

THE RULE OF LAW AS A BASIS OF GOVERNANCE AND ITS IMPLEMENTATION IN THE CONTEXT OF ARMED CONFLICT

*O ESTADO DE DIREITO COMO BASE DA GOVERNANÇA E
A SUA IMPLEMENTAÇÃO NO CONTEXTO DE CONFLITOS
ARMADOS*

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Abstract: *The study aims to provide a theoretical analysis of the rule of law in the context of armed conflict, focusing on governance and its practical implementation, and to develop recommendations for improving current legislation. The research is based on the Constitution of Ukraine, relevant laws and bylaws, and scholarly works of domestic researchers. A range of methods was applied, including description, generalization, analysis, comparison, deduction, induction, the formal legal method, dialectics, the method of alternatives, and legal-technical analysis. The findings demonstrate that during a full-scale invasion, adherence to the rule of law helps maintain social stability, ensures alignment with international legal standards, and limits the exercise of state power. Particular attention is paid to judicial practice as a practical expression of the rule of law. Strengthening and modernizing this principle is essential for effective post-war reconstruction and for combating corruption within the broader legal system.*

Keywords: *Domestic law. International humanitarian law. Implementation. Post-war reconstruction. Municipal law. Notary (notarial system). Notarial jurisdiction.*

Resumo: O estudo tem como objetivo fornecer uma análise teórica do Estado de Direito no contexto de conflitos armados, com foco na governança e sua implementação prática, e desenvolver recomendações para melhorar a legislação atual. A pesquisa baseia-se na Constituição da Ucrânia, leis e regulamentos relevantes e trabalhos acadêmicos de pesquisadores nacionais. Foram aplicados diversos métodos, incluindo descrição, generalização, análise, comparação, dedução, indução, método jurídico formal, dialética, método de alternativas e análise jurídico-técnica. Os resultados demonstram que, durante uma invasão em grande escala, a adesão ao Estado de Direito ajuda a manter a estabilidade social, garante o alinhamento com os padrões jurídicos internacionais e limita o exercício do poder estatal. É dada especial atenção à prática judicial como expressão prática do Estado de Direito. O reforço e a modernização deste princípio são essenciais para uma reconstrução pós-guerra eficaz e para combater a corrupção no âmbito do sistema jurídico mais vasto.

Palavras-chave: Direito interno. Direito internacional humanitário. Implementação. Reconstrução pós-guerra. Direito municipal. Notário (sistema notarial). Jurisdição notarial.

Introduction

Public administration undergoes significant changes under the influence of military threats and political and economic crises (Summers, 1999). The fundamental legal principles and foundations continue to operate even in conditions of instability, but the historical experience of Ukraine and other countries shows that the legal system changes in the context of armed conflicts, which is caused by social phenomena (Kozynets, 2021; Patsurkovsky & Gavrilyuk, 2017). The existing changes in the legal system help ensure legitimacy, fair trial, effective and rational decision-making by public authorities, and compliance with current legislation by officials (Havryliuk & Patsurivskyi, 2022). The importance of the changes is due to the significant risks of offenses committed by officials and certain categories of the population during a full-scale invasion, as society's attention is drawn to solving more important and complex issues (Havryliuk & Patsurivskyi, 2022).

The rule of law emerges as a response to changes in the legal system and promotes the observance of democratic principles (Bartole, 2016). The concept of the rule of law is widespread in the continental legal system, but it is also important for our country. According to this concept, the state authorities must comply with the current legislation, have tools for monitoring performance, report to citizens, and comply with democratic principles. Despite the differences in legal traditions, the rule of law guarantees in every state the opportunity for the population to live in accordance with democratic principles and allows the authorities to perform their functions effectively (Petrovska, 2022).

Today, the rule of law is a key issue for our country. Ukraine has been fighting a full-scale invasion for 4 years now, and at the same time, focusing on the external enemy does not exclude the need to address internal issues. For our country, issues related to corruption, social inequality, imbalance of power, and uncertainty of judicial practice in certain categories of cases remain relevant. The resolution of these issues reflects the preservation of the rule of law even in the face of an unstable security situation in the country.

The authorities must make effective decisions, preserve democratic principles, ensure internal order, and establish rational communication with the population and public authorities. The war complicates these processes and, at the same time, creates difficulties for the observance of constitutional norms. The most pressing issue today is the observance of human rights, as restrictions on freedom of movement and personal rights negatively affect the public's trust in the government and create a perception among citizens that their rights will be violated. Another key aspect here is that the lack of proper communication between public authorities and citizens affects the desire of the population to comply with the current legislation (Sales, 2024).

Ensuring equality of all citizens before the law is a tool for Ukraine's European integration. Building a democratic state, harmonizing legislation, creating conditions for fighting corruption, establishing independent bodies to combat economic crimes, and protecting the rights of the population are important measures for our country's accession to the European legal space. This is also necessary for Ukraine in terms of full-scale invasion, as the rule of law demonstrates our country's desire to be part of the European space and contributes to the formation of a positive image. The rule of law is an indicator for investors that they can invest in the state, as the rights and guarantees of depositors will be protected.

Accordingly, adherence to the rule of law is an important aspect of modern legal research. The development of new mechanisms of public administration will promote compliance with the current legislation and will help to form a positive attitude of the population towards the authorities. The rule of law will help maintain internal order even in the face of a full-scale invasion.

Literature Review

The issue of the rule of law in the context of armed conflict in terms of governance and its implementation has been considered by a number of researchers. Haustova (2020) notes that the rule of law principle was formed about 400 years ago and is derived from other legal norms. According to this principle, society and the state cooperate with each other on the basis of justice, equality, democracy, and human-centeredness. At the same time, the rule of law is a measure of

the government's legitimacy and an indicator of a political ideal that allows for practical compliance with existing legislation and improvement of existing legal norms. A key aspect of the rule of law is the observance of humanitarian values when there is a discrepancy between legal norms and the moral aspect. In this case, the rule of law should be aimed at regulating judicial practice in complex cases where a decision may have an impact on social stability (Haustova, 2020).

She considers the rule of law in the context of "the principle of legal organization of state power in relation to society". The rule of law in this dimension appears as the dominance of legislation and legal norms over the government and political institutions. Citizens must be sure that their rights and privileges will be preserved, regardless of political changes, economic situation, or foreign policy vector. In this context, the state is accountable to the population and should develop effective tools for monitoring human rights observance (Haustova, 2020).

In a narrow sense, the scientist and Andritz (2019) consider the rule of law as the relationship between common law and law. Ukraine is a rule-of-law social state where citizens' rights are protected by law. A person whose rights have been violated can go to court on their own and at the same time is obliged to comply with the rule of law, which will preserve the approach to the effectiveness of the rule of law. In a narrow sense, the scholar views the rule of law as the relationship between common law and law. Ukraine is a rule-of-law social state where citizens' rights are protected by law. A person whose rights have been violated can go to court on their own and at the same time is obliged to comply with the rule of law, which will preserve the approach to the effectiveness of the rule of law (Haustova, 2020; Andritz, 2019).

Modern problems of the rule of law have been considered in a number of foreign works (Summers, 1999; Sales, 2024; Bartole, 2016). These researchers are convinced that the identified problems of the rule of law are characteristic of both European states and other countries. At the same time, they emphasize the importance of building the rule of law in the modern context, which allows for a stable situation in the state (Summers, 1999; Sales, 2024; Bartole, 2016).

The works of domestic scholars are also devoted to the issue of improving the effectiveness of public administration to maintain law and order. Researchers believe that reforming the judicial system and adapting legislation to the needs of society will significantly improve the human rights situation in Ukraine (Kozynets, 2021; Havryliuk & Patsurivskiy, 2022; Petrovska, 2022; Nikolenko, 2022; Hetman, 2022; Popadynets, 2025; Barabash, 2023).

Demchenko considers the rule of law in the context of outpacing the development of human rights in comparison with the development of objective legal law. This is due to the importance of democratic principles and the establishment of human rights, since human-centeredness allows for a positive impact on the development of other legal norms. The rule of law is aimed at governing according to the law. The authorities must comply with existing legal acts and limit their powers accordingly. At the same time, public administration in this aspect may face the problematic issues related to the fact that deliberate restrictions can lead to a deterioration in the political and economic situation in the country (Demchenko, 2020).

The rule of law aims to ensure that the law is clear, understandable, fair, and universal. If a citizen understands where his or her rights end and duties begin, he or she becomes more responsible for his or her obligations. At the same time, the rule of law in this aspect is formal, since a person who does not want to comply with the law will seek to violate it and achieve the desired outcome, while believing that others must comply with the law. The law should be adopted on the basis of the formal consent of citizens, which is the only way to achieve legitimacy and prevent citizens from seeking to violate it (Demchenko, 2020).

Kaminska (2020) sees the rule of law as "a democratic institution of observance of constitutional principles". The rule of law is aimed directly at a citizen of the state who knows his rights and obligations, so no one can force him to do what he does not want to do. It reflects the peculiarities of the relationship between law and politics, economy, traditions and customs, and society. It is based on normative positivism, where a person and his or her freedoms play a key role in the current legislation (Kaminska, 2020).

Syabrenko and Tatarinova (2021) note that the rule of law is the basis of the rule of law, where the organization of power meets the needs of society. Despite the widespread belief that the rule of law is impossible, as it is difficult to imagine a society against which the authorities do

not violate any laws and norms, scholars are convinced that it is possible to form such a society that trusts its authorities, so the rule of law is quite real. The rule of law is seen as a set of ideas related to people's struggle against the arbitrariness of the state. The government cannot create a society in which all the rights of the population are preserved, as there is always some kind of violation.

At the same time, the norms under which the ruler is temporary are being consolidated, since his legitimacy is determined by clear terms of governance. Currently, the key focus is on individual human rights, as all citizens of the state want to realize that their human status is fixed, and in case of violation of the law, they can go to court (Syabrenko & Tatarinova, 2021).

The theoretical framework developed is complete and allows us to analyze the rule of law in the context of armed conflict in terms of governance and its implementation. The available scientific works on this issue demonstrate the relevance of the topic for analysis.

The objective is to theoretically analyze the rule of law in the context of armed conflict in terms of governance and its implementation and to develop practical recommendations for improving the current legislation.

Materials and Methods

The following research methods were used in the course of the study: description, generalization, analysis, comparison, deduction, induction, and the formal legal method. The method of description is a general scientific one and is intended to characterize the essence of the rule of law and the specifics of its interpretation. The use of the descriptive method made it possible to demonstrate different approaches to understanding the concept of this principle.

The method of generalization helped to summarize the results of the study and demonstrate the results in the format of concise conclusions. The generalization method was used to develop recommendations for further development of the rule of law based on the research findings.

The method of comparison provided a comparison of the real state of observance of the rule of law in Ukraine and its development in the past. It is determined that at the present stage, the main focus is on the dominance of human rights and freedoms over specific legislative acts.

The method of analysis allowed the author to identify examples of observance or violation of the rule of law based on actual court practice.

This method was used to demonstrate examples from court practice that reflected the focus on the observance of human rights and freedoms during the period of full-scale invasion.

The method of deduction was used to formulate conclusions about the possibility of compliance with legal norms and legislation in practice, including on the basis of case law analysis. The author has identified the peculiarities of public administration and constitutional control during the war. The method played an important role in determining the peculiarities of human rights observance in the context of military threats.

Based on the method of induction, the author determines the specifics of the State's ability to comply with the rule of law in the context of armed confrontation and political and economic crisis. The author emphasizes the ability of the authorities to make effective decisions to preserve stability in the State, while ensuring that the rights and freedoms of citizens are respected.

The formal legal method is used to determine the possibilities of adapting law to the conditions of war and the availability of doctrinal positions which can ensure the reform of the legal system. The author analyzed domestic legal acts, which helped to define the essence of the rule of law.

The dialectic method is aimed at identifying and reflecting legal phenomena in their dynamics. Using this method, the author establishes that the issue of the rule of law is constantly evolving and gaining in importance due to the onset of crisis phenomena in society. It is established that since the beginning of the full-scale invasion in Ukraine, trends in judicial proceedings have begun to prevail, where objective circumstances are more important than legislative acts.

The article uses the method of alternatives to determine how the rule of law is implemented in court cases by examining various issues that could have been resolved by a judge in either a positive or negative way.

In this case, the rule of law is presented through the prism of legislation and the possibilities of taking into account specific life circumstances.

The legal and technical method is based on the fact that the essence of the rule of law as a definition was considered and its implementation in the national legal system was established. The author emphasizes that war is a key factor influencing the development and establishment of the rule of law, since in the context of economic and security problems it is quite difficult to ensure that citizens' rights are respected.

Results

The constitutional order of any state cannot be formed without respect for the rule of law. Citizens and the state must cooperate closely to ensure legal guarantees and at the same time create conditions for the functioning of a democratic society (Rosenfeld, 2019). The protection of human rights and freedoms remains the basis of the rule of law, which is possible through compliance with the country's basic law and, at the same time, a legitimate parliament (Sarsfield, 2020). It should be noted that adherence to the rule of law is complicated during an armed conflict, as the state and public attention is focused on solving external problems (Andritz, 2019).

During the war, the rights of citizens may be violated, which is caused by the difficulty of complying with the current legislation in terms of force majeure. The state, which ensures the work of law enforcement agencies and military units, public authorities, and executive services, must also adhere to the principles of social policy and monitor the observance of human rights. At the same time, social policy in times of war requires special attention, as people in difficult life circumstances and those registered with social services experience additional difficulties during an armed conflict and need state assistance. The full-scale invasion also has an impact on the correlation between the current legislation and moral aspects, when laws and regulations need to be reformed in a timely manner to ensure human rights and freedoms. The issue of judicial practice is acute, as it is ambiguous in terms of taking into account both existing legal norms and those that are just being implemented.

In this regard, the rule of law is an integral element of the democratic development of society during armed conflicts. International instruments define the rule of law as a key value that ensures the harmonious development of the European Union. International institutions monitor the observance of human rights and fair trial, state power, and fair cooperation between different structures. This helps to ensure the constitutional order in each country and at the same time contributes to the development of an algorithm for compliance with the current legislation in conditions of uncertainty.

In today's environment, the UN considers the rule of law to be the foundation of law and order and a means of maintaining democracy. At the same time, respect for the law and the legal system is an important aspect of the community of states that are members of the EU and plan to join it. Accordingly, the rule of law principle is taken into account in a number of conventions and recommendations related to monitoring human rights in wartime situations and armed conflicts (Stein, 2019).

The priority of the principle is determined by the bylaws, while it is noted that special control mechanisms of international organizations cannot be effective and objective, as legal norms may be violated during armed conflicts, which is also due to the priority of ensuring personal human rights. That is, it has been established that violation of certain legal norms during the war is permissible if it allows to preserve human life and health, as well as to create a safe environment for them. The human being is defined as the highest value, so it is necessary to create a legal system that would provide access to fundamental freedoms and human rights guarantees (Pohrebniak, 2020).

One of the problematic aspects of human rights observance during armed conflicts is the lack of a unified methodology for assessing the rule of law. Each state has its own approaches to assessing the observance of human freedoms and guarantees, the effectiveness of decision-making by public authorities, the transparency of government and non-governmental organizations, and fair trial. The EU legislation systematically develops provisions for monitoring the observance of human rights, which is aimed at ensuring public administration, sustainable socio-economic

development, development of state institutions, formation of effective accountability mechanisms, and observance of human freedoms and rights.

The development of a unified methodology should be aimed at creating a legal system where laws and regulations are adopted with the requirements of wartime in mind and have the capacity to expand human rights in such a difficult period. It is necessary to conduct social campaigns where the issue of the rule of law will be discussed with various members of the public, which will allow to take into account those points that will reflect the most characteristic indicators of respect for human rights and freedoms.

A rather acute issue is the consideration of aspects of the national judicial system in the context of the rule of law. The Constitutional Court of Ukraine has defined the rule of law as a basic principle of relations between the state, citizens, and local self-government. At the same time, the judicial practice during armed conflicts is rather ambiguous, as some regulations may contradict others, and in a crisis, this can increase inequality between different categories of the population, negatively affect fair trial, restrict human rights and freedoms, worsen the effectiveness of consideration of human rights violations, and allow arbitrariness of the authorities.

In particular, case 925/496/24 states that the rule of law can be achieved through the use of artificial intelligence to assist the judiciary. Artificial intelligence is defined as informative and useful, and therefore, its use for making lawful decisions contributes to the management of proceedings and the evaluation of electronic evidence. In the context of the development of modern technologies and the increasing burden on the judicial system, artificial intelligence is defined as a tool for ensuring the rule of law in Ukraine (Case No. 925/496/24, 2024).

In case 400/4829/24, it was determined that a legal provision takes precedence based on the most favorable interpretation for the individual. In the context of a full-scale invasion, the Supreme Court departed from its previous legal position and allowed the formation of a special rule for the payment of financial support to a serviceman after his discharge from a military unit. It was established that the term of the unit's debt to the serviceman starts from the date of discharge, not from the moment the debt was incurred. A serviceman may apply to the court even several months after his discharge, which will not be considered a violation of the deadline (Case No. 400/4829/24, 2024).

One example of the rule of law in court practice is the recognition of a deceased serviceman as a family member. In case 725/3785/24, it was recognized that the deceased serviceman was a member of his aunt's family. The court took into account the testimony of witnesses and bank card statements of the deceased, who had been financially supporting his aunt's family. The court took into account that a person belongs to the family not only through blood ties, but must also participate in the family's economic life (Case No. 725/3785/24, 2024).

The analyzed court practice shows that the rights, freedoms, and guarantees of a person and citizen are taken into account first (Kozynets, 2021). The rule of law should not be affected by the existence of conflicts between legislative acts and bylaws. Accordingly, if a person's interests are violated, he or she can go to court and be sure that his or her rights will be protected. At the same time, special attention is paid to the cases of military personnel, since they are defending our country, are restricted in their freedom of movement, and do not have enough time to resolve the issues at hand. The court practice in this aspect takes into account the priority of providing legal aid to the military and takes into account the importance of resolving legal issues for military families. Thus, the rule of law is ensured by adherence to the basic norms of morality and ethics, while taking into account the objective circumstances in the life of a person in need of legal protection.

Characteristic features of the rule of law in Ukraine during the full-scale invasion are shown below in Figure 1.

Figure 1. Characteristics of the rule of law in Ukraine during a full-scale invasion



Source: developed by the author

Internationalization involves strengthening national legislation by harmonizing it with international law. For Ukraine, such acts that define the rule of law are the Constitution of Ukraine (Verkhovna Rada of Ukraine, 1996). The Constitution of Ukraine: The Law of Ukraine. No. 254к/ BP of June 28, 1996, 1996), the Law of Ukraine “On Administrative Procedure” (On Administrative Procedure: Law of Ukraine. No. 2073-IX of February 17, 2022, 2022), the Law of Ukraine “On the Prosecutor’s Office” (On the Prosecutor’s Office: Law of Ukraine. No. 1697-VII of October 14, 2014, 2014), decisions of the Supreme Court of Ukraine and the Constitutional Court of Ukraine (Rule of Law. Constitutional Court of Ukraine. Official Website, 2025), the Law of Ukraine “On the Judicial System and Status of Judges” (On the Judicial System and Status of Judges: Law of Ukraine. No. 1402-VIII of June 02, 2016, 2016). The rule of law is also regulated by bylaws relating to civil, labor, and family law. This allows to ensure the protection of citizens’ rights in difficult life situations and prioritize human freedoms and guarantees. However, an important aspect is the harmonization of national and international legislation. Our country needs to strengthen its legal system, which is possible through the signing of international legal treaties and the adaptation of international norms to the situation in our country.

Mutual influence means that some legal norms have an impact on others, while the legal system takes into account the peculiarities of the political and economic situation in the country. Today, we can see that reforms are being systematically implemented to improve the current legislation and adapt it to new conditions. The law is also influenced by international treaties and conventions, which our state must adhere to in order to maintain a stable situation and maintain law and order.

Strengthening regulation means that regulations are adopted and structures are created to regulate and monitor the observance of human rights and freedoms. This helps to reduce corruption, strengthen cooperation between different authorities, reduce the number of cases of undue advantage, and create a system of fair justice. At the same time, it limits the influence of the authorities on the possibility of committing offenses by other authorities or state structures.

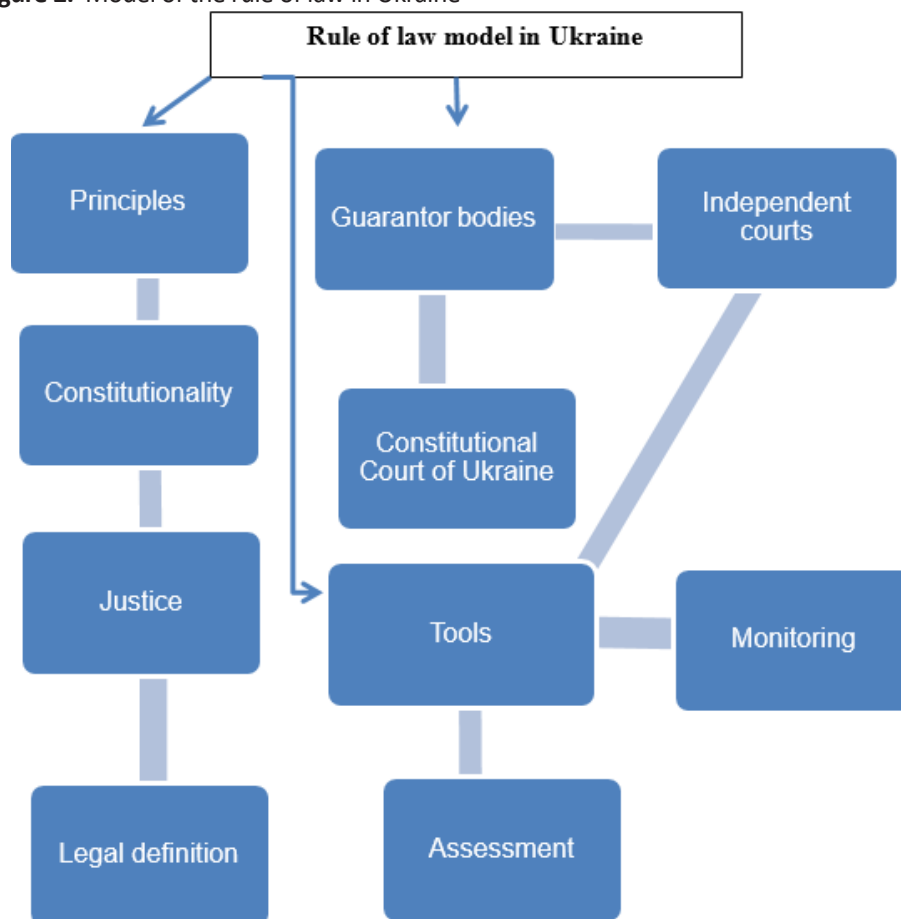
Currently, the adoption of emergency legislation is characterized by the adoption of laws without planning and, at the same time, the absence of a clear concept of the draft law’s vision. This is due to the need to quickly implement the necessary decisions without the possibility of allocating sufficient time to consider the issue in more detail. The state pays considerable attention to public relations, given how this may affect the attitude of citizens to the government and state structures. At the same time, in the context of a full-scale invasion, it is difficult to create a draft law that would fully meet the needs of society, as the state is limited in financial, material, labor, and human resources. Often, the draft law does not comply with EU recommendations, due to the need to make a quick and urgent decision, which may be the most optimal in martial law. Decision-making often takes place without public consultations, which contradicts certain regulations, but meets the requirements of the time. The consequence is that legal monitoring is quite difficult, as human

rights and freedoms are taken into account first, which may not be in line with other regulations, but ensures the rule of law.

This can lead to an increase in violations in the legal system, when decision-making is quickly explained by an urgent social need, although in reality it is carried out to implement corruption schemes.

The rule of law model in Ukraine has the following form, which is presented in Figure 2.

Figure 2. Model of the rule of law in Ukraine



Source: developed by the author

The culture of legal responsibility during the full-scale invasion continues to be increasingly formed among the citizens of our country. The population realizes that the punishment for some crimes during the war is more severe and intensified, which helps to form ideas about the consequences of their actions. The culture is being consolidated both among officials and among the general population, which seeks to achieve the desired by committing an offense. The rule of law helps to reinforce the idea that violating the legal system, even during armed conflicts, is not the right decision.

It is advisable to identify the following opportunities to harmonize the current legislation, which will improve the current legal system, as shown in Table 1.

Table 1 - Tools for harmonizing current legislation

No	Tool	Essence of the tool
1	Definition of the harmonization procedure	Consultations with relevant EU bodies. Comparison of current legislation with EU legislation

2	Identification of competent state authorities	Establishing the range of state authorities that can participate in the harmonization of legislation and develop the necessary recommendations. These authorities are the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, relevant ministries, and the Coordination Council for the Adaptation of Legislation. Development of adaptation plans by relevant authorities
3	Acceleration of the procedure	Shortening the time required to harmonize Ukrainian legislation with EU legislation, while circumventing bureaucratic obstacles to accelerate the procedure. Development of draft laws and their review for compatibility with international legislation
4	Taking EU legislation into account	Paying attention to the specifics of the EU legal system and introducing new approaches to the rule of law. Adoption of new laws by the Verkhovna Rada of Ukraine and amendments to existing regulatory acts

Source: developed by the author

The harmonization of legislation is an important step towards achieving the rule of law, as the European history of lawmaking is important for our country. At the same time, harmonization is also conditioned by the fact that the history of the rule of law goes back 400 years, while in our country the law has been developing independently for only 30 years, which allows us to identify existing problems and difficulties. In addition, in previous years, our state did not pay enough attention to violations of legal norms, and only a few cases resulted in positive court decisions. Whereas now, in the face of a full-scale invasion, the state is interested in adopting urgent reforms of the legal system.

The rule of law at the present stage draws attention to the establishment of the limits of state power. This is due to the need to control the exercise of powers by state bodies, to address issues of accelerating the adoption of necessary decisions, to set limits on the clear actions of officials, and to consider the correlation between power and current legislation. The problem here is the unclear requirements for the powers of officials, which allows them to circumvent the current legislation. In this case, the control mechanism is provided by separate state authorities and the possibility for citizens to file official complaints against illegal actions of officials. It is established that limiting state power makes it impossible to prevent cases of corruption and bureaucratic schemes when officials deliberately make unlawful decisions or delay the resolution of a case in order to obtain unlawful benefits.

Discussion

The issue of the rule of law in armed conflicts is quite controversial, as it demonstrates different approaches to understanding the rule of law during a full-scale invasion. In the works of Popadynets (2025) and Barabash (2023), it can be seen that the rule of law is not fully realized in our country. The main focus is on the judicial system, which has a number of shortcomings and, despite its independence from the central government, is significantly dependent on the political and economic situation in the country.

Nikolenko (2022) is convinced that the principle of the rule of law is implemented in our country, but the problematic aspect is the judicial proceedings, which are oriented towards the law, while the position of a person in need of judicial protection in a life situation should be taken into account first (Pogrebnyak, 2020). According to the researcher, the rule of law is a fundamental principle that allows protecting human rights and at the same time improving the quality of judicial proceedings (Nikolenko, 2022).

The problem of the rule of law is considered quite thoroughly in the work of Hetman. It is noted that the environmental monitoring system is heavily dependent on bureaucracy, which negatively affects management in the field of natural resources and the environment. At the same time, it is quite difficult to achieve real punishment for officials who commit illegal actions in relation to the environment (Hetman, 2022).

At the same time, the ability to comply with the law without violating human rights is a rather acute issue. Court practice demonstrates that today considerable attention is paid to the possibility of obtaining rights and benefits guaranteed by the state, while at the same time this leads to violations of certain legal provisions. Therefore, it is important to discuss whether certain violations of the law against a person will be used by certain persons to obtain unlawful benefits. At the same time, compliance with the law can be seen as a failure of the state to fulfill its obligations to the citizen. In this case, one can see the contradictions between legal and moral aspects.

The issue of judicial proceedings against persons who are military personnel but also care for minor children with disabilities or are guardians of children deprived of parental care needs to be regulated. The current legislation does not define these aspects as grounds for dismissal from service, but the interests of the child are not taken into account in this case. Therefore, a person may either be dismissed from service by a court decision (without taking into account the law) or remain in service (subject to the law). In any case, it is left to the subjective discretion of the judge, and thus the rule of law cannot always be observed.

Another critical aspect is the harmonization of legislation. The harmonization of the current legislation will eliminate controversial aspects and allow for judicial proceedings based on an objective position. At the same time, international legislation does not take into account the current security and economic situation in our country, which can lead to instability in the country.

Therefore, the issue of the rule of law in armed conflicts is quite acute. A number of researchers are convinced that the rule of law in Ukraine as a principle cannot be observed due to the military operations. Other scholars, however, are convinced that the rule of law exists today, despite the difficulties in its implementation and control.

Conclusions

The rule of law is one of the fundamental principles of ensuring the constitutional order and the functioning of the legal system. Important attention should be paid to the court practice, which is ambiguous, as the protection of citizens' rights and observance of freedoms is a primary task of the judiciary, but may contradict existing regulations and legislation. It is necessary to harmonize the current legislation to ensure that human rights are fully protected. At the same time, it has been established that the powers of public authorities should be limited, which will help to preserve equality among the population and fair relations in society.

It is advisable to identify the following recommendations for the development of the rule of law in Ukraine. These include improving the legal system in general, taking into account current trends in the political and economic situation and the formation of society. At the same time, a significant role should be given to the digitalization of the legal system and the use of electronic materials for the establishment of the rule of law.

Improving judicial proceedings in relation to the rule of law. If there are cases where some rules of law contradict others or there are insurmountable circumstances, the court should rule in favor of the person who came to defend their rights. Also, the court practice should be unambiguous in relation to the same categories of cases.

Unified assessment of the rule of law in Ukraine. A unified system should be developed that allows for an objective assessment of compliance with legal norms in our country. Accordingly, this will allow us to see uniform results regarding the rule of law in Ukraine. The assessment should be carried out by both state organizations and private companies, which will allow for a unified result.

Developing mechanisms to fight corruption to ensure the rule of law. Combating corruption will allow for effective decision-making that meets the requirements of the rule of law and ensures fair trial.

Such mechanisms include strengthening control over public authorities, increasing accountability, and enhancing criminal liability for obtaining undue advantage.

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