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## The mechanism for the prevention of military administrative offences under martial law

### Механізм запобігання військовим адміністративним правопорушенням в умовах воєнного стану

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#### Abstract

Observance of military discipline under martial law is one of the pre-conditions for making the country's defence and ensuring national security as a whole more effective. That is why the current legislation in the field of military administrative offences needs to be revised and brought into line with the requirements imposed by the wartime. The aim of the study is to analyse the current state and promising directions for improving the mechanism for the prevention of military administrative offences under martial law. The methods of analysis of the legislative framework, formal logic, case studies, comparative law were used in the course of the research. The article was built using international experience. The study found a number of contradictions in the changes introduced in the legislation on military administrative offences after the beginning of a large-scale military invasion. Such changes as increased punishment and no right to commutation, etc. intended to improve discipline can have the opposite effect,

#### Анотація

Дотримання військової дисципліни в умовах воєнного стану є однією з передумов підвищення ефективності обороноздатності країни та забезпечення національної безпеки в цілому. Тому чинне законодавство у сфері військових адміністративних правопорушень потребує доопрацювання та приведення у відповідність до вимог воєнного часу. Метою дослідження є аналіз сучасного стану та перспективних напрямків удосконалення механізму профілактики військових адміністративних правопорушень в умовах воєнного стану. У ході дослідження використовувалися методи аналізу законодавчої бази, формальної логіки, кейс-стаді, порівняльного правознавства. Стаття побудована з використанням міжнародного досвіду. Дослідження виявило низку суперечностей у змінах, внесених до законодавства про військові адміністративні правопорушення після початку широкомасштабного військового вторгнення.

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reducing the motivation and confidence of servicemen. Special attention should be paid to entitling one person to draw up a report on an administrative military offence and collect evidence — most often, battalion commanders, which makes servicemen vulnerable to the commanders, whatever decision they make, and also increases corruption risks. Therefore, further research should focus on the development of directions for amending Article 172-13 “Abuse of power or official position by a military official”.

**Keywords:** military administrative offences, martial law, discipline, corruption, responsibility.

## Introduction

The martial law introduced on February 24, 2022 in Ukraine changes the usual realities in all spheres of life of Ukrainians. The legal sphere was one of the first to introduce changes, because the lawmakers faced an objective need to change the legislation in accordance with the requirements imposed by the wartime. Issues of providing national security and defence, which depend not least on the appropriate military discipline, took priority (Chow & Yeh, 2021; Simmons, 2021).

Since 2014, the number of military administrative offences has increased significantly. The analysis of aspects of military discipline in 2020-2021 indicates the highest frequency of violations of the rules banning the consumption of alcoholic beverages by servicemen. Besides, frequent cases of arbitrary abandonment of military units and negligent treatment of military service were also observed (Ostapenko, 2021). Since the beginning of the full-scale invasion, the courts of the first instance have made more than 30,000 decisions in cases of bringing to administrative responsibility under Part 3 of Art. 172-20 of the Code of Ukraine on Administrative Offences only as of mid-December of the same year (Durnopianova, 2022). Therefore, the research into the directions for improving the mechanism for the prevention of military administrative offences under martial law is an urgent issue.

The aim of the study was to analyse the current state and promising directions for improvement

Такі зміни, як посилення покарання та відсутність права на пом'якшення покарання тощо, спрямовані на підвищення дисципліни, можуть мати протилежний ефект, зменшуючи мотивацію та впевненість військовослужбовців. Окремо слід звернути увагу на надання права скласти протокол про адміністративне військове правопорушення та збирати докази одній особі — найчастіше командир батальйону, що робить військовослужбовців незахищеними перед командирами, яке рішення вони не прийняли, а також підвищує корупційні ризики. Тому подальші дослідження слід зосередити на розробці напрямів внесення змін до статті 172-13 «Зловживання військовою службовою особою владою або службовим становищем».

**Ключові слова:** військові адміністративні правопорушення, воєнний стан, дисципліна, корупція, відповідальність.

of the mechanism for the prevention of military administrative offences under martial law. The aim involved the fulfilment of a number of research objectives, in particular:

- Analyse the innovations in the legislative framework regulating military administrative offences related to the introduction of martial law, in particular, aspects of the legality of increasing the responsibility of servicemen introduced by the Law of Ukraine “On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Peculiarities of Military Service under Martial Law or in a Combat Situation” (Verkhovna Rada of Ukraine, 2022; Kopotun, 2023);
- Conduct a case study on determining the effectiveness of Law No. 8271 by comparing real examples from the life of servicemen testifying both in favour of the adoption of the Law and against it;
- Outline the directions for improvement of the mechanism for the prevention of military administrative offences under martial law based on the results obtained during the analysis of the legislative framework and international experience.

The research objectives set in the article imply the following main research questions:

- What are the main innovations in the legislative framework related to military administrative offences?
- What advantages and disadvantages can be noted in Law No. 8271 when applied to real situations?
- What are the directions for improving the mechanism for preventing military administrative offences under martial law?
- What aspects of international experience should be adapted to Ukrainian practice in order to improve the mechanism for preventing military administrative offences under martial law?

### Literature Review

In most studies on military administrative offences the leading specialists in law focus on a number of existing shortcomings in the legislation. This is especially relevant in the context of martial law, because ensuring national security depends on a balanced approach to law-making during wartime. The adoption of the Law of Ukraine “On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Peculiarities of Military Service under Martial Law or in a Combat Situation” (hereinafter referred to as Law No. 8271), which increases responsibility of servicemen for committing offences, caused a great wave of criticism. Most researchers note that the adoption of this law will not contribute to the improvement of discipline, but will only limit the rights of servicemen (Verkhovna Rada of Ukraine, 2022; Pietkov, 2020).

Bobrovska (2023) harshly criticizes the adoption of the Law — from the procedural violations to the inflated punishment for servicemen without the right of commutation. In their article, Opryshchenko (2023) and Nekrasov (2023) refer to the opinions of experts who consider the adoption of the specified law illegal, in particular in view of the insecurity of servicemen compared to the command.

Pavlovska (2022) deals with the content and structure of administrative offences under martial law. The researcher focuses on the consideration of Chapter 13-B of the Code of Ukraine on Administrative Offences. She identifies the shortcomings of the current legislation, the main of which is the violation of the principle of separation of powers. Merdova (2022) considers the commission of an administrative offence under martial law as a circumstance that aggravates responsibility for such an offence.

Some works are focused on an in-depth analysis of some articles of Chapter 13-B of the Criminal Procedure Code. Ostapenko (2021) examines gaps in the legislative framework regarding military administrative offences, in particular, inaccuracies in Article 172-15 of the Code of Ukraine on Administrative Offences “Negligent treatment of military service.” Ivashkovskiy (2021) focuses on Article 172-11 “Arbitrary abandonment of a military unit or place of service”.

Podoliaka & Domin (2020) examine the drafting of protocols on military administrative offences by military prosecutors. The researchers described this procedure in detail, defining the specifics and powers of military prosecutors.

Fesenko et al., (2022) revealed the aspects of legal responsibility for military offences. The researchers noted the objective need to revise the existing legislation in the military sphere because of the increased number of war crimes after 2014, and to develop an effective mechanism for combating crime in the military sphere.

Riabenko and Zoria (2019) are among the researchers who consider corruption-related administrative offences. They also cover the activities of the military prosecutor’s office in combating such offences.

A number of foreign authors studied such areas of combating war crimes as the use of a cascade strategy, and the development of interaction between the community and law enforcement agencies (McGarrell, 2020), the ratification of international treaties and conventions (Beigbeder, 2018), strengthening the national and international legal framework (Bothe et al., 2013), the introduction of appropriate programmes in education and training (Weissbrodt & De La Vega, 2007), the application of an early warning and response system (Stahn, 2008), support and peace building (De Greiff, 2014).

### Methods and Materials

#### *Research design*

Outlining the directions for improvement of the mechanism for the prevention of military administrative offences under martial law requires the division of research into stages. In particular, it is necessary to examine the legislative framework regarding administrative military offences before the introduction of changes caused by the introduction of martial

law, as well as after the introduction of changes. It is appropriate to consider the effects of making such changes in practice and, ultimately, to outline the directions for improving the mechanism for the prevention of military administrative offences under martial law based on the results of the analysis.

So, the first stage of the research provided for the analysis of the legislative framework, in particular, Chapter 13-B of the Code of Ukraine on Administrative Offences. The method of comparative law was used to determine the changes that occurred in relation to this Chapter after the adoption of Law of Ukraine No. 8271 “On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Peculiarities of Military Service under Martial Law or in a Combat Situation.” In particular, the level of responsibility for servicemen for committing military administrative offences before and after the adoption of Law of Ukraine No. 8271 was compared (Verkhovna Rada of Ukraine, 2023; Kopotun, 2023).

The second stage of the research provided for the analysis of two examples using the case study method. The first of the mentioned examples testifies in favour of the adoption of Law No. 8271 (the information is taken from a journalistic investigation (Steshenko, 2022)). The second example testifies against the adoption of the specified law (the data used are taken from a journalistic investigation (Opryshchenko, 2023)). The case study method was used to assess the actual advantages and disadvantages of the adopted Law without assumptions and theory, and further helps to identify directions for its improvement.

The third stage provided for outlining the directions for the improvement of the mechanism for the prevention of military administrative offences under martial law based on the results of the analysis conducted during the study. The method of formal logic was used to propose a number of improvements related to the legislative provision of proceedings in cases of administrative offences, the procedure for the examination of the state of alcohol, drug, etc. types of intoxication, reduction of corruption, etc.

The fourth stage of the study involved identification of a number of provisions in the legislation of the USA and the EU using the method of comparative law, which can be

adapted and used in Ukrainian practice to increase efficiency of prevention of military administrative offences.

#### *Information background*

The information background of the study is academic periodicals of Ukraine, journalistic investigations, as well as separate documents of the legislative framework of Ukraine, in particular the Criminal Code of Ukraine, as well as Law of Ukraine No. 8271 “On Amendments to the Code of Ukraine on Administrative Offences, the Criminal Code of Ukraine and Other Legislative Acts of Ukraine Regarding the Peculiarities of Military Service under Martial Law or in a Combat Situation”.

#### **Results**

##### ***Increasing responsibility for military administrative offences***

What are the main innovations in the legislative framework related to military administrative offences?

Martial law is a special regime introduced in the country in the event of a threat to national security or territorial integrity. During martial law, special regulations are introduced, which provide for an increased level of discipline and order of military personnel. In such conditions, a special system of military administration and justice operates, which provides for proceedings in cases of military administrative offenses.

Martial law is a special regime introduced in the country in the event of a threat to national security or territorial integrity. Special regulations, which provide for an increased discipline and order of servicemen, are introduced during martial law. A special system of military administration and justice applies in these conditions, which provides for proceedings in cases of military administrative offenses.

A military offence is an offence committed by a serviceman (a person on a military service) and entails administrative responsibility provided in Chapter 13-B of the Code of Ukraine on Administrative Offences. A study of the changes proposed for the introduction to Chapter 13-B of the Administrative Code of Administrative Offences after the adoption of Law No. 8271 gives grounds to conclude that responsibility for military administrative offences was increased under all articles of the said Chapter (Verkhovna Rada of Ukraine, 2023a). Moreover, an article on

the examination of servicemen for the condition of alcohol, drug, and other types of intoxication that can be carried out forcibly was added. In addition to increasing responsibility for military administrative offences, Law No. 8271 provides for amendments to the Criminal Code of Ukraine. Under martial law, judges were also forbidden to mitigate the punishment for certain war crimes, as well as to change the punishment for them.

It should be noted that even before its signing, Law No. 8271 caused a wave of discontent and resulted in a petition to veto this law, which gathered the necessary number of signatures for consideration by the President (Office of the President of Ukraine, 2022). Despite this, Law No. 8271 was signed by the President.

Increasing responsibility for military offences during martial law is, on the one hand, justified, given the need to ensure national security, which depends not least on compliance with established rules and discipline. However, numerous critics of Law No. 8271 from among leading lawyers and other specialists encourage us to consider an alternative point of view.

#### ***Case studies on determining the effectiveness of Law No. 8271***

What advantages and disadvantages can be noted in Law No. 8271 when applied to real situations?

The case study presents two cases, in one of which the result of the application of Law No. 8271 can be defined as unjustified and unlawful. In the second case, the adopted Law could be beneficial for the situation (at the time of the event, the law had not yet been adopted).

##### *Case 1. Against the adoption of Law No. 8271*

The unlawfulness of Law No. 8271 can be demonstrated by using the example of 57-year-old M. Voroniak, a veteran of the Anti-Terrorist Operation (ATO) and military operations in Angola. In April 2022, the man's health deteriorated significantly (he could not walk, fainted). A diagnosis of Type II diabetes could lead to gangrene or amputation.

While being treated, the serviceman was transferred to the 102nd separate brigade of the Territorial Defence Forces. Sending him to the combat zone had to be preceded by the Military Medical Board. The hospital informed that the man should be treated at a new place of service. Later, he arrived to the 102nd separate brigade of

the Territorial Defence Forces, but he was never sent for treatment and Military Medical Board, which is why no records of his state of health were made in the military file. While the man was waiting for the Military Medical Board, he was given an order to go to the front, in response to which he submitted a report that he could not fulfil such an order because of his health.

Subsequently, the man was suspected under Article 172-10 of refusing to fulfil the command's order. During the investigation, the aforementioned law was adopted, and the administrative case turned into a criminal one.

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After the start of the investigation, M. Voroniak was referred to the Military Medical Board, which determined him to be "limitedly fit", so the case opened against the serviceman was legitimized.

Later, the man, having not received a referral for treatment, treated diabetes himself, and his condition improved. He was ordered to go to the war zone, which he fulfilled, but repeated health deterioration led to hospitalization and amputation of his toes.

The criminal case against the man was not closed, and he faces 5-8 years in prison (Opryshchenko, 2023).

##### *Case 2. For the adoption of Law No. 8271*

The example of war veteran M. Dvorianchuk testifies in favour of the adoption of Law No. 8271. The man describes an event related to his arbitrary abandonment of the battlefield. He and two other servicemen arrived at the emplacement near Mostyshche, which turned out to be empty. When the servicemen called and searched for those who were supposed to be in the emplacement, they did not know that there was already a Russian landing party on the street nearby.

Dvorianchuk M. describes another example related to arbitrary abandonment of the emplacement. The servicemen mistakenly decided that Russian tanks were advancing on them, and fled from their emplacement. The fugitives had to be searched for and handed over to the brigade commander, who returned them to their emplacements. At the same time, they were not punished, but several hundred square



kilometres were captured by the enemy (Steshenko, 2022).

The considered examples cover only a small part of the problems (advantages) associated with the adoption of Law No. 8271. However, they prove that the existing situation on the front both before and after the adoption of the Law requires a balanced approach to its improvement. In the first example, the problem lies not only in the adoption of the said Law, but also in non-observance of valid legal norms by the command. In the second example with M. Dvorianchuk, the man notes that the adoption of the above-mentioned law entails increased responsibility depending on the command (Steshenko, 2022). It follows that the effectiveness of this law depends not least on the good faith of the command. Such a conclusion contradicts the essence of the legal system as a whole, which should be based on the principles of equal treatment and fair punishment for all its subjects.

***Directions for improving the mechanism for the prevention of military administrative offences under martial law***

What are the directions for improving the mechanism for preventing military administrative offences under martial law?

The conducted analysis of the legislative framework and case studies gives grounds to determine some areas of improvement of the mechanism for the prevention of military administrative offences under martial law.

The main identified problem with regard to the adopted Law No. 8271 is the limitation of the rights of servicemen, which consists in the significant dependence of the determination of punishment on the command. In this regard, certain provisions of Section IV of the Code of Ukraine on Administrative Offences — “Proceedings in cases of administrative offenses” — need to be revised. According to Article 255, in cases of military administrative offences, the following persons are entitled to draw up the reports:

- authorized persons of the management bodies of the Military Law-Enforcement Service of the Armed Forces of Ukraine;
- commanders (chiefs) of military units (institutions), commanders of units;
- prosecutor.

In fact, official investigations and drafting of protocols are carried out by battalion commanders. In addition to the fact that their views may be subjective, the current procedure increases the risk of corrupt practices. Therefore, it is appropriate to propose an amendment to the legislation in such a way that the duty to draw up protocols is assigned to the officers of the Military Law-Enforcement Service.

It is also important to point out such shortcomings as the “mixing” of violations of military discipline committed by servicemen and illegal (corrupt) actions of officials or abuse of power (Article 172-13 of the Code of Ukraine on Administrative Offences). Therefore, these offences are completely different in nature and purpose, and must be separated. Violation of discipline by a serviceman should entail punishment, which is fair. However, it often happens that the discipline is violated for emotional reasons, for example, fear of death. In contrast, corruption is a deliberate act committed with the aim of obtaining one’s own benefit.

It is also appropriate to note the shortcomings in articles 172-20 on the consumption of alcoholic and low-alcohol beverages or the use of drugs, psychotropic substances or their analogues, and 266-1 on the examination of servicemen for the state of alcohol, drug and other types of intoxication. In order to avoid contradictions regarding the circumstances under which the examination is conducted, it is necessary to simplify the process as much as possible using modern technologies. We can take fines for speeding based on video evidence — speed cameras — as an example. Similarly, if a serviceman is suspected of having the specified conditions, it is appropriate to make a video recording, which is immediately placed in the database, as well as testing with special means while recording the result. The procedure must be carried out in the presence of an officer of the Military Law-Enforcement Service, and in case of refusal of the examination, the serviceman must automatically receive a fine through the Diia platform.

Ukraine still has some manifestations of Soviet approaches to legal relations and responsibility. It is appropriate to adjust the legal framework in order to minimize such manifestations that can cause real damage to national security — not only from the part of servicemen, but also from the part of the command. Establishing responsibility is an effective method, because impunity breeds new crimes. However, an excessively increased responsibility may not

achieve the set goal, but only reduce motivation. Therefore, along with the improvement of the legal framework, it is reasonable to work on increasing conscientiousness and motivation among the servicemen, in particular, to revise the system of punishments and rewards, as well as to encourage servicemen to protect the country and its people not through fear, but due to the formation of a conscious attitude.

### ***International experience in the prevention of military offences***

What aspects of international experience should be adapted to Ukrainian practice in order to improve the mechanism for preventing military administrative offences under martial law?

It is appropriate to supplement the identified areas of improvement with international experience on the issue under research. The application of international experience in national practice with its preliminary adaptation to Ukrainian realities will help to increase the effectiveness of certain provisions of the Code of Ukraine on Administrative Offences. As an example, it is proposed to consider the United States of America (USA) as a country with the most powerful army in the world. Military discipline and relevant legislation in the field of military administrative offences play not the last role in the country's success in this area. In the USA, compliance with military discipline is ensured through effective solutions in the following areas:

1. Servicemen training programmes. The US Armed Forces have developed a number of training programmes to ensure that servicemen understand the legal and ethical standards to which they must adhere.
2. Strong leadership. The US Armed Forces value leadership and accountability at all levels. This includes establishing clear boundaries of power and responsibility, promoting ethical behaviour, and holding commanders accountable.
3. Strict compliance with legal and ethical standards. The US military has a robust legal system to enforce its standards. This system ensures due process rights for accused servicemen.
4. Regular revisions of policies and procedures. The US Armed Forces regularly revise their policies and procedures to ensure they are current and effective in preventing administrative offences.
5. Strong control and accountability mechanisms. The US Armed Forces have a

number of mechanisms to ensure accountability and transparency, including internal audits, inspections and investigations, as well as external monitoring and reporting by independent bodies (Department of Defense, 2015; Department of Defense, 2019).

In addition to considering the practice of preventing military administrative offences in the USA, in the context of Ukraine's integration into the European Union (EU), it is appropriate to determine the main aspects of combating the specified crimes in European countries:

1. Implementation of clear rules and training: EU member states have rules covering military administrative offences, such as the EU Code of Conduct in Military Operations. According to the European Union Agency for Fundamental Rights, training and education are key to preventing misconduct among the servicemen (FRA, 2018).
2. Strengthening accountability mechanisms: The EU has created mechanisms to hold servicemen responsible for their actions. According to the report of the European Defence Agency, accountability mechanisms are crucial to ensure the responsibility of servicemen (European Defence Agency, 2020).
3. Promoting a culture of ethics and integrity: the EU emphasizes the importance of a culture of ethics and integrity in the servicemen. According to a report by the EU Institute for Security Studies, a culture of integrity can help prevent offences by providing a strong foundation for ethical behaviour (EUISS, 2017).
4. Providing support to victims: the EU provides support to victims of administrative offences through military and civilian missions. According to the report of the EU Agency for Law Enforcement Cooperation, providing support to victims is an important aspect of preventing and responding to misconduct among the servicemen (Europol, 2020).

The specified directions, provided their adaptation to Ukrainian realities, can contribute to the improvement of ethics and counteract violations among the servicemen.

### **Discussion**

What are the main innovations in the legislative framework related to military administrative offences? What advantages and disadvantages

can be noted in Law No. 8271 when applied to real situations?

The conducted analysis gave grounds to determine that the motivation of the officials for the adoption of Law No. 8271 is the need to increase discipline and national security of Ukraine under martial law. However, a number of shortcomings in the law were identified in the course of the analysis, which may nullify its high goals. It is appropriate to consider the obtained results through the prism of the views of other researchers, lawyers, human rights defenders, and other specialists. Bobrovska (2023) singles out three main problems of the studied Law:

- procedural violations during adoption;
- lack of substantial evidence regarding socially dangerous consequences as a result of committing the specified offences;
- imbalance in the legal system, in particular, lack of the possibility of commutation under a number of articles for servicemen, while the right to commutation is provided for those accused of intentional murder, rape, treason, etc.

Opryshchenko (2023) examines the views of different population groups regarding the legality of the adopted Law No. 8271. For example, Yu. Hudymenko, Junior Sergeant of the Armed Forces of Ukraine, notes that the law contradicts the Constitution of Ukraine in view of the violation of the equality of all citizens before justice. Lawyer and combatant M. Nayem believes that the law will not contribute to the improvement of discipline, it only violates the rights of servicemen. Paramedic Ya. Chornohuz emphasizes that the law gives commanders the possibility to threaten servicemen with punishment for criticizing any of their decisions. Other views of specialists are mostly focused around the insecurity of servicemen compared to the commanders, and the failure to take into account various mitigating circumstances. An important aspect is the clarification in the law that an administrative case is not initiated during the period of martial law, so the responsibility of servicemen under all articles is qualified as criminal, while both options are possible for the commanders.

Nekrasov (2023) also provides some views of journalists and analysts in the field. Journalist Yu. Butusov summarized the main problem associated with the adopted law, noting that the document should have been aimed primarily at the commanders, not at the rank-and-file.

The mentioned conclusions and observations of the researchers are consistent with the results obtained in the course of the author's research and mostly concern controversial points related to the adoption of Law No. 8271. However, there were a number of significant contradictions in the legal framework even before the adoption of this Law.

Pavlovska (2022) notes that one of the main problems is the exercise of executive and judicial power by one person — an official who has the right to draw up protocols on violations. Podoliaka & Domin (2020) proposed the approach to solving this problem. Considering the procedure for drawing up protocols on military administrative offences, they note the positive aspects of the right to draw up such protocols by military prosecutors.

Some studies are focused on individual articles of Chapter 13-B of the Code of Ukraine on Administrative Offences. Ostapenko (2021) focuses on the gaps in Article 172-15 of the Code of Ukraine on Administrative Offences “Negligent treatment of military service”. A problematic aspect is the uncertainty as to whether any disciplinary sanctions imposed on a serviceman should be accompanied by a report on a military administrative offence.

Ivashkovskiy (2021) also focuses on only one article of Chapter 13-B of the Code of Ukraine on Administrative Offences — 172-11 “Abandoning a military unit or place of service.” However, in contrast to previous works, the researcher proposes to expand sanctions and mechanisms for bringing servicemen to justice in this article.

The work of Fesenko et al., (2022) is another study, which preceded the adoption of Law No. 8271 and in which the established responsibility of servicemen for military administrative offences is considered insufficient. Researchers noted a significant increase in the number of war crimes after 2014, which necessitates the improvement of legislation in the military sphere. What are the directions for improving the mechanism for preventing military administrative offences under martial law?

Merdova (2022) proposes considering the commission of an administrative offence under martial law as a circumstance that aggravates responsibility for this offence. The researcher proposes to define the conditions of martial law as “other extraordinary circumstances” under



Article 35(I)(5) of the Code of Ukraine on Administrative Offences.

Riabenko and Zoria (2019) focus on the commission of corruption-related administrative offences in the military sphere. Therefore, it is necessary to revise not only the articles establishing responsibility for servicemen, but also the articles on abuse of power in order to improve the legislation in the field of military administrative offences.

What aspects of international experience should be adapted to Ukrainian practice in order to improve the mechanism for preventing military administrative offences under martial law?

McGarrell (2020) examines a number of preventive strategies that can help reduce peacetime and wartime crime. The main approaches described by the researcher are the strategy of cascades and the development of interaction between the community and law enforcement agencies.

Beigbeder (2018) considered the ratification of international treaties and conventions, such as the Geneva Conventions and the Rome Statute of the International Criminal Court, as the main way of combating war crimes.

Bothe et al., (2013) emphasize the need to improve the national and international legal framework for the effective prevention of war crimes. This includes ensuring that laws criminalizing war crimes are in place, and that investigative and prosecution mechanisms are independent and impartial.

Weissbrodt & De La Vega. (2007) note the importance of the role of education and training in preventing war crimes. Well-designed educational programmes can help prevent war crimes by fostering students' respect for human rights, the rule of law, and international humanitarian law.

Stahn (2008) identifies early warning and response systems that can help prevent war crimes by identifying potential conflicts and responding to them before they escalate as an effective way to prevent war crimes.

De Greiff (2014) focuses on peacekeeping and peacebuilding: peacekeeping and peacebuilding efforts can help prevent war crimes by addressing the root causes of conflict, promoting dialogue and reconciliation.

## Conclusions

As a summary, it is appropriate to note that the aim of the study — analyse the current state and promising directions for improvement of the mechanism for the prevention of military administrative offences under martial law — was achieved. This was implemented by fulfilling the set objectives, in particular, the changes in the legislative framework related to the adoption of Law No. 8271 were analysed in detail. It was noted that the main changes to Chapter 13-B of the Code of Ukraine on Administrative Offences relate to increasing the responsibility of servicemen for committing military administrative offences. It was noted that increasing the punishment cannot always affect the result properly, therefore, first of all, attention should be paid to improving the legislative aspects of proceedings in cases of military administrative offences. The right to draw up a protocol is proposed to be assigned to officers of the Military Law Enforcement Service. It is also proposed to improve the procedure of examination of servicemen for the state of alcohol, drug and other types of intoxication by simplifying this procedure using modern technological means. a case study was also conducted in the article regarding the determination of the effectiveness of Law No. 8271. The advantages and disadvantages of the adopted law were established, so it needs further revision and improvement. The analysis of international experience identified aspects that can be adapted to Ukrainian realities and used to increase the effectiveness of combating military crimes. As a result of the analysis, directions for improving the mechanism for preventing military administrative offences under martial law were outlined.

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