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**ON THE ISSUE OF LIMITATION OF HUMAN RIGHTS UNDER THE
CONDITIONS OF MARITAL STATE ACCORDING TO THE
LEGISLATION OF UKRAINE**

Limiting the rights and freedoms of a person and a citizen is permissible only if it is directly provided for by the Basic Law of the state and does not contradict the

norms of international law. If the specified requirements are met, restrictions of rights and freedoms are considered legitimate. Yes, Art. 3 of the Decree of the President of Ukraine dated February 24, 2022 No. 64/2022 «On the introduction of martial law in Ukraine», approved by the Law of Ukraine dated February 24, 2022 No. 2102-IX, it is established that in connection with the introduction of martial law in Ukraine temporarily, on during the legal regime of martial law, the constitutional rights and freedoms of a person and a citizen, provided for in Articles 30-34, 38, 39, 41-44, 53 of the Constitution of Ukraine [1], may be limited, as well as temporary restrictions on the rights and legal interests of legal entities in to the extent and scope necessary to ensure the possibility of introducing and carrying out measures of the legal regime of martial law, which are provided for in Part 1 of Art. 8 of the Law of Ukraine «On the Legal Regime of Martial Law» [2].

Accordingly, all other constitutional rights and freedoms of a person and a citizen, which are not specified in the above list and provided for by the Constitution of Ukraine (these are such rights as: the right of a person to freedom of movement, free choice of place residence; property right; the right to conduct strikes; freedom of thought and speech, free expression of one's views and beliefs, etc.), may be restricted during the period of martial law, but only to the extent that it is necessary to ensure the defense of the country and the security of the state, and within the limits required by the existing situation. The measures adopted in this regard, taking into account international legal norms, should not cause any discrimination of individuals or population groups on the basis of gender, race, nationality, language, origin, property and position, place of residence, relationship to religion, beliefs , belonging to public associations, as well as on other grounds.

The Law of Ukraine «On the Legal Regime of Martial Law» provides a whole a number of measures to ensure this administrative and legal regime, among which there is a list of restrictions on the rights and freedoms of a person and a citizen, in particular: 1) introduce labor obligation for able-bodied persons not involved in work in the defense sphere and the sphere of ensuring the vital activities of the population for the purpose of performing works of a defensive nature, as well as for

socially useful works performed to meet the needs of the Armed Forces of Ukraine. For employees involved in the performance of socially useful works, the previous place of work (position) is kept during the performance of such works; 2) forcibly expropriate property that is in private or communal ownership, seize property of state enterprises, state economic associations for the needs of the state and issue relevant documents of the prescribed format; 3) introduce a curfew (prohibition of being on the streets and other public places during a certain period of the day without specially issued passes and certificates), as well as establish a special mode of light masking; 4) establish a special entry and exit regime, limit the freedom of movement of citizens, as well as the movement of vehicles; 5) check documents of persons and, if necessary, conduct an inspection of things, vehicles, luggage and cargo, office premises and citizens' homes, with the exception of restrictions established by the Constitution of Ukraine; 6) prohibit the holding of peaceful meetings, rallies, marches and demonstrations, other mass events; 7) raise the issue of banning the activities of political parties and public associations, if it is aimed at eliminating the independence of Ukraine, changing the constitutional order by violent means, violating the sovereignty and territorial integrity of the state, undermining its security, illegal seizure of state power, propaganda of war, violence, inciting interethnic, racial, religious enmity, encroachment on human rights and freedoms, public health; 8) establish a ban or restrictions on the choice of the place of stay or the place of residence of persons in the territory where martial law is in effect; 9) prohibit citizens who are on military or special registration with the Ministry of Defense of Ukraine, the Security Service of Ukraine or the Foreign Intelligence Service of Ukraine to change their place of residence (place of stay) without the permission of the military commissar or the head of the relevant body, etc. [2].

Scientists, during the study of constitutional provisions that regulate restrictions on the rights of individuals during the period of special legal regimes, propose to divide the specified restrictions into the following categories: restrictions on basic rights and freedoms under special legal regimes, restrictions on basic rights and freedoms within the criminal process, restrictions on basic rights and freedoms

in the election process [3, p. 382-383]. In turn, Wealthy M.I. proposes to distinguish two groups of restrictions on human rights and freedoms under martial law conditions - general restrictions (applicable to all individuals and legal entities) and criminal procedural restrictions [4, p. 15].

Analysis of current legislation and international acts allows us to conclude that the list of rights that the Ukrainian state undertakes to guarantee under the state of emergency does not contradict the minimum requirements established by the European community. Yes, Art. 15 of the European Convention on Human Rights and Fundamental Freedoms contains an indication of the prohibition of retreat under the conditions of an emergency situation from the following obligations of the state: guaranteeing the right to life (Article 2 of the Convention), prohibition of torture or inhumane treatment (Article 3), prohibition of slavery or servitude (Part 1, Article 4) and the prohibition of punishment without an indication of this in the law (Article 7 of the Convention).

It is worth noting that the German Constitution, among the rights and freedoms of a person and a citizen, which are subject to restrictions under the condition of martial law, defines, for example, the following:: 1) prohibition of forced labor; 2) freedom of association; 3) confidentiality of correspondence, telephone conversations and other correspondence; 4) freedom of movement, etc. [5]. However, the German Constitution contains several provisions that protect citizens from the arbitrariness of the state in the event of martial law. So, as the ultima ratio of Art. 20 of the Basic Law of the Federal Republic of Germany enshrines the right of citizens to resist, including armed resistance, to those who attempt to illegally change the constitutional order [5].

Thus, the basic rights and freedoms that must be guaranteed by the state are the right to life and bodily integrity, the right to a fair trial and the principle of the presumption of innocence, the equality of citizens before the law and the right not to be discriminated against. Restriction of the remaining rights and freedoms in one form or another is allowed by the legislation of foreign countries. In this area, the legislation of Ukraine corresponds to world practice. The legislation of Ukraine

provides for the possibility of limiting the rights and freedoms of citizens only during the period of martial law to the extent that it is necessary to ensure the defense of the country and the security of the state, and within the limits required by the urgency of the situation.

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ЗАСТОСУВАННЯ АМНІСТІЇ ДО ОСІБ, ЯКІ ВЧИНILI ДЕРЖАВНУ ЗРАДУ ТА ДИВЕРСІЮ

Повномасштабне вторгнення російської федерації на територію України спонукало законодавця посилити відповідальність та кримінально-правові наслідки від вчинення злочинів особами, які незважаючи на зовнішню агресію проти нашої держави, співпрацюють із загарбником, вчинюють дії з метою її ослаблення, надають допомогу в проведенні підривної діяльності проти