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## UKRAINIAN JUDICIARY IN THE CONTEXT OF MARTIAL LAW

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Access to justice, especially in the wartime, is of great importance for the entire society. Under martial law, the right to judicial protection guaranteed by the Constitution of Ukraine does not cease or become restricted, but it may be the subject to certain specific changes.

At present, the Ukrainian courts can be conditionally divided into those that cannot work at all (their cases have been transferred to other courts located in safer parts of the country) and those that operate on the regular basis, but at the same time follow particular recommendations.

In accordance with Art. 26 of the Law of Ukraine "On the Legal Regime of Martial Law", if courts, operating in the territory where martial law has been introduced, cannot exercise justice, the territorial jurisdiction of judicial proceedings in these courts may be changed by the laws of Ukraine or the location of the courts may be changed in the manner prescribed by law.

Since the beginning of the military aggression by the Russian Federation against Ukraine, the territorial jurisdiction of judicial proceedings has been changed several times for many courts according to the Chairman of the Supreme Court orders. At the beginning of the full-scale war of the Russian Federation against Ukraine, the territorial jurisdiction was changed for 128 courts because of the inability to continue their work.

Therefore, before filing a lawsuit, it is important to consider the possible change of territorial jurisdiction of judicial proceedings. It is important to mention the recommendations of the Supreme Court of Ukraine regarding the work of

courts under martial law. In particular, the Supreme Court has stated that: 1) even under martial law, the constitutional right of a person to judicial protection cannot be restricted; 2) in case of the threat to life, health, and safety of the visitors to the court, court staff and judges the decisions to temporarily suspend the court proceedings of a particular court will be made; 3) with the aim of ensuring the safety of participants in judicial proceedings and visitors to courts, personal reception of citizens by the court officials is terminated and access to court hearings of the persons who are not participants in the proceedings is limited; 4) if the court has not suspended the court proceedings, participants in the judicial process may file an application for the postponement of hearings because of military actions and/or for the consideration of court cases in the format of a video conference using any technical means, including their own [2].

Therefore, it is worth noting that a significant number of court hearings are currently taking place or planned to be conducted via video conferencing. In particular, from February 24, 2022, to May 2, 2022, courts adopted and sent 769,650 decisions to the Unified State Register of Court Decisions, and 16,324 court hearings were held via video conferencing (according to the press service of the State Judicial Administration of Ukraine on the administration of justice at war of May 2, 2022) [1].

In the context of this issue, it is important to mention that on April 26, 2022, two important draft laws No 7315 and No 7316 were registered in the Verkhovna Rada of Ukraine, which provide for simplifying the citizens' access to information on the status of the court cases consideration under martial law.

1. Draft Law No 7315 provides for the possibility of obtaining information about the court hearing of the case, the parties to the dispute, the subject of the claim, the place, date, and time of the court hearing, as well as for the parties to receive an electronic form of the court decision and the enforcement document through the "Diya" portal. However, obtaining information through the "Diya" portal will not have the status of an official notification and is proposed solely for informational purposes. In this case, the procedure for considering court cases remains essentially unchanged [4].

2. The draft law of April 26, 2022, No 7316, provides for a number of procedural tools, including: 1) notification of the participants in the process of the date, time and place of the first court hearing by any possible means, including phone calls, SMS messages, messengers, etc.; 2) consideration of appeals against court orders of the first instance without notifying the parties to the case (in writing); 3) notification of the court decision by posting information on the official website of the judicial authority with a link to the web address of such court decision in the Unified State Register of Court Decisions; 4) in case of a military or emergency situation, provided that there is no objective possibility to perform procedural actions within the deadlines set by the relevant code of law, procedural actions must be carried out urgently, if possible, but no later than 20 days after the cessation or cancellation of the military or emergency situation [3].

However, this bill was not approved, so justice under martial law is carried out in accordance with the norms of the current procedural codes, as well as in regards to the recommendations of the Supreme Court, the Council of Judges of Ukraine, and the State Judicial Administration of Ukraine.

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## **OVERCOMING CHALLENGES FOR UKRAINE'S FUTURE AS A TRUE DEMOCRACY: A REFLECTION ON ASSERTIVENESS AND HUMAN RIGHTS DURING WARTIME**

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There are a lot of great challenges for the Ukrainian society nowadays. It is quite difficult to understand what role will everyone play in that society in the future. However, nobody has ever asked us whether to become one of the «chosen one's» or not. Our primary responsibility at present is to cultivate our own sense of dignity and understand our individual roles in building an independent nation. The central focus of this article is to emphasize the significance of the challenges faced by Ukrainian society as a means of fostering a genuine democracy in the future. It highlights the need to address these challenges at the individual level to effectively tackle them.

The aim of the research stems from the importance of representing the democracy as the «international assertiveness». The assertiveness is considered as the person's ability to be able to advocate oneself – their own positions, to achieve their own objectives and to overcome difficulties, to be determined but without