

# JUDICIAL PROTECTION OF UKRAINE'S CULTURAL HERITAGE IN THE CONTEXT OF ECONOMIC CHALLENGES

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**Abstract.** Ukraine's cultural heritage is a fundamental component of its sustainable economic development, necessitating systematic financial support. In the context of prevailing economic challenges, state financial assistance for cultural heritage sites is undergoing a decline. Concurrently, the significance of these sites is heightened during periods of war, serving as markers of national identity. The present article is dedicated to the exposition of the particularities of judicial protection of cultural heritage in the context of economic challenges. The authors of this study have sought to define the essence of cultural heritage and the substantive content of its constituent elements, which are both tangible and intangible. It is important to note that cultural heritage serves as a foundation for the country's economic development in the cultural and tourism spheres. Furthermore, it has been observed that cultural heritage unites the Ukrainian political nation around the idea of civic identity in the face of existential threats. The researchers identified the economic determinants of cultural heritage preservation in Ukraine, including international financial support, national funding sources, and state guarantees for financing heritage protection. The following proposal is put forward for consideration: that a legal framework be established for the purpose of the judicial protection of cultural heritage in Ukraine, including its fundamental elements. The article dedicates a significant portion of its discourse to the intricacies of implementing judicial protection mechanisms for cultural heritage in Ukraine. It has been posited that judicial authorities are capable of protecting cultural heritage objects through two principal approaches: the establishment of legal accountability for individuals (criminal, administrative, or civil liability), and the resolution of legal disputes within commercial and administrative proceedings, conditional upon the protection of these objects. The study's findings underscore the imperative for comprehensive judicial consideration and the establishment of a robust internal conviction among judges concerning the significance of safeguarding cultural heritage for posterity.

**Keywords:** cultural heritage, judicial protection, legal proceedings, economic challenges, martial law.

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## 1. Introduction

The history, traditions, and values of a people, which facilitate an awareness of origins, engender a sense of connection to the past, and cultivate a perception of unity, are embodied in cultural heritage. Cultural heritage is not merely a collection of material and spiritual values; it is also a foundation for shaping national identity, developing culture and the economy, and acquiring significance in the process of affirming uniqueness. Preserving cultural heritage is of paramount importance in ensuring the transmission

of cultural traditions from one generation to the next. Furthermore, it serves as a wellspring of inspiration for artists across a variety of disciplines. Moreover, it is instrumental in the creation of new cultural products and services, thereby contributing to economic development.

Concurrently, in the context of prevailing economic challenges, such as the present state of martial law in Ukraine, the preservation and protection of cultural heritage is rendered significantly more arduous. In the context of constrained financial resources, the state's

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approach entails the prioritisation of addressing more pressing needs. Consequently, there is a necessity for scientific inquiry directed towards exploring and implementing alternative methods of safeguarding cultural heritage, with judicial protection being one such approach.

In the context of the systemic challenges currently being experienced by Ukraine, the protection of its cultural heritage is becoming an increasingly salient issue. Cultural heritage, while retaining its historical and symbolic significance, is increasingly recognised as a significant component of national resilience. Nevertheless, its preservation should be regarded not solely as a cultural and legal obligation, but also as an integral element of ensuring the stability and continuity of the national community.

The nexus between law and cultural policy presents a distinctive opportunity for the judiciary to assume a pivotal role in mitigating the destructive consequences of war on national heritage. The judiciary, through the application of legal remedies, can serve as a guardian of cultural values, offering not only compensation for damages but also affirming the significance of heritage as a public good. Therefore, there is an urgent necessity to systematise existing legal practices and develop a coherent legal doctrine that would enhance judicial protection in this domain.

## **2. The Significance of Cultural Heritage as a Determinant of Economic Development Amid Existential Challenges for Ukraine**

Cultural heritage is defined as a distinct trace in history that preserves the memory of the past and shapes the understanding of the world. Each element of the cultural heritage of a nation constitutes a unique treasure and serves as a key to the sustainable development and continued existence of culture as a whole.

In accordance with Article 1 of the Law of Ukraine "On Protection of Cultural Heritage" the following is stated: "... cultural heritage represents a set of heritage assets inherited by humanity from previous generations. Its objects include outstanding sites, structures (creations), complexes (ensembles), their parts, associated movable objects, as well as territories or water bodies (underwater cultural and archaeological heritage sites), and other natural, natural-anthropogenic, or man-made objects regardless of their state of preservation – that have preserved their archaeological, aesthetic, ethnological, historical, architectural, artistic, scientific, or cultural value and retained their authenticity."

The provisions of national legislation are in alignment with those set out in the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). Concurrently, international

legal instruments underscore the imperative of safeguarding intangible heritage as a fundamental source of cultural diversity. Its loss, akin to the destruction of material monuments, exerts a detrimental influence on society by eroding its historical foundations. Accordingly, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) establishes the principles for the preservation of "customs, forms of expression, knowledge and skills, as well as the instruments, objects, artefacts, and cultural spaces associated therewith, recognised by communities, groups, and, in some cases, individuals as part of their cultural heritage, passed down from generation to generation, constantly recreated by communities and groups in response to their environment, interaction with nature and history, and providing them with a sense of identity and continuity".

By ratifying these international treaties, Ukraine, a member of UNESCO, has undertaken the obligation to preserve, protect, and promote cultural heritage for future generations, formally enshrining these commitments in Articles 54 and 66 of the Constitution. Furthermore, given the strategic value of cultural heritage, the state is obligated not only to conserve and preserve it in museums but also to proactively integrate it into social processes, utilising it as a significant resource for societal development, the support of cultural diversity, and the promotion of creativity.

In the context of the ongoing war, the importance of adequately safeguarding Ukraine's cultural heritage has increased considerably. The establishment of a robust foundation for societal unity and the consolidation of the Ukrainian political nation has been achieved through the prioritisation of cultural heritage. Consequently, cultural heritage has emerged as a pivotal element in ensuring Ukraine's national security in the face of existential threats to Ukrainian identity. Moreover, cultural heritage has emerged as a symbol of the Ukrainian political nation's determination to preserve itself.

According to the Ministry of Culture and Information Policy of Ukraine, as of the end of January 2025, damage to 1,333 cultural heritage sites across 18 regions of Ukraine had been recorded, including 131 objects classified as nationally significant. Among the most prominent examples of destruction are the largest Orthodox cathedral in southern Ukraine – the Odesa Cathedral (Odesa), one of the most venerated Orthodox shrines in eastern Ukraine is the Holy Dormition Sviatohirsk Lavra (Sviatohirsk, Donetsk Oblast), and Ukraine's oldest and most famous nature reserve – the Askania-Nova Biosphere Reserve (Kherson Oblast). In addition, numerous movable heritage items have been looted. According to the Main Intelligence Directorate of the Ministry of Defence of

Ukraine, nearly a thousand archaeological artefacts – previously held in museums or discovered during excavations – have been taken out of the country. These artefacts are imbued with profound spiritual and historical significance, transcending the confines of local communities and assuming a pivotal role in the cultural heritage of the nation as a whole. Consequently, the destruction of these cultural artefacts can lead to the dissolution of intergenerational continuity and the loss of cultural memory. Moreover, such destruction can also exert a detrimental effect on local economies and tourism.

Unfortunately, the existential challenges facing Ukraine affect cultural heritage not only directly but also indirectly. The country's economic decline has led to a reduction in citizens' income levels, which in turn drives some to commit unlawful acts involving the illegal appropriation of cultural heritage objects, their smuggling, or unauthorised excavation – often without awareness of or in disregard for their historical and cultural value. Furthermore, the scarcity of financial resources hinders proprietors of cultural heritage sites from implementing comprehensive measures to preserve and restore these sites, consequently leading to the gradual deterioration of these cultural landmarks.

### 3. Economic Determinants of Cultural Heritage Preservation in Ukraine

It is a lamentable fact that the illicit appropriation and obliteration of cultural heritage sites is a frequent outcome of armed conflict in any nation. Additionally, the deliberate targeting and destruction of such sites has become an entrenched practice in warfare, frequently employed as a means to erase the identity of ethnic, religious groups, or entire nations.

**In UN Security Council Resolution 2199 (2015)**, the destruction of cultural heritage sites in Iraq and Syria by ISIS forces was condemned, regardless of the militants' intent (whether deliberate or accidental). Furthermore, the resolution recognised that revenue generated through direct or indirect involvement in the looting and smuggling of cultural heritage objects enables militants to sustain armed conflicts and hinders post-conflict national reconciliation as well as the economic, social, and cultural development of affected states. This highlights the critical importance of preserving cultural heritage during armed conflict – not only to safeguard the identity of a given party, but also to promote peace and security.

The barbaric acts against cultural assets in Ukraine came as a profound shock. In response, in March 2022, the Director-General of UNESCO delivered a speech emphasizing that "Ukraine's cultural heritage must be preserved both as a memory of the past and as a catalyst for peace and unity in the future,

which the international community must protect and safeguard". To this end, the UNESCO Committee for the Protection of Cultural Property in the Event of Armed Conflict held an emergency meeting to address the situation and allocated preliminary financial assistance for the implementation of urgent measures – such as the protection of cultural sites in their current locations and their evacuation.

In addition to international assistance, a key economic factor in the preservation of cultural heritage in Ukraine is national funding sources. A thorough examination of Article 38 of the Law of Ukraine "On Protection of Cultural Heritage" reveals the presence of two predominant categories of funding: public and private. Public funding encompasses allocations from the general and special funds of the State Budget of Ukraine, the budget of the Autonomous Republic of Crimea, and local budgets. Private funding encompasses contributions from the proprietors of heritage sites or their authorised representatives, as well as individuals or entities granted the right to possess, use, or manage such sites. The financial resources under discussion also encompass funds from those who have commissioned the relocation of monuments, in addition to those from clients of construction, land reclamation, roadworks, and other types of projects. Furthermore, it is acknowledged that charitable donations, including those in foreign currency, and other sources not prohibited by current legislation, are recognised.

Ukraine's legal framework also enshrines guarantees for financing the protection of cultural heritage. These include the following: the obligation of heritage site proprietors to ensure their preservation and maintenance at their own expense; a prohibition on the withdrawal of funds allocated for heritage protection; the designation of specialised governing bodies – heritage protection authorities – as fund managers; a legal definition of the allowable uses of special funds allocated for cultural heritage protection; and a ban on spending such funds on intermediaries or the construction of new buildings and structures.

Economic incentives for protecting cultural heritage are not just a duty to the past; they are also an investment in Ukraine's future. They contribute to the development of tourism, education and science, and serve as a means of preserving and passing on national identity to future generations. According to UNESCO estimates, it will take Ukraine approximately ten years and nine billion US dollars to restore its cultural heritage sites. Meanwhile, total losses in the cultural and tourism sectors due to the war have already exceeded nineteen billion US dollars.

Despite the extensive scale of destruction, experts emphasise that a well-designed restoration strategy could not only revive cultural heritage sites but also

foster a new model of tourism development around them. However, it appears that the restoration of monuments, reconstruction of infrastructure, and promotion of an updated tourism product will become feasible only after the cessation of hostilities. Consequently, it is imperative at this juncture to undertake all conceivable measures to avert the destruction and loss of these sites, including the implementation of judicial protection.

#### **4. Legal Basis for Judicial Protection of Cultural Heritage in Ukraine**

The fundamental provisions of national legislation regarding the judicial protection of cultural heritage in Ukraine are established in the Constitution of Ukraine. In particular, Article 11 stipulates that the state is responsible for the promotion of the development and consolidation of the traditions and culture of the Ukrainian people, including those of national minorities, with a view to preserving cultural identity. In this regard, Article 54 stipulates that the state is obligated to preserve historical monuments and other objects of cultural significance, and to undertake measures to repatriate cultural assets of the nation that are located abroad. Furthermore, Article 66 obliges every individual "not to cause harm to cultural heritage and to compensate for any damages caused".

Certain aspects of the normative foundation for the judicial protection of cultural heritage are reflected in international treaties ratified by Ukraine. One such example is Article 5 of the Convention Concerning the Protection of the World Cultural and Natural Heritage, which requires State Parties to "to ensure as effective protection, conservation and presentation as possible of the cultural and natural heritage situated on its territory, and to this end, as far as possible, to adopt general policies aimed at giving the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes". Furthermore, the document calls upon states to implement appropriate legal, administrative, and financial measures for the identification, protection, preservation, promotion, and rehabilitation of this heritage.

At the national level, the principal legislative act governing social relations in the field of cultural heritage is the Law of Ukraine "On Protection of Cultural Heritage". In the context of this study, particular emphasis should be placed on the provisions of Section VIII of this Law, which delineates the legal foundations for liability pertaining to various illicit actions involving cultural heritage objects. In particular, it outlines specific legal principles:

- Criminal liability for the illegal conduct of exploratory work at archaeological heritage sites, and for the destruction, demolition, or damage of cultural heritage objects is established in Article 43 of the Law, which corresponds to Article 298 of the Criminal Code of Ukraine.

- Administrative liability for violations of legislation pertaining to the protection of cultural heritage is delineated in Article 46 of the Law, with more detailed provisions found in Article 92 of the Code of Ukraine on Administrative Offences. Such violations encompass the evasion of signing protective agreements for heritage monuments, as well as breaches of usage regulations for such monuments.

- Civil liability for damage caused to monuments or their surrounding areas (including through illegal construction) is defined in Article 47 of the Law, aligning with the legislative requirements concerning the limits of exercising civil rights as stated in Part 2 of Article 13 of the Civil Code of Ukraine.

The system of grounds for imposing the aforementioned types of legal liability is not exhaustive; rather, it is further detailed in the respective codified acts.

Furthermore, Articles 45-46 of the Law of Ukraine "On Protection of Cultural Heritage" delineate the grounds and procedures for the imposition of financial sanctions for violations of heritage protection legislation. These provisions enable the imposition of fines ranging from one hundred to ten thousand non-taxable minimum incomes of citizens on the guilty party.

However, the legal framework for the judicial protection of cultural heritage in Ukraine is not limited to the Law of Ukraine "On Protection of Cultural Heritage" and the aforementioned codified acts. This principle is further reinforced by numerous legal instruments that govern the operations of public authorities within this domain. One such key instrument is the Resolution of the Cabinet of Ministers of Ukraine "Certain Issues of the Ministry of Culture and Strategic Communications" dated October 16, 2019, No. 885, which defines the legal status and operational procedures of the Ministry of Culture and Information Policy of Ukraine. This ministry functions as the central public authority entrusted with the implementation of state policy in the domain of cultural heritage protection.

Equally important is the Law of Ukraine "On Local State Administrations," which regulates the powers of regional administrations in this area – particularly regarding the creation of specialized structural units (e.g., the Department of Culture and Cultural Heritage Protection of the Cherkasy Regional State Administration) and the authority to independently issue local legal acts to regulate relevant activities.



These institutions are responsible for the implementation of state-delegated powers in the domain of cultural heritage protection, with the overarching objective being the preservation of heritage sites for posterity. This encompasses the utilisation of judicial mechanisms within the respective jurisdictional frameworks, as stipulated by the prevailing procedural legislation.

### **5. Specifics of Implementing Judicial Protection Mechanisms for Cultural Heritage in Ukraine**

In order to ensure the effective protection of cultural heritage, it is essential to implement a comprehensive approach that encompasses not only legal regulations but also judicial mechanisms for their enforcement. The application of appropriate judicial protection in response to specific forms of encroachment on cultural heritage objects is of critical importance in order to ensure the preservation of history and identity for the benefit of future generations; this is a tool which is currently seeing active employment.

An analysis of domestic law enforcement practice indicates that the protection of cultural heritage objects in Ukraine is achieved through two primary avenues: the legal accountability of individuals and the resolution of legal disputes related to the protection of such objects. A detailed examination of each of these elements is therefore required.

The legal liability framework plays a pivotal role in safeguarding cultural heritage sites, as it fosters a sense of responsibility among individuals, encouraging them to treat such monuments with the requisite care and preventing damage to these important cultural assets. Individuals may incur legal responsibility for actions involving cultural heritage objects as a result of judicial proceedings in criminal cases, administrative offence cases, or civil disputes. The selection of the most suitable form of liability is contingent upon the method of encroachment, the nature of the violation, and the severity of its consequences.

In accordance with the stipulations enumerated within the Code of Ukraine on Administrative Offences, the potential for administrative liability to arise is predicated upon the contravention of the legislation pertaining to the protection of cultural heritage (Art. 92), or the failure to adhere to the legitimate directives issued by officials from cultural heritage protection authorities (Art. 188-33). In the first case, the judicial authority is limited to reviewing the legality of decisions made by administrative commissions of local self-government bodies or other authorised entities through the appeals process. However, in the latter scenario, the court itself is responsible for determining whether the individual's actions constitute

an administrative offence, including whether damage was caused to a cultural heritage object.

For instance, in the Ruling of the Halytskyi District Court of Lviv dated April 26, 2024, in case No. 461/1972/24, the individual was found guilty under Article 188-33(1) of the Code of Ukraine on Administrative Offences for failing to comply with the requirements of Order No. 0004/II0858 dated January 24, 2024, which mandated the conclusion of a protective agreement. This failure resulted in harm to a cultural heritage object. The imposition of a financial penalty is contingent upon the method and consequences of the administrative offence in question. The penalty may range from fifty to one hundred and fifty non-taxable minimum incomes.

The Ukrainian Criminal Code encompasses a number of criminal offences in which cultural heritage objects are the subject of the crime. These include the unlawful appropriation of found or foreign property of cultural value that has come into one's possession by chance (Art. 193), the smuggling of cultural valuables (Art. 201), and illegal exploratory activity at archaeological heritage sites, as well as the destruction, demolition, or damage to cultural heritage objects (Art. 298). It is important to note that criminal liability for these offences arises regardless of whether actual harm was caused to the cultural heritage object. This is because the relevant legal provisions are primarily aimed at preventing socially dangerous consequences such as damage, destruction, or theft of such objects.

This interpretation is further substantiated by case law. For instance, in the Verdict of the Onufriivka District Court of Kirovohrad Region dated 10 August 2023, in case No. 399/440/23, an individual who had discovered an archaeological artefact using a metal detector – a signet ring dating from the 17th–18th century – attempted to smuggle it into the Republic of Poland for sale, concealing it from customs control. He was held criminally liable under Article 15(2) and Article 201(1) of the Ukrainian Criminal Code.

It is important to note that in cases of administrative liability, the subjective element of the offence often involves indirect intent or negligence. By way of contrast, criminal liability is typically predicated on direct intent combined with a mercenary motive. Consequently, during judicial proceedings in criminal cases, it is imperative to identify these elements; otherwise, the perpetrator may evade punishment and continue to commit repeated offences against cultural heritage sites.

Furthermore, it is crucial to emphasise the wide range of subjects implicated in such violations. These may include not only individuals, who often act in groups with a shared criminal purpose, i.e., as accomplices, but also legal entities.

The nature of the punishment to be imposed is contingent upon the method and consequences of the criminal offence, which can be significant in cases involving valuable objects. The sanctions imposed may include financial penalties ranging from one hundred to one hundred and fifty non-taxable minimum incomes of citizens, community service for a duration of up to two hundred and forty hours, correctional labor for a period of up to two years, or probation supervision for an equivalent duration. In more serious cases, the penalty may include a custodial sentence ranging from three to twelve years, as well as disqualification from holding certain positions or engaging in specific activities for a period of up to three years. Furthermore, the confiscation of property may be imposed.

Unlike the aforementioned forms of legal liability, civil liability for damage or destruction of a cultural heritage object is grounded in the constitutional duty established in Article 66 of the Constitution of Ukraine, which obliges individuals to compensate for harm caused to cultural heritage. This aligns with Article 47 of the Law of Ukraine "On Protection of Cultural Heritage". Thus, the basis for the emergence of civil liability is the mere fact of causing damage to a cultural heritage object.

An analysis of national law enforcement practices and the provisions of Article 16 of the Civil Code of Ukraine reveals two main ways of enforcing legal consequences prescribed by law in cases of failure or improper fulfilment of obligations, which result in the violation of the subjective civil rights of another party: compensation for damages and the obligation to restore the cultural heritage object in kind. The implementation of a particular means of civil protection is contingent on two factors: firstly, the content of the subjective right the claimant seeks to protect, and secondly, the nature of the violation itself.

The implementation of the first method is often preceded by the imposition of administrative or criminal liability, during which the court establishes the guilt of the accused and the amount of damage caused to the cultural heritage object. For instance, the Zavodskyi District Court of Dniprodzerzhynsk, Dnipropetrovsk Oblast, ruled on May 29, 2023 in case No. 208/459/23 that an individual previously convicted under Article 298(2) of the Ukrainian Criminal Code was liable for damages amounting to 113,476 UAH. This amount covered the necessary expenses for restoring a cultural heritage site, which is a local historical monument consisting of a mass grave of soldiers who died during the liberation of the city in October 1943, and which was damaged as a result of the criminal offense.

Another prevalent method of imposing civil liability, aimed at the restoration of violated rights while exerting legal influence on the offender, is

the obligation to restore the object in kind. This measure may be implemented in conjunction with the imposition of other forms of legal liability, as well as the actions of specialised public authorities responsible for heritage protection. Such measures may include those designed to prevent unauthorised construction on heritage sites. A pertinent illustration of this phenomenon can be observed in the Ruling of the Lychakivskyi District Court of Lviv, dated December 10, 2024, in case No. 463/3489/24. The ruling indicates that an individual had carried out renovations in a building classified as part of the cultural heritage ensemble of Lviv's historical centre without the necessary authorisation. The alterations involved unauthorised interference with load-bearing structures. The court ruled that the individual must reinstate the apartment to its original condition, as documented in the technical passport, by dismantling a balcony and an additional window and restoring the affected load-bearing wall.

In the context of Ukraine, the judicial protection mechanisms in place for cultural heritage also encompass the resolution of legal disputes pertaining to the protection of heritage sites through commercial and administrative legal proceedings. In the context of the issue under study, the term "commercial litigation" is employed to denote legal proceedings initiated by business entities with a view to resolving disputes pertaining to the protection and utilisation of cultural heritage sites. Disputes of this nature may involve the execution of contracts for the restoration or reconstruction of monuments, the return of cultural heritage properties to the joint ownership of territorial communities, the termination of lease agreements, the obligation to return and vacate land plots where historical and cultural objects are located, or the recognition of communal ownership of cultural heritage real estate through compulsory acquisition.

Consequently, administrative legal proceedings are employed to contest decisions, actions, or inaction by state authorities or local self-government bodies with regard to the protection of cultural heritage. The most common types of administrative disputes in this area include appeals against construction permits granted within protected zones of heritage sites; challenges to actions or inaction concerning the initiation, development, and approval of a historical and architectural reference plan for a historically populated settlement; appeals regarding failure to prepare the registry documentation for a locally significant heritage site; and challenges to property owners' failure to conclude protective agreements for heritage sites.

Despite the procedural differences in the implementation of these judicial protection mechanisms, which arise from the legal nature of the disputed relationships, these mechanisms share

many common features. First, both commercial and administrative proceedings are aimed at preserving the authenticity of cultural heritage and preventing the destruction of historically significant objects. Second, such cases often receive considerable public attention. Third, one of the parties involved is typically a public authority engaged either in economic activity or in the exercise of administrative powers related to cultural heritage protection.

Furthermore, in the event that a public authority fails to adequately fulfil its duties, the prosecutor is entitled to initiate legal proceedings in court on behalf of the state to protect public interests in the contested legal relationship.

In adjudicating cases concerning the protection of Ukraine's cultural heritage, courts are required to consider the fact that such heritage is legally protected. The state is obliged, both to its citizens and the international community, to preserve the integrity and authenticity of cultural heritage sites to safeguard the traditional character of the environment and promote national self-identification for the benefit of current and future generations.

## 6. Conclusions

As a concise recapitulation of the aforementioned provisions, it is imperative to accentuate the fact that the existential challenges currently confronting our state serve to augment the necessity to protect cultural heritage as a pivotal element in the pursuit of sustainable economic development, the preservation of cultural diversity, and the safeguarding of national identity. Judicial protection plays a vital role in this process, encompassing both punitive measures and

the resolution of disputes involving cultural heritage objects, thereby contributing to the preservation of its multifaceted value.

In order to ensure the proper administration of justice in cases concerning cultural heritage, it is essential that courts establish all the relevant circumstances of the case. This encompasses conducting expert assessments in the pertinent field, interrogating specialists, engaging interested members of the public in the proceedings, and cultivating a robust internal conviction about the significance of cultural heritage for future generations. This approach appears to offer a dual benefit: firstly, it provides a method of restoring damaged heritage sites, and secondly, it serves as a preventative measure against future acts of destruction, thereby ensuring the preservation of Ukraine's cultural legacy.

The analysis confirms that the legal protection of cultural heritage should be considered a priority area of judicial practice, especially in wartime. This process entails the establishment of bespoke legal procedures, the education of judges in cultural values, and the enhancement of collaboration between courts, cultural institutions, and civil society. Furthermore, it emphasises the necessity to reinforce procedural safeguards, thereby ensuring timely and effective judicial responses to cases involving damage to cultural heritage or the illegal exploitation of heritage sites.

Ultimately, protecting cultural heritage through the courts is inseparable from the wider goal of restoring justice and strengthening national unity. Each judicial decision that safeguards a cultural site reinforces Ukraine's historical continuity. Therefore, judicial protection preserves the past and actively shapes a sustainable, culturally conscious future.

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