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THE CONCEPT OF HUMAN RIGHTS LIMITATIONS UNDER MARTIAL LAW

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With the onset of Russia's full-scale invasion of Ukraine, the protection of human life, as well as the restoration of Ukraine's sovereignty and territorial integrity, has become the top priority. In these circumstances, the state has had to ensure human rights and freedoms, even if their restriction is necessary to safeguard the common interest. To understand the concept of human rights limitations, it is essential first to define what human rights are.

According to the "Legal Encyclopedia", human rights constitute the fundamental principles of an individual's legal status, are inherent to every person from birth, and are therefore considered "natural and inalienable"[1]. Without these rights, an individual cannot fully function within society. Human rights are a crucial component of civil society and the rule of law.

On February 24, 2022, the President of Ukraine issued Decree No. 64 "On the Introduction of Martial Law" [2], establishing the legal framework necessary to safeguard national security. Martial law is a special legal regime imposed in the

event of military aggression or a serious threat to Ukraine's independence and territorial integrity.

According to Part 3 of Decree No. 64/2022, during the period of martial law, constitutional rights and freedoms of individuals and citizens enshrined in Articles 30–34, 38, 39, 41–44, and 53 of the Constitution of Ukraine [3] may be restricted. Additionally, temporary restrictions on the rights and legitimate interests of legal entities were introduced to the extent necessary for the implementation and enforcement of martial law measures. Further clarification regarding the scope of these derogations was later submitted to the UN Secretary-General in the form of a notification.

Beyond the Constitution of Ukraine, the procedure for restricting rights is regulated by the Law of Ukraine "On the Legal Regime of Martial Law" and other legislative acts. At the international level, the possibility of restricting human rights during emergencies is recognized by legal instruments such as the International Covenant on Civil and Political Rights (Article 4) [4] and the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 15) [5].

The introduction of martial law entails restrictions on rights based on the principles of legality, necessity, and proportionality. The principle of legality requires that restrictions comply with national and international legal norms. Proportionality ensures that limitations correspond to the level of threat and are aimed at safeguarding public interests without excessive interference in individuals' private lives.

Martial law permits the restriction of several civil rights, primarily aimed at ensuring control and protecting national interests. One such right is the right to property: the law grants military and state authorities the power to seize property for defense needs, provided that its value is subsequently compensated. The right to peaceful assembly and demonstrations, guaranteed by Article 39 of the Constitution of Ukraine, is not entirely prohibited under martial law. However, it may be restricted to prevent public disorder.

Moreover, under martial law, freedom of speech and media activities may be restricted. This measure is justified by the need for information control, as the unregulated dissemination of data on military operations or troop movements may pose a threat to national security. In the context of international law, Article 19 of the International Covenant on Civil and Political Rights allows for restrictions on freedom of expression if they are necessary to protect public order, national security, or public morality. According to the case law of the European Court of Human Rights, restrictions on freedom of speech during emergencies, such as martial law, may be justified — provided that they are proportionate and do not exceed the level necessary to achieve a legitimate objective.

A separate issue is the restriction on men's right to leave the country, which effectively deprives them of freedom of movement (Article 33 of the Constitution of Ukraine). This limitation has sparked significant debate, as, on the one hand, defending the country is the duty of every citizen, but on the other hand, freedom of choice is a fundamental democratic value. Some men may not feel prepared to

sacrifice their lives. The state must demonstrate to its citizens what they are fighting for, highlighting the genuine values for which people are willing to make sacrifices. Citizens need to see that their struggle has profound meaning and is aimed at protecting real ideals of freedom, justice, and dignity.

It is essential to remember that certain rights cannot be restricted even during wartime. According to the Constitution of Ukraine, these rights are enshrined in Articles 27, 28, 29, 55, 56, 57, 58, 59, 61, and 62. They are fundamental and remain inviolable.

Thus, martial law presents a challenge to human rights, but the state has the right to impose certain restrictions in accordance with national laws and international legal standards. The primary goal of such restrictions is to ensure the security and stability of the state while preserving human values and fundamental rights. This is a delicate balance that requires constant review and oversight to maintain public trust and uphold the rule of law.

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EFFECTIVENESS OF THE INTRODUCTION OF THE INSTITUTION OF THE " COMMUNITY PROSECUTOR " IN UKRAINE

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Introduction. The legislator has assigned the prosecutor's office the duty to coordinate the activities of law enforcement agencies of the appropriate level in the field of combating crime. Coordination is carried out by combining efforts to influence the level of crime in a specific territory, reduce the number of criminal offences, and protect the interests of citizens and the state from illegal actions. One of the ways to increase the effectiveness of the coordination activities of prosecutor's offices was the adoption in 2023 of the Concept of Interaction between Prosecutor's Offices and Communities ("Community Prosecutor"), approved by Order of the Prosecutor General № 224.