine". (2021, August). Retrieved from https://zakon.rada.gov.ua/laws/show/n0055525-21#Text.
[4] Criminal Code of Ukraine. (2001, April). Retrieved from https://kku.com.ua/chastyna-2/rozdil-16/.
[5] Law of Ukraine No. 2137-IX "On Amendments to the Criminal Procedure Code of Ukraine and the Law of Ukraine 'On Electronic Communications' to Enhance the Efficiency of Pre-Trial Investigations "Hot on the Trail" and Counter Cyberattacks". (2022, March). Retrieved from https://zakon.rada.gov.ua/laws/show/2137-20#Text.
[6] Law of Ukraine. No. 2163-VIII. "On the Main Principles of Ensuring Ukraine's Cybersecurity". (2017, October). Retrieved from https://zakon.rada.gov.ua/laws/show/2163-19#Text.
[7] Council of Europe Convention on Cybercrime. (2001, November). Retrieved from https://surl.li/fuzlrz.

of devices); computer-dependent crimes (forgery and fraud related to computers); crimes related to content (in particular, crimes related to child pornography); violations of copyright and related rights.

Yu.V. Nedilko (2018) proposed an alternative division into aggressive and non-aggressive cybercrimes. Aggressive ones include cyberterrorism, threats of physical violence (including via email), cyber espionage, cyber stalking, and the creation and distribution of child pornography. Non-aggressive include cyber theft, cyber vandalism, cyber fraud, cyber espionage, distribution of spam and malicious software. The emergence of numerous cyber threats has forced the international community to develop a legal framework for the security of cyberspace. The first international legal act that took measures to unify the list and signs of cyber violations was Convention on Cybercrime[1], which has been ratified by 67 states. In this document, states parties are invited to criminalise encroachments on such objects as information (computer) security, property, intellectual property, and actions related to the distribution of illegal content on information networks (child pornography; information of an extremist nature). A similar interpretation of cybercrime can be traced in other directives such as NIS2[2] and CER[3] countries – parties to the Convention on countering attacks on information networks, and maintaining the security of networks and information systems (Shak, 2024).

The UN and EU documents on cybercrime mention not only "computer" offences that encroach on information security, but also other criminal acts that use a computer as a weapon (computer-facilitated) or a means of offence (computer-related). This opinion seems to be generally correct, since the use of information and telecommunications technologies as a tool or means of criminal encroachment on any objects increases the effectiveness of criminal activity, giving it a qualitatively new form, making it cross-border, large-scale, and difficult to study. However, according to R. Shak (2024), the above-mentioned documents of the UN and the European Union do not say anything about countering the use of information and telecommunications technologies as weapons in military and political conflicts, for interfering in the internal affairs of states, carrying out subversive, terrorist, espionage and sabotage activities, etc. However, national approaches to criminal legislation in the field of countering cybercrime, law enforcement practices, and methods of maintaining criminal statistics differ significantly from country to country. Thus, no criminological analysis can fully cover the global scale of this problem (Dolia, 2024).

Ukrainian legislator defines cybercrime as a socially dangerous act in cyberspace and/or with its use, the responsibility for which is provided for by the law on criminal liability and/or which is recognised as a crime by international treaties of Ukraine[4]. In addition, the concept of "cybercrime" combines criminal offences provided for in Section XVI of the Criminal Code of Ukraine[5] "Crimes in the sphere of use of electronic computers (computers, systems, and computer networks and telecommunication networks", and registered criminal proceedings with a qualifying mark in the card on a criminal offence – "using high information technologies and telecommunications networks". According to Section XVI of the Criminal Code of Ukraine "Crimes in the sphere of use of electronic computers, systems, and computer networks and telecommunication networks", the main types of cybercrime are: unauthorised interference in the operation of computer systems, creation and distribution of malicious software, illegal sale or disclosure of information with restricted access, illegal actions with data on the part of persons who have access to them, violation of the rules of operation or protection of information, and obstruction of networks by mass mailings (articles 361-363-1). In addition to Section XVI of the Criminal Code of Ukraine, cybercrime can also include a number of other offences committed using information technologies. In particular, these are crimes in the field of intellectual property (Article 176, Article 229), illegal actions with bank documents and payment cards (Article 200), fraud and theft (Article 185, Article 190), violation of bank secrecy (Article 231), and offences related to the distribution of pornography (Article 301). Special attention should be paid to crimes committed through social networks and other Internet resources: driving to suicide (Article 120), bribery of voters (Article 160), violation of equal rights of citizens (Article 161), violation of the secrecy of correspondence (Article 163), extortion (Article 189), causing property damage by deception (Article 192), terrorist activities (articles 258-2, 258-4), encroachment on state symbols

[1] Council of Europe Convention on Cybercrime. (2001, November). Retrieved from https://surl.lt/lzzdfv.
[2] Directive of the European Parliament and of the Council No. 2022/2555 "On Measures for a High Common Level of Cybersecurity Across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and Repealing Directive (EU) 2016/1148 (NIS 2 Directive)". (2022, December). Retrieved from https://www.nis2-info.eu/full-text.
[3] Directive of the European Parliament and of the Council No. 2022/2557 "On the Resilience of Critical Entities and Repealing Council Directive 2008/114/EC". (2022, December). Retrieved from http://data.europa.eu/eli/dir/2022/2557/oj
[4] Law of Ukraine No. 2163-VIII "On the Main Principles of Ensuring Ukraine's Cybersecurity". (2017, May). Retrieved from https://zakon.rada.gov.ua/laws/show/2163-19#Text.
[5] Criminal Code of Ukraine. (2001, April). Retrieved from https://kku.com.ua/chastyna-2/rozdil-16/.

(Article 338), and threats or violence against journalists and officials (Article 345-1, Article 350).

Military realities have led to amendments to the current legislation in the field of digital technology protection, in particular, the adoption of laws No. 2137-IX[1] and No. 2149-IX[2], which, on the one hand, simplified the order the collection and verification of evidence, including in proceedings related to countering cybercrime, and on the other hand, determine a number of issues regarding the proportionality of interventions to restrict human rights (most of the changes made contain general, not special (under martial law) norms). Article 361 of the Criminal Code of Ukraine,[3] "Unauthorised interference in the operation of information (automated), electronic communication, information and communication systems, electronic communication networks", which updates the terminology and classification of crimes provided for in Article 361 (replacing the outdated "electronic computing machines (computers)" with "information (automated) systems". There were also changes in terminology, which are reflected in the Law of Ukraine "On electronic communications"[4], provides for the use of the terms "information, automated systems, electronic communications and communication systems" instead of "computers, automated systems, computer networks and telecommunications networks". This is done in accordance with other laws of Ukraine related to cybersecurity.

According to the cybersecurity strategy of Ukraine[5], key challenges and cyber threats include: the active use of cyber tools in international competition, which increases the risk of cyber-attacks on state and critical infrastructure; the rapid development of information and communication technologies, in particular, cloud and quantum computing, 5G networks, Big Data, the Internet of Things, artificial intelligence, etc., which creates a competitive nature of the development of cybersecurity tools and complicates the adaptation of defence mechanisms; the militarisation of cyberspace and the development of cyber weapons, which makes it possible to secretly conduct cyber-attacks to support combat operations, intelligence and subversion and influence on strategic objects unsystematic introduction of new technologies, digital services, and mechanisms of electronic interaction of citizens with the state, which is carried out without proper assessment of cyber risks and security measures, which increases the vulnerability of state systems.

Therefore, under Ukrainian law, information crimes can take various forms and be committed in various ways. In addition, the actions of cybercriminals are often complex and combine several interrelated offences (Dumchykov, 2022). In the security sector of Ukraine, there is a full range of major "classic" cybercrimes, and their number is growing almost 2.5 times every year. Ukraine is a participant in the world's first cyber war, which poses one of the greatest threats to its and global cybersecurity, using a combination of actions in cyberspace and psychological information operations as part of a hybrid war. There is no single point of view on the term "cyber war" among researchers, and it has not received a single definition in Ukrainian legislation. It is mainly defined as the latent influence of information on individual, group, and mass consciousness through propaganda methods, disinformation, and manipulation to form new views on the socio-political organisation of society (Dmytruk *et al.*, 2022), through convergent threats (threats that combine financial, political and propaganda motives) to create a real danger of cyberterrorist attacks and sabotage on national information systems (Chaplyk, 2020; Antoshchuk & Luchyk, 2025). There are different types of cyber-attacks, including massive and targeted ones. All of them are aimed at state resources and critical facilities. Russian cyber-attacks ignore any rules, affecting infrastructure, humanitarian organisations, private and state-owned enterprises. Russian hackers do not recognise borders and restrictions, attacking various states if they help Ukraine.

Of particular danger is the activities of organised cybercrime groups that carry out targeted attacks on critical infrastructure, financial institutions, and government systems. Both transnational criminal networks and state structures of authoritarian regimes are actively involved in this process, using cyberspace for espionage, data theft, and destabilisation of political processes. The most common types of attacks remain ransomware (ransomware by encrypting data), phishing, and malware, which are constantly being improved, significantly complicating

[1] Law of Ukraine No. 2137-IX "On Amendments to the Criminal Procedure Code of Ukraine and the Law of Ukraine 'On Electronic Communications' to Enhance the Efficiency of Pre-Trial Investigations "Hot on the Trail" and Counter Cyberattacks". (2022, March). Retrieved from https://zakon.rada.gov.ua/laws/show/2137-20#Text.

[2] Law of Ukraine No. 2149-IX "On Amendments to the Criminal Code of Ukraine to Improve the Effectiveness of Combating Cybercrime under Martial Law". (2022, May). Retrieved from https://zakon.rada.gov.ua/laws/show/2149-20#Text.

[3] Criminal Code of Ukraine. (2001, April). Retrieved from https://kku.com.ua/chastyna-2/rozdil-16/.

[4] Law of Ukraine No. 1089-IX "On Electronic Communications". (2020, December). Retrieved from https://zakon.rada.gov.ua/laws/show/1089-20#Text.

[5] Decree of the President of Ukraine No. 447/2021 "On the Decision of the National Security and Defense Council of Ukraine of 14 May 2021 "On the Cybersecurity Strategy of Ukraine". (2021, August). Retrieved from https://zakon.rada.gov.ua/laws/show/447/2021#Text.

their detection and neutralisation even for highly qualified specialists.

Along the way, it should be noted that during the war, Ukrainians have become more emotionally vulnerable, and scammers use this to adjust their schemes to current problems (Chekmaryova, 2024). For online fraud, they use computers, phones, and other devices to collect and view data (Chaplyk, 2020). Despite the technological complexity of advanced threats, up to 60% of incidents are caused by the human factor and begin with the opening or downloading of malicious content. In 2025, with the extreme intensification of the introduction of AI in criminal activities and the availability of Ransomware-as-a-Service (RaaS), Phishing-as-a-service (PhaaS), AI-aided attack suites, this trend only increased – there was a "psychologically accurate" phishing with the personalisation of the target in each letter or message.

The Russian Federation is constantly increasing its offensive cyber arsenal, which can cause serious and irreversible destruction, first of all, of the information systems of state bodies of Ukraine and critical information infrastructure facilities, in order to disable them, gain hidden control, and conduct intelligence operations. In addition, they are used for information influence on the population, interference in elections, etc. Its integral part is the so-called "black" hackers. The significance of the "hacking" depends on the context and motivation of its use. Hackers are motivated by various factors, such as social justice, lucrative hacking, or political beliefs. This motivation affects their future goals and actions. Negative hacking can lead to cybercrime, such as identity theft, fraud, cyber-attacks, etc. Some hackers can break into users' personal information space and privacy. Most hacking activities are illegal and can have serious legal consequences (Datsenko & Yavorska, 2023). In particular, within hacker communities, this type of cybercriminal can be distinguished as political cybercriminals. An example is the hacking activity of Russian cybercriminals since 2014, which has become especially active with the beginning of a full-scale invasion. However, during the war years, its goals underwent certain transformations. Thus, for example, if at the beginning of a full-scale invasion, Russian cyber-attacks were aimed at the Ukrainian military and the authorities, then later the focus shifted to causing as much harm as possible to the civilian population.

The aggravation of cyber threats is increasingly manifested in the field of disinformation campaigns and cyber espionage, which poses a serious challenge to national security and socio-political stability of the state. The ENISA Threat Landscape (2025) report contains information on almost 5 thousand confirmed cases of cyber violations in EU member states, which indicates their consistency. For this purpose, a network environment is created in which the interests of states and criminal structures intersect. There is a gradual transition from single attacks to "strategic influence operations", which acquire a complex character, combining elements of information manipulation, espionage, destabilisation, etc.

In response to these challenges, the government of Ukraine is taking active measures to strengthen cyber defence. Thus, the State Special Communications Service has introduced new legislative initiatives. By Order No. 54[1] of 30 January 2025, it approved the Basic Cybersecurity Measures and Methodological Recommendations for Implementing Basic Cybersecurity Measures, which introduced the updated Cybersecurity Framework (CSF) 2.0 of the US National Institute of Standards and Technology (NIST). In this regard, M.M. Chaplyk (2020) highlighted the cyberfront in hybrid wars, which are attributed to a new type of war, where economic motives often fade into the background. The concept of cyber front encompasses large-scale attacks on government agencies, information systems, law enforcement agencies, enterprises and critical infrastructure, including cyber espionage and disinformation dissemination, including deepfakes created by AI for mass manipulation of consciousness.

Furthermore, the current Criminal Procedure Code of Ukraine[2] does not contain the concept of "electronic evidence", unlike, for example, the Civil Procedure Code of Ukraine[3] (Article 100). But the legislator suggests considering computer data as a document (paragraph 2 of Article 99 of the Criminal Procedure Code[4]). However, a document is a permanent, fixed material object, while computer data can be quickly changed or deleted, including remotely. In addition, the way electronic information is displayed largely depends on the software and hardware with which it is viewed. In practice, among researchers (Hutsaliuk, 2025), there is some confusion between the concepts of "electronic evidence" and "electronic document", defined in the Law of Ukraine "On

[1] Order of the State Special Communication Service of Ukraine No. 54 "Basic Cybersecurity Measures and Methodological Recommendations for Implementing Basic Cybersecurity Measures, which Introduce the Updated Cybersecurity Framework (CSF) 2.0 of the National Institute of Standards and Technology (NIST) of the USA". (2025, January).Error! Hyperlink reference not valid. Retrieved from https://ips.ligazakon.net/document/FN086217.

[2] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/en/4651-17#Text.

[3] Civil Procedure Code of Ukraine. (2004, March). Retrieved from https://zakon.rada.gov.ua/laws/show/1618-15#Text.

[4] Criminal Procedure Code of Ukraine. (2012, April). Retrieved from https://zakon.rada.gov.ua/laws/show/en/4651-17#Text.

Electronic Documents and Electronic Document Management"[1]. Contemporary international legal instruments in the field of combating cybercrime emphasise the key role of international cooperation and information exchange, in particular, with regard to data stored in electronic form. In addition, the investigation of both traditional and war crimes committed during the aggression of the Russian Federation, in the vast majority of cases, requires the receipt, analysis, and proper storage of electronic evidence, which is critical for establishing the truth and ensuring justice.

Thus, there are the following main threats in the field of cybersecurity in Ukraine:

- hybrid aggression of the Russian Federation in cyberspace;
- active build-up of the aggressor state's arsenal of offensive cyber weapons, the use of which can lead to irreparable and irreversible destructive consequences;
- the focus of Russian cyber-attacks is mainly on information and communication systems of state bodies and objects of critical information infrastructure in Ukraine;
- the use of cyber-attacks as an element of special information operations, which makes it possible to manipulate public opinion, interfere in electoral processes, and discredit Ukrainian statehood;
- damage to information resources, public processes and citizens, undermining confidence in information technologies and significant material losses;
- use of cyberspace to commit crimes against the foundations of national security of Ukraine, including criminal offences related to the legalisation of proceeds from crime, human trafficking, illegal trafficking in weapons, military supplies, explosives, and narcotic drugs;
- organised and government-sponsored cyberattacks of other states, the purpose of which is to steal sensitive information for political, economic or military purposes (cyber espionage);
- intelligence and subversive activities aimed at destabilising state and economic systems.

All these cyber threats are extremely difficult to counter and require continuous improvement of both technological solutions and strategies aimed at protecting information systems and data. Nowadays, it is advisable to build a system of response and protection based on an integrated approach to risk assessment, which provides for the introduction of comprehensive methods for analysing cyber threats in the technological, economic, political, legal, and environmental spheres, in particular through institutional integration with the ENISA-CERT system to expand the exchange of intelligence data on threats, which would allow for a more detailed assessment of hazards and timely application of effective counteraction measures. Simultaneously, current challenges in the field of cybersecurity make it necessary to develop theoretical foundations, which involves the development of new approaches to understanding and assessing risks, studying current trends, analysing the characteristics of threats and possible consequences, and developing methodological foundations for managing cyber risks. The growing number of cyber incidents actualises the creation of new cyber defence concepts focused on updating security strategies and approaches, developing innovative technologies, implementing modern standards, improving professional training of specialists, and expanding partnerships between government agencies and the private sector, improving the level of protection of critical infrastructure in accordance with the requirements of NIS2. Cyber defence should be based on a comprehensive combination of technological, organisational, and legal measures, including the introduction of advanced security systems, improvement of security management mechanisms, compliance with legal requirements, and the development of a security culture both in organisations and in society as a whole (Haiduk & Zverev, 2024), in connection with which the development of scientific and educational initiatives in the field of cyber defence is of particular importance.

All of the above measures constitute a cybersecurity strategy. Cybersecurity as a counteraction to cybercrime is a state of protection of key interests of the individual, society, and the state during the use of computer systems and networks, which minimises damage from incomplete or unreliable information, negative information impact, adverse consequences of it, and unauthorised access or violation of the integrity, confidentiality, and availability of data.

In the global dimension, cybersecurity consists of implementing a set of measures aimed at protecting networks, software, and information systems from digital attacks. Such protection covers preventive actions, including regular software updates, the use of complex passwords and multi-factor authentication, and training citizens in basic cybersecurity rules. An important role is played by regulatory measures that provide for the development and continuous improvement of legislation in the field of countering cybercrime. An integral element is international cooperation, which consists in the exchange of information about cyber threats, joint identification and suppression of cybercriminals, and the creation of specialised law enforcement units to investigate

[1] Law of Ukraine No. 851-IV "On Electronic Documents and Electronic Document Management". (2003, May). Retrieved from https://zakon.rada.gov.ua/laws/show/851-15/ed20030522#Text.

cybercrime. However, the development of new security technologies, in particular encryption, incident mining, and other innovative solutions, and ensuring the ethical use of information technologies by adhering to appropriate standards and preventing their criminal use, is of great importance.

According to Ukrainian legislation, cybersecurity is the protection of vital interests of a person and citizen, society, and the state in the process of using cyberspace, which ensures the sustainable development of the information society and digital communication environment, timely detection, prevention, and neutralisation of real and potential threats to the national security of Ukraine in cyberspace (paragraph 5, part 1, Article 1 of the Law of Ukraine "On the Main Principles of Ensuring Ukraine's Cybersecurity"[1]).

Information security in Ukraine is becoming of key importance as an integral component of the national security of the state. This, in turn, involves the adoption of special laws that regulate access to information, personal data protection, countering cybercrime, and control over media and social networks. Martial law requires the introduction of additional measures aimed at restricting access to certain types of information, controlling media and Internet platforms, and protecting critical information infrastructures from risks (Sashchenko, 2022). The legislation should also provide for the development and application of the latest technologies, in particular, AI for preventing cyber-attacks, and other innovative methods of protecting information resources.

The development and implementation of state policy in the field of preventing and countering cybercrime are processes carried out within the national cybersecurity system and can be considered from the standpoint of organisational legal, organisational technical, and law enforcement aspects. There is a growing need for state interaction with society and the international community in order to overcome this negative phenomenon (Kravtsova, 2018), in particular, the implementation of national legislation in the international creation of a common cybersecurity platform for rapid information exchange since cybercrime daily threatens global peace, security, and stable development of international relations (Karvatska *et al.*, 2025).

Cyber-attacks often cover several countries, which makes them difficult to investigate and prevent. A centralised system for sharing data on cyber-attacks, new criminal methods, and vulnerabilities will allow states to jointly respond quickly to threats. Such a platform can provide analytical reports, warnings about new attacks, and recommendations for government and business. International cooperation in the field of countering cybercrime is complicated due to the different vision of this problem by the states of the world, which is conditioned by different approaches to defining key concepts, blurred differentiation of various phenomena that require verified cooperation mechanisms, differences in approaches to ensuring the security of personal data, and a high level of mutual distrust that hinders cross-border partnership.

Conclusions

The subject of research was the investigation of the phenomenon of cybercrime in the current state in the context of the risks that this phenomenon poses for global security and security of Ukraine during the Russian-Ukrainian war, its features, main areas of counteraction against the background of modern realities were highlighted, an analysis of Ukrainian and international legislation in this area, etc., was carried out, as a result of which a number of conclusions were drawn.

Having considered the technical and socio-legal aspects of the phenomenon of cybercrime, it can be argued that at the moment it is impossible to completely eliminate cyber threats due to their intensive and continuous technological development, but it is necessary to develop an adaptive mechanism that will include raising security standards through a multi-level system of redundancy and segmentation of networks, threat intelligence sharing, creating a global secure cyberspace, applying special educational programmes, etc.

The analysis of international legislation showed that the international legal framework in the field of cybersecurity with the development of information technologies requires constant updating (for example, it is necessary to regulate the use of artificial intelligence at the legislative level); inconsistency of regulation and approaches to cyber defence in different countries of the world significantly complicate the consolidation of efforts in the fight against cybercrime, countering cyber threats and cyber-attacks, which have become an integral part of hybrid wars. It is also important to unify the conceptual framework for adapting international legislation to new challenges in the field of cybersecurity.

Ukrainian lawmakers of the Criminal and Criminal Procedure Codes of Ukraine have made the necessary changes to the legislation, supplementing laws and regulations with articles that, among other things, specify the liability for certain types of cybercrimes, which makes it possible to avoid legal conflicts in the classification of crimes and comply with certain rules of procedural law, in particular, with

[1] Law of Ukraine No. 2163-VIII "On the Main Principles of Ensuring Ukraine's Cybersecurity". (2017, May). Retrieved from https://zakon.rada.gov.ua/laws/show/2163-19#Text.

regard to covert investigative (search) activities in the digital environment. It was concluded that these changes are appropriate and timely, with the caveat that the introduction of full, total censorship even in wartime does not seem acceptable. In a democratic state, the authorities must guarantee the observance of democratic rights and freedoms even in wartime. Therefore, it is necessary to create an effective mechanism that would ensure state information security and respect for human rights, while simultaneously allowing people not to feel the effect of encroachments on freedoms and democracy.

In the course of the study, it was found that cybersecurity should be deeply integrated into the global security system, since, as already noted, cybercrime is transnational in nature and can have a destructive impact on the political, economic, and social stability of states. Moreover, Ukraine currently has a number of systemic problems, such as fragmented cyber defence policies, uncoordinated actions with partner states (NATO, the European Union, the United States, Great Britain, and Canada), and inefficient use of international technical assistance received from them aimed at strengthening cyber resilience, in particular, irrational use of cyber defence software and hardware received within the framework of international technical assistance. Thus, the issue of developing a national model for ensuring cybersecurity of enterprises, institutions and organisations, including non-governmental ones, coordination of efforts and interaction of law enforcement agencies, special services, the judicial system, and their proper personnel and material and technical support, exchange of information on preventing and combating cybercrime, in particular, the development of conceptual approaches to the implementation of state policy in the field of ensuring the rights of citizens in cyberspace (especially the most vulnerable groups of the population, especially children), the development of a culture of cyber hygiene, etc., becomes relevant.

The problem of cybercrime requires constant attention of scientists, in particular, research should be carried out in the areas of countering cyber violations and cybercrime, network wars, creating a secure cyberspace that includes the protection of information systems, networks and technologies, improving legal regulation, both at the international level and at the level of individual states, developing new concepts of comprehensive cybersecurity, etc.

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Conflict of Interest

None.

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Кіберзлочини: аналіз нових викликів і правових механізмів протидії

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■ **Анотація.** Ситуація поширення гібридних засобів ведення війни сприяє стрімкому збільшенню кількості інформаційних злочинів, різних за формою та способами вчинення, серед яких і такі, що мають комплексний характер. Метою цього дослідження було ґрунтовне критичне осмислення основних підходів до протидії відповідним видам кіберзлочинів. У дослідженні використано системний, порівняльно-правовий, формально-логічний, функціональний методи. Зазначено, що в національному законодавстві з правового регулювання сфери кібербезпеки є низка прогалин, які ускладнюють співпрацю з іншими державами в протистоянні кіберзлочинності та знижують ефективність заходів безпеки, запропоновано шляхи їх усунення. Акцентовано на необхідності впорядкування понятійного апарату, що обслуговує сферу кібербезпеки (наприклад, надання чіткої дефініції поняття кібервійни), а також гармонізації національних правових норм із відповідним міжнародним законодавством з огляду на доцільність уніфікування правових норм різних держав під час регламентації дій сторін для забезпечення ефективності міжнародного співробітництва в боротьбі з кіберзлочинністю. Зауважено, що подолання глобальних проблем кібербезпеки потребує консолідації зусиль держав світу, удосконалення правових і технічних механізмів, утвердження засад культури безпеки в кіберпросторі. Засвідчено необхідність створення ефективного механізму, який водночас гарантував би інформаційну безпеку держави й захищав демократичні права та свободи. Практичне значення отриманих результатів полягає в можливості їх використання для вдосконалення національного законодавства у сфері кібербезпеки та протидії кіберзлочинності, зокрема під час розроблення і коригування нормативно-правових актів відповідно до вимог міжнародного права та положень Будапештської конвенції

■ **Ключові слова:** кібербезпека; кіберпростір; кібервійна; хакер; інформація; етичні стандарти; міжнародна співпраця

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