

TRANSITION OF QUANTITATIVE INDICATORS OF CORRUPTION TO THE QUALITY OF EXTREME FORMS OF DENIAL OF LEGAL VALUES

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Abstract. The article reveals the transition of quantitative indicators of corruption into the quality of extreme forms of denial of legal values, such as war. The tolerant attitude of citizens to corruption and the high level of involvement of society in corrupt relations eventually weakens such a nation to the point that it becomes incapable of resisting external military aggression. The fact of such a failure is proof of the transition of the quantitative indicators of corruption into the quality of violence and war as extreme forms of denial of legal values, which are reflected at the level of the constitution and the norms of international law, including humanitarian law. It has been established that the main burden of destroying and weakening key economic and state institutions of power in peacetime is borne by corrupt and traitorous individuals. Their activities range from illicit enrichment through the decline of entire sectors of the economy to espionage (the transfer of secret information to foreign states), propaganda of the values of other nations/states, terrorism and other subversive activities. Bribery, appointments to positions based on kinship and personal ties rather than professional qualities, and other ways of corruption reveal the social danger of the motive (subjective side) of the perpetrator and the method (objective side) of the customer of the crime. War is caused by the inability of law enforcement agencies to neutralize corruption in peacetime. This pattern is characteristic of both sides of the war. The state had the advantage of striving to integrate into a civilization whose standards allowed for much greater anti-corruption efforts (legislative, organizational-institutional, etc.) than a state not integrated into a highly developed civilization. The desire to return the occupied territories becomes an additional incentive to improve the activities of law enforcement agencies and other components of state power. At the same time, the aggressor state, which violates international law, has no such incentives to eradicate corruption and improve (organizational and technological) law enforcement. The author also emphasized that military law is a fully dynamic matter of change in the rules at the national and international level in the territory of war and in time of war. It is a system of generally binding rules. It regulates the legal relations between military personnel, and in wartime extends to the entire population. It is also noted that all national legislation during martial law and its transformation due to war, variations in the legal requirements of the occupiers in territories under their control, the norms of international humanitarian law and the practice of its application by the International Committee of the Red Cross, relevant judicial and other acts of law. The author recognized that the implementation of national law in time of war is limited by the need for organizational, economic and other costs to counter the enemy. Its effectiveness is also shown by the inertia of great corruption in peacetime, namely: insufficient technical equipment of troops; underdevelopment and psychological weakness of civil servants in a number of positions, etc. Public authorities are forced to focus on informing and educating the population through programs adequate to the military challenges for civil servants (ideological level). There is a growing need to formulate timely and adequate changes in legislation to meet the changing conditions of war. It is important to activate existing and form other organizational institutions to neutralize the enemy as quickly as possible and restore constitutional order throughout the country (volunteers, volunteers, territorial defense of local communities, and other forms of self-organization).

Key words: corruption, humanitarian law, illicit enrichment, international law, law enforcement agencies, legal value, military law.

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1. Introduction

The UN estimates that annual economic losses due to corruption amount to at least \$2.6 trillion (5 percent of global GDP). Corruption in Ukraine remains a constant threat to the economic and military components of national security. Corruption in Ukraine remains a constant threat to the economic and military components of national security. The rate of corruption eradication during 2012–2022 has been slow, and the Corruption Perceptions Index has improved by only 6 points. The historical period before 2012 was not marked by more significant progress in anti-corruption policies. Calculations of Ukraine's losses from corruption indicate that long-term trends of illegal income growth at the level of 25-40% of GDP persisted. There were significant differences between the official incomes of citizens and their expenditures. Accordingly, indicators of inefficiency show the following annual losses from corruption. Spending on bribes and anti-competitive collusion in public procurement (a total of 540 billion UAH in 2021) amounted to 4-8 billion dollars. Smuggling is estimated at \$4 billion (total imports were \$73.3 billion). Losses from tax optimization through offshore jurisdictions amounted to \$ 2 billion. The consequences of the use of non-commodity schemes and/or minimum amounts of taxable income are estimated at least at \$ 1 billion. The definition of officially lower than actual wages causes damage to the state budgets of \$ 2 billion annually. Foreign investment of \$35 billion and investment income of \$3 billion are lost. According to the Ministry of Finance of Ukraine, the curtailment of investment plans of foreign companies due to the low pace of reforms and high level of corruption will lead to the loss of the budget of Ukraine in 2022 by 8.5 billion UAH. The National Agency for the Prevention of Corruption in Ukraine estimates the organizational and legal effect of the implementation of anti-corruption strategy in Ukraine at least 8 billion dollars. However, since 2018, the state still does not have such a strategy.

2. Analysis of recent topical resources

The topic of the article was chosen because of the need to investigate the transition of quantitative indicators of corruption into the quality of extreme forms of denial of legal values. For Ukraine, such denial has become a reality of war. This demonstrates the close connection of high levels of corruption and related crimes with war, military law and challenges to the country's security. This nation is protected from external aggressors and at the same time has strong internal enemies: corrupt officials. Dishonest government officials have for decades committed crimes to steal national wealth and enrich themselves. The scale and depth of such thefts involving

businessmen have become so great that they have critically diminished the country's defense capabilities. As a result, a foreign aggressor took advantage of the country's weakness and waged war on it. Given the destructive role of corruption in peacetime, it has become an integral part of social relations in wartime. The subject of the law of war has traditionally been the domain of international lawyers (N. Bhuta, A. Pagden, B. Straumann – *The Justification of War and International Order*; C. Zanin, V. Martins, R. Valim, C. Boland, L. Murur – *Waging War through Law*). At the same time, the issue of anti-corruption and the survival and development of human communities in times of war-related crisis is extremely complex and interdisciplinary. It is considered in the works of lawyers specializing in the theory (philosophy, anthropology, sociology) of law, criminal law, labor law and commercial law and other branches of law (P. P. Bogutsky, V. M. Koryakin, Yu. I. Migachev, V. Y. Pashinsky, I. F. Pobezhimov, M. M. Prokhorenko, V. V. Shulgin, etc.), as well as economists (N. Mulder – *The Rise of Sanctions as a Tool of Modern War*; R. Allio – *Assessing the True Economic, Social and Political Costs of War*), political scientists (L.-A. Berg – *The Politics of Institutional Change in the Security Sector After War*; S.E. Gent, M. J. C. Crescenzi – *Market Power War in World Politics*) and other scientists. However, the new actions of people reveal life circumstances that were not taken into account in the study of legal relations and human virtues in wartime by previous efforts of scholars. This actualizes research on the stated topic.

3. Correlation between the depth of corruption and the likelihood of war

The actualization of issues of transformation of legal consciousness, law enforcement practices and legislation is exacerbated in times of war for every country. And Ukraine is no exception. Although it is advisable to comprehend such changes before the war. Peaceful time is the most appropriate time to properly define progressive systemic legal norms of anti-corruption content and mechanisms for their effective implementation in wartime. Our state has been at war with Russia since 2014 and since then has taken legal measures to protect its citizens, territory, establish peace and restore all other constitutional values. Formally, this state was not recognized by either side. And each of them had their own reasons for doing so. Between 2014 and 2022, the influential states of the world (their associations) did not find it in themselves to force the Russian Federation to return the occupied territories, namely the Autonomous Republic of Crimea and some areas of Donetsk and Luhansk oblasts. To Ukraine's credit and its sincere peacefulness, it should be noted that it had all the necessary military

forces to prevent the occupation of the Autonomous Republic of Crimea by the Russian military, but did not use them. The occupation of this territory cost the life of one Ukrainian soldier, who was killed by the Russian military, while other bloodshed was avoided. In essence, the return of the peninsula is a peaceful withdrawal of Russian troops, compensation for the loss of a dead soldier's family and occupation. It should be noted that Ukraine had all the necessary military forces to prevent the occupation of the Autonomous Republic of Crimea by the Russian military. However, it did not use them to honor Ukraine and its sincere peacefulness. The occupation of this territory cost the life of one Ukrainian soldier killed by the Russian military, and another bloodshed was avoided. In essence, the return of the peninsula is a peaceful withdrawal of Russian troops, compensation for the loss of a dead soldier's family, and a way out of the occupation.

The above logic of legal history, combined with large-scale corruption, demonstrated the emergence of prerequisites for a full-scale war of Russia against Ukraine, which began on February 24, 2022. Ukraine's peacetime losses from corruption have been greatly underestimated. The factors that revealed this were requests for hundreds of billions of dollars worth of military equipment, requests to cover a budget deficit of \$5 billion a month, and so on. The existence of such requests meant a loss of national wealth, which was the greatest in 1990. In the work noted the absence of force majeure circumstances that could objectively reduce the country's wealth without turning it into an investment of development. Accordingly, it is a waste of military property and the material base of industrial relations. This negative trend was steadily increasing as government officials and entrepreneurs were not held accountable for the theft and embezzlement of state assets. A full-scale war showed a loss of the country's economic and military potential at the level of 1990. Taken together, this represents at least a tenfold increase in officially estimated losses from corruption, namely, more than \$20 billion per year.

The losses from corruption and related crimes have made Ukraine vulnerable. They have clearly demonstrated the inability of its legal system to protect its citizens from the extermination and destructive actions of corrupt officials. Such destruction is gradual. It was hidden to many, and only knowledgeable experts saw the reality of the destruction of the people and the nation. Ukraine's external weakness was a reflection of its internal incapacity. It used the full range of peaceful means to restore law and order, namely: the principles of law and the universal values on which they are based; communicating with and mediating with the aggressor (occupier) with the help of foreign statesmen, international law and organization. Ultimately, however, the country could not

prevent corruption or war. Then these phenomena only reinforce each other, denying legal values and human virtues, condoning violence, selfishness and other human vices. Law and virtue presuppose peace and development. Nevertheless, they are despised.

The international community (foreign states and international organizations) proved unable to force Russia to comply with the law/human rights. Russia's denial of law as a value and its violent understanding of law led to the war. For them the law is rudeness, cruelty and violence. It denies the very essence of law. Peaceful communication and agreements for Russia do not become decisive in the law. For them, these are rather elements that help violence. The right itself is identified with their power – military and physical force, energy resources. The war of the Russian Federation demonstrates a mental substitution of concepts, namely, rights by force, power, violence, the ability to kill and to commit other violence. Physically, the energy of violence is fueled by the use of uniquely large fossil natural resources. War can never be justified by anything other than necessary evil, and even when justified, it remains evil. Above all, it must be waged to minimize harm. Life must be protected by all means. One such means of protecting life is, in particular, the law of armed conflict. Although its current content has repeatedly continued to be defined by polarization and dehumanization. The power of life transcends such a conflict paradigm and gives existing laws of war a binding extra-legal character. In this respect, humanitarian conscience is one of those means that promote the observance of the principles of protection. This conscience reminds humanity of its interconnectedness and of living together, so that necessity can no longer threaten the survival of the human species at any cost. Both positivists and deconstructivists can use this spirit along with their textual and contextual interpretations to achieve the same goals: justice and equality for humanity (Vanhullebusch, 2015).

The main burden of destroying and weakening key economic and state institutions of power in peacetime is borne by corruptionists and traitors. Their activities range from illicit enrichment through the decline of entire industries to espionage (the transfer of secret information to foreign countries), propaganda of other nations/states' values, terrorism and other subversive activities. Bribery, appointments based on kinship and personal ties rather than professional qualities, and other methods of corruption reveal the social danger of the motive (subjective side) of the perpetrator of the crime and the method (objective side) of the person who ordered the crime. Accordingly, the inability of law enforcement agencies to neutralize corruption in peacetime leads to war. The effectiveness of the fight against corruption correlates with the ability to resist military aggression from outside. In particular, the

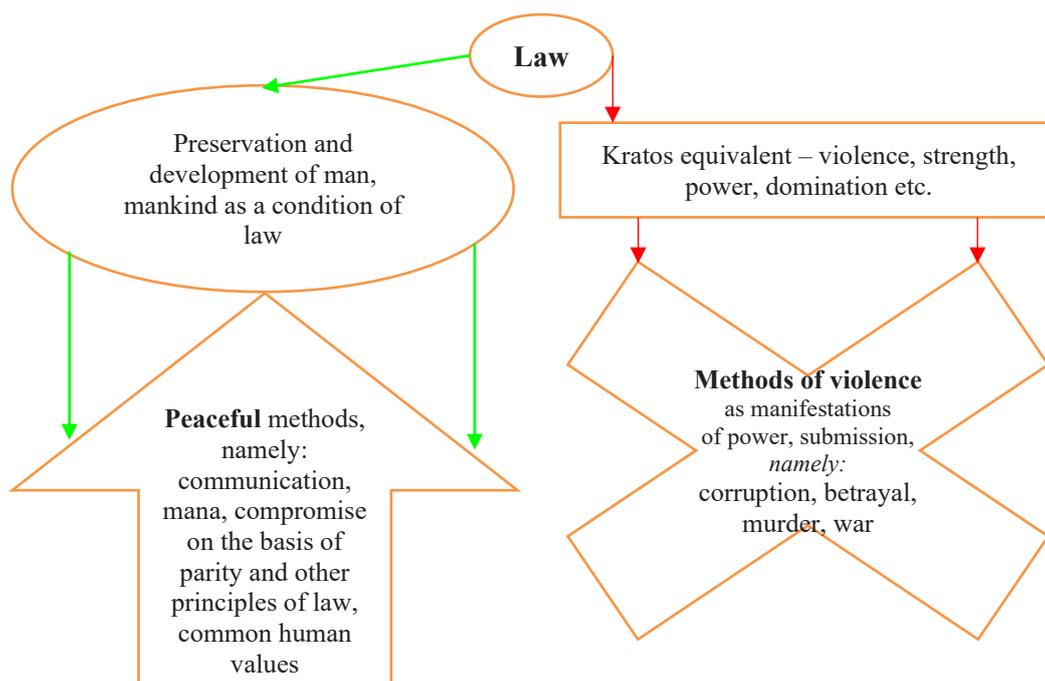


Figure 1. Interpretation of law by a viable civilization (peaceful) and a military aggressor (the case of the Russian Federation)

corruption indicator contributes to the elimination of funds from financing channels of terrorism and armed formations of foreign states. The level of the money laundering is determined using the Basel AML indicator (Basel Anti-Money Laundering Index) which measures the risk of money laundering and terrorism funding. The calculations show a statistically significant impact of fiscal pressure on the risk of money laundering. In other words, with an increase in the degree of fiscal freedom (respectively, a decrease in tax pressure) there is an increase in the risk of money laundering. In addition, some important control variables of the impact of tax pressure on certain facts relating to economic and financial crime, such as the level of economic growth, the quality of institutions, etc., must be considered. Similar studies have revealed the differential impact of tax pressure on corruption in developed countries compared to developing countries. The influence of the quality of institutions on corruption was found to be much higher in developing countries than in developed countries. The excessive bureaucracy, 2 Economic and Political Determinants of Economic and Financial Crime 107 the lack of transparency, and the ambiguous and confusing legislation particularly stir up a poor person who becomes more and more preoccupied by the officer's corruption to obtain immediate benefits (Achim, Sorin Nicolae Borlea, 2020).

The absence of this correlation determines the pattern of increasing violence, particularly military violence. For example, the war of the Russian

Federation against Ukraine. Ukraine's state advantage was its desire to integrate into the EU, whose economic and spiritual-legal civilizational standards encouraged us to make much greater anti-corruption efforts (legislative, organizational-institutional, etc.), compared to the military aggressor. An additional incentive for Ukraine was the tension created by the Russian Federation since 2014, namely the renewal of law enforcement agencies and other components of state power for the return of enemy-occupied territories. At the same time, the military aggressor did not feel the challenges that would stimulate it to eradicate corruption and improve (organizationally and technologically) the law enforcement agencies. On the contrary, the limitlessness of material wealth covered the losses of corruption. The world community's lack of an effective response to Russia's violation of international law – the rules for all states – has created a sense of complacency and a lack of counterbalance to its wrongful decisions and violence. In fact, other countries around the world have given Russia the impression of impunity for crimes, namely, to plunder the goods of another state, the ability to ignore international law, to use violence against neighboring states, to intimidate, to attack critical infrastructure in cyberspace, to commit war crimes at will, devaluing human values and international law and order. Of course, such a misconception has nothing to do with natural law and is destructive to any state. The possibility of violence is fueled by the absence

of courts, law enforcement, and other effective international institutions to prevent and punish it.

Nevertheless, there may be cases in which judges' rule, overtly or otherwise, in accordance with the interests of their own countries. The multinational composition of international courts and tribunals can serve to limit the impact of such bias; hybrid tribunals have been specifically designed to ensure that national judges do not have an advantage (Shane, 2014). In the context of an underdeveloped international legal system, H. Lauterpacht noted how States "distrust the impartiality of international judges in their inevitable creative function of filling gaps." In his view, to deny the very possibility that international judges can be impartial when their national interests are affected is to display a superficial skepticism that ignores both human nature and ... historical experience. International judges have a deep and ever-growing consciousness that they are the guardians of humanity's best and most urgent hopes and occupy the highest position in the international hierarchy (Lauterpacht, 2011).

In addition to anti-corruption systemic shifts forward, during the 2014–2022 Russian terror, Ukraine succeeded in renewing its political elite, reforming courts, prosecutors, and municipal authorities. Progress has also been observed in strengthening market conditions for entrepreneurship (conditions for the functioning of the land market, etc., were created) and the financial sector (banks and non-bank financial institutions). In the face of subversion by saboteurs from the Russian Federation, Ukraine has renewed its army and law enforcement agencies, upgraded their skills and provided them with modern equipment; created territorial defense units; established stronger international ties, saturating them with work on a number of economic (scientific, military and other) projects; developed and adopted several new standards in higher education to ensure legal opportunities for academic mobility. Anti-corruption training courses (content, practices, innovations and trends) continued for civil servants. During the war, the pre-war institutes for advanced training of civil servants continued to offer curricula that included subjects for gaining knowledge on minimizing war losses, neutralizing the enemy, and restoring peace. Their legal consciousness thus formed is an organizational weapon to fight the enemy. An important conclusion for states threatened with invasion by foreign troops is the need to saturate the minds of local and state officials with special knowledge of military law. The Center for Advanced Training has created training courses for public servants of Zaporizhzhia region, namely: "Current issues of ensuring the rights of Ukrainian citizens with the instruments of International Humanitarian Law" (three parts – theoretical and methodological

basis, protection of human rights by legal instruments, denial nature of law by the requirements of the occupation legislation), "The law of war-forced migration: Ukrainian case"; "Organizational and legal protection of the person in the conditions of war", "The nature of changes in legal culture during the war". This strengthened the public administration's institutional capacity to restore peace and enforce the rule of national law throughout the country. Its actions became deliberate, timely, and ultimately effective in wartime.

Despite the fact that the practical life of business confirms the persistence during the war of the main requests from local public authorities to illegally obtain funds from businesses in the form of regular provision of money for personal needs, kickbacks, etc. This is observed in enemy-free territories, where businessmen continue to operate. During the war, the problem of corruption in such areas is particularly acute, namely: at customs in the form of bribes for smuggling; when distributing humanitarian aid by referral; and at military registration and enlistment offices, the risk of bribes for assistance in evading conscription increases. The war exposed the conflict of interests of officials appointed to office based on personal connections between officials rather than on an assessment of their high professional qualities. An indicator was that corrupt officials left their posts in the first challenges of the war and went abroad or to the west of the country. They acted explicitly as in the parable of the gifted rather than the earned good. Those who received them honestly, whose path to them was a manifestation of purely personal qualities and professionalism, often remained in office.

The war-related transformations of corruption and its manifestations in times of war convince us of the validity of the hypothesis of the vulnerability of a nation with deep and long-standing problems of state dishonesty. Such corruption is nothing less than an internal abuser. Its actions are no less bloody than the violence of another country's army. The only difference is in the pace and obviousness. Corruptors commit violence stealthily and for a long time, while the enemy army commits violence openly and quickly.

At the bottom of the Corruption Perceptions Index are countries with unstable political situations, military conflicts, and where governments only have partial control over the territory of a state: Somalia and Syria (13 points) and South Sudan (11 points). Since 2014, Ukraine has been characterized by all three factors that exacerbate corruption. The Corruption Perception Index (CPI) for 2021 is not enviable: 122nd place with 32 points. Malawi had the greatest success in fighting corruption in 2021 (+5), scoring 35 points and ranking 110th. In recent years, local law enforcement agencies have effectively investigated a number of corruption cases involving senior government

officials. The Malawi Anti-Corruption Bureau arrested the Minister of Energy and two other officials on suspicion of corruption in the awarding of a state oil contract. These investigations have resulted in court verdicts in several high-profile cases. They also include the "cash gate" cases, the essence of which was the spending of budgetary funds without following the procedures of 2009–2014. The Cash Gate scandal involved the misappropriation of public funds by transferring funds from public bank accounts to private companies under the guise of paying for goods and services. The scandal was dubbed "cash gate" because low-level government employees arrested for the scheme were found to have cash in their homes and cars. It was uncovered in September 2013 when a public accounting clerk, whose monthly compensation was less than \$100, was found with a huge sum of cash, valued at more than \$300,000.00, in his car. A week later, Malawi's budget director was assassinated. The government, with the assistance of the British government, conducted a forensic examination, the results of which were as follows. A preliminary report showed that government officials manipulated the payment system (Integrated Financial Management Information System – IFMIS) to steal more than \$32 million over a 6-month period from April 2013 to September 2013. Government employees would run checks through the system to private contractors under the pretense that they were supplying goods or services to the government, when they were not. Once the check was written, they would remove the transaction from the system. A full audit showed that the cash-gate scandal could have originated as early as 2009, and for the period ending in 2014, \$356 million was involved (Chiwala, 2018). If corruption is not addressed, productivity, investment, capital, and thus economic growth and development decline over time. From this perspective, regression analysis using panel data methods showed that poverty, inequality, drug trafficking, and the actions of armed agents affect violence. Corruption was also found to have a negative impact on business growth. Based on the methodology and the methods used, it was found that these variables were suitable for analyzing the prevalence of corruption and violence in the process of economic growth and development. Institutional policies consist in strengthening the interaction between different economic agents, transparent participation in decision-making, adequate and strengthened governance, a strengthened judicial system and an adequate efficient resource allocation system. This would greatly reduce the vicious circle that impedes the development and economic growth of countries, makes the state weaker, and makes wars possible (Poveda, Martínez Carvajal, Pulido, 2019).

4. Conditions of lawmaking, law enforcement, and support for legally advanced civilizations defined by corruption

In keeping with the Confucian notion that a true king must rule for the good of the people, Xunzi believed that a true king could engage in punitive expeditions against corrupt rulers. Rulers become corrupt when they violate the Way and fail to fulfill their moral duties to the people. On the contrary, a true king always behaves virtuously and orders his army to refrain from massacring civilians. Indeed, in keeping with the Confucian view that the example of virtue can promote moral and political renewal, Xunzi believed that the army of a true king could bring about moral change only by acting virtuously toward the people (Traven, 2021). The basic legal principle of action in war has been the idea of the justness of its commencement. The authors rely on the scholarly doctrine of just war within the Western legal tradition. War combines power and law (Sein and Sollen), where the first is in the service of law and law limits the power. War becomes just in response to unprovoked aggression; as a last resort to restore a violated right (*consecutio juris*); to punish an offender. Acceptable causes of such a war are defense (protection), return of lost property (territory), debt collection and retribution. Two Latin concepts, *Jus ad bellum* and *Jus in bello*, began to be used during the League of Nations to denote a system of rules about the war beginning and its course. They became part of the everyday lexicon of theoretical work and practical application after World War II in the late 1940s. The need to protect the innocent in wars of conquest is asserted. It is morally acceptable to wage punitive wars to overthrow corrupt leaders. If weapons are raised for a righteous cause, both aggressive and defensive warfare are appropriate. If the cause is unrighteous, then neither is right. Morally permissible wars are those aimed at punishing corrupt leaders devoid of the Tao. Violence against the innocent, i.e., against those who have done no wrong, is inherently wrong (Traven, 2021). The purpose of *Jus ad bellum* is "to save succeeding generations from the scourge of war" (Haque, 2017). This is the rule about the causes of war. Ontologically it is the right of the sovereign, then the right of the state to wage war, the right to resort to the use of force. These rules define the conditions and legitimacy of the use of military force. According to them, the modern world limits the use of military force in international relations on a case-by-case basis. The fact of war is the action of a subject carried out for certain reasons. This action entails a legal regime reflecting the validity of the reasons and the status of the subject. *Jus in bello* – the laws of war are a system of legal regimes (rights and obligations) for belligerents. They are the rules governing the

conduct of combatants during war. They apply if the war is just, for reasons justified in the doctrine (motive, material reasons). Otherwise, the law during war does not apply to the aggressor, but only to the subject who pursues just causes in the war. Anyone who does not fight for a good / worthy cause has no rights and can be executed. Example: discussion of this by ordinary citizens on social media; changing the boundaries of the law in the face of unwarranted / excessive violence, etc. (Kolb, 1997).

The first act before or immediately after the outbreak of war is fully committed within one day. This is the imposition of martial law. During the same period, restrictions are imposed on the crossing of borders, in the financial sphere, as well as in the areas of justice (courts) and law enforcement. Decisions to protect critical infrastructure, both physical and in cyberspace, are also becoming urgent. Information resources of courts and law enforcement agencies, tax information and all national (regional) registries of individuals, entrepreneurs, etc. are subject to closure. The following decisions concern everything at once, namely the administration of justice and the continuation of the

criminal process, the execution of criminal penalties, security and, if necessary, the evacuation of the population, the logistics of businesses (raw materials and finished products) and the population; tax burden and benefits; nomenclature of humanitarian aid and its customs clearance; liberalization of labor law requirements; movement of money, food, medicine, fuel, weapons; ensuring the rights of asylum seekers who have lost housing, clothing, and other components of life; protection of refugee rights abroad, etc. For example, the destruction of buildings during wartime generates large amounts of debris, the depositing of which on the ground requires liberalization of the relevant environmental law regulations. In peacetime, such storage is only allowed on concrete or other surfaces, which prevents debris of building components from entering the soil, otherwise the Environmental Inspectorate imposes huge fines.

Changes in the territory of the theater of military operations and the movement of military front lines are a variable factor for the adequate response of the parliament and public administration bodies. A separate area of work is to ensure strict executive

Table 1

An innovative way to engage legally highly civilized nations in restoring law and order in a war caused by corruption and related crimes

Nº	Country's parliament, government, head, nation	Date of the President's speech
1.	European Parliament	01.03.2022
2.	The United Kingdom of Great Britain and Northern Ireland	08.03.2022
3.	Canada	15.03.2022
4.	The Federal Republic of Germany / Bundesrepublik Deutschland	17.03.2022
5.	United States of America	17.03.2022
6.	Switzerland / Confoederatio Helvetica / Schweizerische Eidgenossenschaft / Confédération suisse / Confederazione Svizzera / Confederaziun svizra	19.03.2022
7.	יִשְׂרָאֵל / Israel	20.03.2022
8.	Republic of Italy / Repubblica Italiana	22.03.2022
9.	French Republic / République française	23.03.2022
10.	Japan / 日本	23.03.2022
11.	Kingdom of Sweden / Konungariket Sverige	24.03.2022
12.	The European Council (heads of state or government of the EU member states)	25.03.2022
13.	رَطَق / State of Qatar and participants of Doha Forum	26.03.2022
14.	Kingdom of Denmark / Kongeriget Danmark	29.03.2022
15.	Kingdom of Norway / Kongeriket Norge	30.03.2022
16.	Kingdom of the Netherlands / Koninkrijk der Nederlanden	31.03.2022
17.	Kingdom of Belgium / Royaume de Belgique	31.03.2022
18.	Commonwealth of Australia	31.03.2022
19.	Romania / România	04.04.2022
20.	Kingdom of Spain / Reino de España	05.04.2022
21.	United Nations Security Council	05.04.2022
22.	Republic of Ireland / Poblacht na hÉireann	06.04.2022
23.	Hellenic Republic / Ελληνική Δημοκρατία	07.04.2022
24.	Republic of Cyprus	07.04.2022
25.	Republic of Finland / Suomen tasavalta	08.04.2022
26.	Republic of Korea / 대한민국	11.04.2022
27.	Republic of Lithuania / Lietuvos Respublika	12.04.2022
28.	Republic of Estonia / Eesti Vabariik	13.04.2022

discipline in public authorities, preventing the resignation and departure abroad of officials of these bodies, and especially the leaders! Winning the war with minimal losses presupposes the maximum preservation of productive forces and means, the economic ability to create added value and profit. Accordingly, a balance is struck in the optimal ratio of fiscal benefits and incentives with the tax burden, so as to preserve both entrepreneurs and not to lose revenues to state budgets (funds).

The outbreak of war required the mobilization of available national resources and support from other states. Numerous speeches of the President of Ukraine to the parliaments of foreign countries, civilizationally close to the Ukrainian multinational nation, became a phenomenal legal phenomenon in the defense of Ukraine (Table 1). At the very least, it is a source of constitutional, international public, international humanitarian law. The content of the speeches, the combination of communication styles (diplomatic, formal, colloquial, and others), and the successful combination of denotations with emotionality ensured their effectiveness, empathy, and help in response. The legal result of such assistance is expressed in the determination of the highest officials of foreign states (their alliances). They decide to act quickly and make the necessary decisions to support Ukraine. A separate type of such decisions are the sanctioning parts of legal norms aimed at punishing and weakening the military aggressor.

State power in time of war rebuilds its structure, replenishes its armed forces. Operational fulfillment of new tasks, conditioned by the need to defend against the armed forces of a foreign state, to neutralize and expel the enemy from its territory, to restore sovereignty in the territories temporarily occupied by the enemy, becomes urgent. That is, a number of wartime functions are added to the functionality of peaceful life. Thus, economic, legal, law-enforcement and other functions of state administration are meaningfully adapted to the needs of victory in war, namely: other structures and nature of expenditures, relocation of productive forces; material provision and other protection of children, the elderly, the disabled, women and other socially vulnerable groups, etc. Legal regimes are emerging for people who have lost their homes and migrated across the country because of war (internally displaced persons); those who have gone abroad (refugees or temporary asylum seekers); prisoners of war; victims of war, military and civilians, territorial communities. Accordingly, the application of these regimes requires the creation or updating of existing procedures for their provision. These are the norms of administrative, criminal, criminal procedural branches of law.

When you enter the offender's territory, do not do violence to his gods; do not hunt his wild animals;

do not destroy earthworks; do not set fire to buildings; do not cut down forests; do not take the wool of domestic animals, grain, or implements. When seeing their elders or young men, return them without harming them. Even if you meet adults, if they do not engage you in battle, do not treat them as enemies. If an enemy is wounded, give him medical attention and return him (Traven, 2021). In addition to the warring parties, the International Committee of the Red Cross remains responsible for observing international humanitarian law in time of war. This organization is the only entity that has a mandate from the world community to help people in time of war and to fulfill the requirements of international law, namely: the Geneva Convention of 12 August 1949 On the Improvement of the Wounded and Sick in Armed Forces; On improving the fate of the wounded, sick and shipwrecked in the armed forces at sea; On the treatment of prisoners of war; On the protection of civilians during war; and the additional protocols ratified by not all States, concerning the protection of victims of international armed conflicts and concerning the protection of non-international armed conflicts victims, of 8 June 1977; as well, concerning the adoption of an additional distinctive emblem of 8 December 2005.

Foreign military and collaborators become a specific organization of state power in the occupied territories. They form the occupation authorities. The procedures of such formation and further exercise of power receive neither *de facto* nor formal legal legitimacy, as they contradict the principles of law and the requirements of international law. The essence of the occupiers' actions to organize power in the occupied territories is the result of their desires and illusions, which have nothing to do with the nature of law. The occupiers and/or other interested community refer to such actions and parts thereof in legal terms that cannot and do not make legal sense. As a result, the occupiers use words from the field of legal science and practice and do not create content for such nominations even in their imagination. Moreover, as a result of this use of legal categories, nothing legal emerges in real life. All that remains are the words of the occupiers, corresponding to those parts of the imagination of their minds that deny real legal reality, both in relation to themselves and to all other members of the peoples of the world.

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which have nothing to do with the nature of law. Such actions and their individual parts are referred to by the occupiers and/or other interested community as legal terms that cannot and do not add legal content. As a result, the occupiers use words from the field of legal science and practice, but do not create content for such nominations even in their imagination. Moreover, as a result of this use of legal categories, nothing legal emerges in real life. All that remains are the words of the occupiers, corresponding to those parts of the imagination of their minds that deny the reality of the legal reality, both in relation to them and in relation to all the other representatives of the peoples of the world.

5. Conclusions

Thus, the tolerant attitude of citizens toward corruption and the high level of involvement of society in corrupt relations weakens such a nation over time to the point that it becomes incapable of resisting external military aggression. The fact of such a failure demonstrates the transition of quantitative indicators of corruption into the quality of violence and war as extreme forms of denial of legal values, which are reflected at the level of the constitution and the norms of international law, including humanitarian law. In time of war, law is a wholly dynamic matter of transforming national and international rules in the territory of war – military law. It is a blueprint for national self-preservation and victory over the enemy, a balance between humanity and military necessity in action and rules. As a system of generally binding norms, it regulates legal relations between military personnel and in wartime extends to the entire population, as well as all national law during martial law and its transformation in connection with war, variations in the legal requirements of the occupiers on their territories, and international norms. And also, this humanitarian law and the practice of its application by the International Committee of the Red Cross, the relevant judicial and other acts of law enforcement. Legal regimes during the war are conditioned by the emergence of new categories of citizens, including those affected by it; by the emergence of occupying forces and collaborators; by the reaction of foreign states and its changing dynamics, etc. The legal regime in territories occupied by foreign troops testifies to the decay of their legal consciousness, which allows fictitious legal phenomena to exist on such lands and the population living there, in which the occupiers and collaborators do not believe, admit their falsity and rational inconsistency, and deny international law. They do not apply them to themselves and/or their countries. The invalidity of these norms is proved by their absence in the highly developed countries of the world.

The implementation of national law in time of war is limited by the need for organizational, economic and other costs of countering the enemy. Its effectiveness is also affected by the inertia of great corruption in peacetime, namely insufficient technical equipment of the troops, underdevelopment and psychological weakness of civil servants in a number of positions, etc. Public authorities are forced to focus on informing and educating the public for adequate war challenge programs for civil servants (ideological level). There is a rapidly growing demand to formulate timely and adequate legislative changes suitable to the changing conditions of war. It is important to activate existing and form other organizational institutions to neutralize the enemy as quickly as possible and restore constitutional order throughout the country (volunteers, territorial defense of local communities, and other forms of self-organization).

Jus in bello, which shows more clearly the complex relationship between fundamental principles and specific applications of the laws of armed conflict to attacks on computer networks. Principles such as the distinction between combatants and civilians, proportionality in attacking, and the prohibition against causing unnecessary suffering remain at the core of the commitment to the law regardless of the technology used. It is in the concrete application of laws that the impact of technology and the change in values and concepts brought about by the information revolution manifests itself. One of the most significant is the increasing value of intangible property and information in information societies. It will have an impact on the application of laws governing the conduct of hostilities to target analysis, protection of cultural property, and property crimes in general (Harrison Dinniss, 2012). International humanitarian law is applied in a very narrow and fragmented manner. The numerous casualties and victims of the war in Ukraine proved the ineffectiveness of the International Committee of the Red Cross, which is the only one authorized to apply the requirements of international humanitarian law and ensure the observance of human rights by the military, especially by the party that started the war. The backwardness and unsuitability of the UN to combat war crimes. The archaic and uselessness of its Security Council has also been exposed. This body has absolutely no function for its peacekeeping function and is unfit for it.

It is clear that the phenomenon of judicial development of international humanitarian law has not encompassed the totality of the law of armed conflict. Nor are judicial bodies capable of assessing the conduct of all States in the same way. Selectivity in the adjudication of humanitarian law has arisen for a variety of reasons, including the predetermined jurisdiction of courts and tribunals and the general

reactive nature of judicial proceedings, where the judiciary can only decide cases referred to them. The compulsory jurisdiction of the International Court of Justice is recognized only by one permanent member of the Security Council, Great Britain, although the Court makes legal decisions affecting all States, mainly through its advisory opinions (Shane, 2014). Current international law on war prevention is extremely outdated, namely: there are no conventions on combating cybercrime; on the use of software to prevent and record war crimes, etc. For example, the use of eyeWitness to Atrocities (URL: <https://www.eyewitness.global/>), which automatically transmits information to the International Criminal Court.

In fact, war and law are mutually exclusive concepts that follow from the works of Roman jurists, the canon law and civil law of the Middle Ages, scholasticism, and the classics of international law of the Salamanca School. War and law are treated separately. Legal regimes in time of war norms of peremptory content (*jus cogens*). Their essence is utilitarian, namely, to determine the exhaustive conditions for the outbreak of war and the legal status of the subjects of law in

the course of it, the settlement of social relations. However, if war is unjust, the law of war does not apply. In that case, the law operates at the discretion and goodwill of the victim and has no other limitations. During an unjust war the right of mothers and other relatives of those killed (wounded, maimed) applies.

The danger of the destructive insincerity and affectation of citizens who outwardly adopt slogans, fashionable communication trends, statements, and so on, remains an unacceptable basis of law, both in peacetime and in wartime. The essence of such people of conformist and marginal types of legal consciousness does not change, they continue to fail to conform to their new form. While dangerous in peacetime, their counterproductivity in wartime becomes critical, for example, leading to radical inhumane statements and actions contrary to the nature of law. As Diego Gambetta and Steffen Hertog note, the desire for purity often motivates right-wing terrorism. Right-wing terrorists have a very strong desire to preserve the purity of their social environment and reject the invasion of alien forces perceived as corrupting (Traven, 2021).

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