

**НАПРЯМ 3. АКТУАЛЬНІ ПРОБЛЕМИ ПРОТИДІЇ
ТА ЗАПОБІГАННЯ ЗЛОЧИННОСТІ В МІСЦЯХ
НЕСВОБОДИ УКРАЇНИ**

**PRACTICAL ASPECTS AND PROBLEMS OF REALIZATION
IN UKRAINE OF THE INTERNATIONAL MECHANISM
OF PROTECTION OF THE RIGHTS OF VICTIMS
OF THE MILITARY CONFLICT IN THE EAST OF UKRAINE**

Batiuk O. V.

ORCID ID: 0000-0002-2291-4247

*Candidate of Law Science, Associate Professor,
Associate Professor at the Department of Political Science,
Management and State Security
Lesya Ukrainka Volyn National University
Lutsk, Ukraine*

Niczyporuk Janusz

ORCID ID: 0000-0003-1632-1784

*Prof. Dr. Hab.,
Head of the Department of Administrative Procedure
Maria Curie-Skłodowska University
Lublin, Poland*

Problem statement and its connection with important scientific or practical tasks. The essence of the specified problematic is that our country, contrary to the requirements of the generally accepted international legal norms, according to which any state which, in one form or another, has made it binding on its territory, cannot explain by the lack of material, financial and other resources of the violation of fundamental human and civil rights and freedoms, as well as narrowing their scope and content.

Instead, Ukraine, based on the decision of the Constitutional Court of 25.01.2012 № 3-рп / 2012 (*the official interpretation of the article 1 of the Constitution of Ukraine*), chose a completely different approach, namely: when adopting new laws or amending current laws, it allows the narrowing of the content and scope of existing rights and freedoms, including those that are the subject in this research article (*Constitutional court of Ukraine, 2012*).

As a result, our state is not fulfilling its obligations and improperly ensuring the rights of victims of the military conflict in Donbas starting from 2014 to the present.

In particular, until the adoption of the Law of Ukraine «On ensuring the rights and freedoms of internally displaced persons» (*Verkhovna Rada of Ukraine, 2014*) in October 2014, the Government of Yatsenyuk blocked receiving pensions and other social benefits of those who remained living in the occupied territories of the East of our country, and later created other obstacles for this category of victims of military conflict at the regulatory level.

In addition, neither in the banking nor in the social spheres, Ukraine has not provided any benefits and preferences, which are provided not only by the norms of international law, but by the above-specified Law of Ukraine, for the specified victims of the war.

There are even more problems that are related to the availability of legal gaps and conflicts, as well as inconsistencies with the content of international legal acts, in particular, of the practice of assigning pensions to servicemen and persons, who are equated to them who have become war invalids.

Instead of as provided in civilized countries (USA, FRG, England, etc.), for establishing a single amount of benefits for all categories of people with disabilities, they are based on two main criteria in Ukraine – the presence of work experience before injury (mutilation, etc.), as well as the amount of salary that had been received before.

In addition, as a result, some war invalids receive several times higher pensions than others, which is a gross violation not only of international law but also of the art. 24 of the Constitution of Ukraine, according to which citizens have equal constitutional rights and freedoms and are equal before the law.

No less disgusting in this regard is another practice, when due to lack of funds in the State Budget of Ukraine, social payments (compensations, amounts of money that the court ordered to be paid, etc.) in the relevant state institutions are made according to the lists that are approved by him, not taking into account neither the level of inflation nor other financial and price aspects that prevailed at that time in the state, at the time of their receipt by creditors (direct victims).

And there are many such factors in the historical socially dangerous practice of our state that are directly and indirectly related to the protection of the rights of victims of hybrid warfare in the East, which can also be attributed to the peculiarities of the implementation of our state's international obligations on the specified problematic.

«The freshest» example in this regard is the misuse of funds that have been allocated to the Government of Ukraine to combat COVID-19, which were aimed at the road construction by the latter.

All this testifies to the systemic character of the problems that have arisen in connection with the need to protect the rights of victims of the military conflict in Donbass, as well as to the need to resolve them as soon as possible in the context of the Euro-Atlantic intentions of Ukraine and the desire to join the EU and NATO as soon as possible.

Therefore, based on the results of the study, it can be argued that the rights of all categories of victims of the military conflict in the East of Ukraine are inadequately protected today in Ukraine, as it is provided by the international mechanism on these issues.

In this case, the main circumstances that negatively affect the specified activity, are not only and not so much disharmony (inconsistencies) (*Bulko, 2010*) of norms of domestic and international law, that are directly related to solving the problems of the specified persons, how much low is the level of fulfillment of Ukraine's obligations of international legal character, as well as a gross violation of the internationally recognized principle of the rule of law by our state, which is reflected in the art. 8 of the Constitution of Ukraine, and of other conceptually important principles of international law, which govern the spheres of protection of victims (injured) of military conflicts.

In conclusion. No less «vulnerable» to this process is the misuse of funds and other material resources that are allocated to solving tasks, which are involved in the problematic of research, both by the Government of Ukraine and by its other partners (French partensaire – participant of the game) (*Bulko, 2010*) (primarily, by the United States, Canada, the European Union, etc.) at improving the structure and combat capability of the Armed Forces of Ukraine, to protect the population living in the territories that are close to the military conflict, the so-called «gray areas» (neutral human settlements that are located between the parties to the military confrontations) of social rehabilitation of victims of hybrid war: fight against corruption directly in the combat units of military formations of our state; etc.

Thus, there is a complex applied problem, which has signs of relevance, theoretical and practical significance, which necessitated its need of analysis in this scientific article, and also created an appropriate methodological basis, including pros and cons, for further similar scientific research in this direction in order to create appropriate conditions for the realization of the international mechanism for the protection of the rights of victims of military conflict in the East of our country.

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**ПРОТИДІЯ ВЧИНЕННЮ КОРУПЦІЙНИМ
ПРАВOPУШЕННЯМ СЕРЕД ПЕРСОНАЛУ УСТАНОВ
ВИКОНАННЯ ПОКАРАНЬ ДЕРЖАВНОЇ
КРИМІНАЛЬНО-ВИКОНАВЧОЇ СЛУЖБИ УКРАЇНИ**

Боднарчук О. Г.

*доктор юридичних наук, професор,
професор кафедри господарського права та процесу
Університету державної фіскальної служби України
м. Ірпінь, Київська область, Україна*

Завдання нашого часу – наведення порядку, установлення в суспільстві законності, справедливого відношення одне до одного. А корупція – це найбільший ворог усіх змін на краще у нашому суспільстві. Це хвороба, яка дала глибокі метастази, вразивши практично усі державні структури, в тому числі – пенітенціарну службу [1].

Корупція глибоко укорінилася не тільки в економічній та соціально-культурній сферах. Найбільш вражені нею державні органи, які за своїм функціональним призначенням повинні запобігати та протидіяти проявам корупції. Особливого суспільного резонансу набувають корупційні правопорушення вчинені в Державній кримінально-виконавчій службі України. Більшість корупційних правопорушень, здебільшого здійснюють співробітники пенітенціарної системи, які можуть проносити заборонені предмети, використовуючи своє службове становище, нехтуючи принципами моралі і права. Такі факти корупції негативно впливають на ефективність діяльності самої системи, сприяють зростанню пенітенціарної злочинності, підривають репутацію і зни-