

THE DIALECTICAL TRANSITION OF ANTI-CORRUPTION MEASURES INSOLVENCY INTO A REAL THREAT TO NATIONAL SECURITY

The transition of quantitative indicators of corruption in the quality of extreme forms of legal values denial for Ukraine has become a reality of war. This demonstrates the close connection between high levels of corruption and related crimes with war, military law, and challenges to the nation's security. This nation is protected from external aggressors and, simultaneously, has strong internal enemies – the corrupt officials. Dishonest public servants have been committing crimes for decades in order to steal national wealth and enrich themselves. The scale and depth of such thefts with the participation of entrepreneurs became so large that it critically reduced the level of defense capabilities of the country. As a result, the foreign aggressor took advantage of the country's weakness and is at war with it. Given the destructive role of corruption in peacetime, it has become an integral part of public relations in wartime. As Diego Gambetta and Steffen Hertog observe, the desire for purity often motivates right-wing terrorism. Right-wing terrorists have a very intense desire to keep their social environment pure and to reject intrusion by alien forces perceived as corrupting (Traven 2021, p. 150). So, the *jus in bello* which shows more clearly the complex relationship between fundamental principles and specific applications of the laws of armed conflict with regard to computer network attacks. Principles such as the distinction between combatants and civilians, proportionality in attack, and the prohibition against causing unnecessary suffering, remain at the core of the commitment to the law regardless of the technology employed. It is in the specific applications of the laws where the effects of technology and the changing values and conceptions brought about by the information revolution are seen. One of the most significant is the increased value that information societies place on intangible property and information. It will have

an impact on the application of the laws governing the conduct of hostilities in relation to targeting analysis, protection of cultural property and property offences generally (Harrison 2012, p. 280).

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

2.1. Corruption as a determinant of war with an external aggressor

The actualization of legal consciousness transformation issues, practices of law enforcement and legislation is exacerbated during the war for each country. And Ukraine is no exception. Although it is advisable to comprehend such changes before the war. Peacetime is the most suitable for the proper definition of the progressive system legal norms of anti-corruption content and the mechanisms of its 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 party. And each of them had their reasons for this. In the period 2014–2022, the influential states of the world (their associations) did not find the strength to force the Russian Federation to return the occupied territories, namely: the Autonomous Republic of Crimea and some areas of Donetsk and Luhansk regions. In honor of Ukraine and its sincere peace, 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, and another bloodshed was avoided. In fact, the return of the peninsula is a peaceful withdrawal of Russian troops, compensation for the loss of the family of a fallen soldier and the 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, she did not use them in honor of Ukraine and its sincere peace-loving nature. The occupation of this territory cost the life of one Ukrainian soldier who was killed by the Russian military, and another bloodshed was avoided. In fact, the return of the peninsula is a peaceful withdrawal of Russian troops, compensation for the loss of the family of a fallen soldier and from occupation.

The logic of the law history that has been outlined above together with large-scale corruption demonstrated the emergence

of the preconditions for a full-scale russian war against Ukraine, which began on February 24, 2022. Ukraine's losses from corruption in peacetime were significantly underestimated. The factors that revealed this were requests for the supply of military equipment worth hundreds of billions of US dollars, to cover the budget deficit of \$5 billion per month, and so on. The presence of such requests meant the loss of national wealth, which was the largest in 1990. We note the absence of force majeure, which could objectively reduce the country's wealth, while not turning it into a development investment. Accordingly, we are dealing with the waste of military property and material base of industrial relations. This negative trend has been growing all the time, as civil servants and entrepreneurs have not been held responsible for the theft and misappropriation of public assets. The full-scale war illustrated the loss of the country's economic and military potential at the level of 1990. Taken together, this suggests at least ten times the level of officially estimated losses from corruption, namely: more than \$20 billion annually.

Losses from corruption and related crimes have made Ukraine vulnerable. They clearly demonstrated the failure of its legal system to protect citizens from extermination and the destructive actions of corrupt officials (uzunu kaybetmek; itibarını kaybetmek). Such destruction is gradual. It was latent for many and only knowledgeable experts saw the reality of the people and nation destruction. Ukraine's external weakness was a reflection of its internal incapacity. It used the whole set of peaceful means to restore law and order, namely: the principles of law and common human values on which they are based; communication with the aggressor (occupier) and mediation in this with the help of statesmen of foreign states, international law and organization. However, in the end, the country was unable to prevent corruption or war. Then these phenomena only reinforce each other, denying legal values and human virtues, indulging in violence, selfishness and other human defects. Law and virtue presuppose peace and development. Nonetheless, they were despised.

The international community (foreign states and international organizations) proved incapable of forcing Russia to abide

by the law/human rights. The war was led by Russia's denial of law as a value and its violent understanding of law. For them, law is rudeness, cruelty, violence. This denies the very essence of law. Peaceful communication and agreements for Russia do not become decisive in law. For them, they are rather elements that help violence. The law itself is identified with their power – military and physical force, energy resources. The war of the Russian Federation demonstrates the mental substitution of concepts, namely: rights – by force, power, violence, the ability to kill and commit other violence. Physically, the energy of violence is fueled by the use of uniquely large fossil natural resources. War can never be justified as anything but a necessary evil, and even when justified, it stays an evil. It must above all be carried out with an eye to minimizing harm. Life has to be protected by all means. The laws of armed conflict in particular are one of those means to protect life. While, its present content has repeatedly continued to be informed by polarisation and dehumanisation. The power of life transcends such conflictual paradigm and gives the existing laws of war a binding character which is extra-legal. In this regard, the humanitarian conscience is one of those means to foster adherence to the principles of protection. This conscience reminds humanity about its interconnectedness and shared life so necessity can no longer threaten the survival of the human species at all costs. Both positivists and deconstructivists can use this spirit beside their textual and contextual interpretations to advance the same ends of justice for and equality of humanity (Vanhullebusch 2015, p. 225–224).

The main burden of destroying and weakening key economic and public institutions of power in peacetime is borne by corrupt officials and traitors. Their activities are diverse, ranging from illicit enrichment through the decline of entire sectors of the economy to espionage (transfer of classified information to foreign states), 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 means of corruption reveal the social danger of the motive (subjective side)

the perpetrator of the crime and method (objective side) the person who ordered the crime. Respectively the failure of law enforcement agencies to neutralize corruption in peacetime leads to war. The effectiveness of anti-corruption correlates with the ability to counter military aggression from outside. In particular, the indicator of corruption funds elimination from terrorist financing channels and armed groups of foreign countries. 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 reveal a statistically significant influence of the fiscal pressure on the risk of money laundering. In other words, with an increase of the fiscal freedom rate (respectively, the decrease of the tax pressure), the increase of the risk of money laundering occurs. In addition, we should to take into account some important control variables of the influence of the tax pressure on some facts belonging

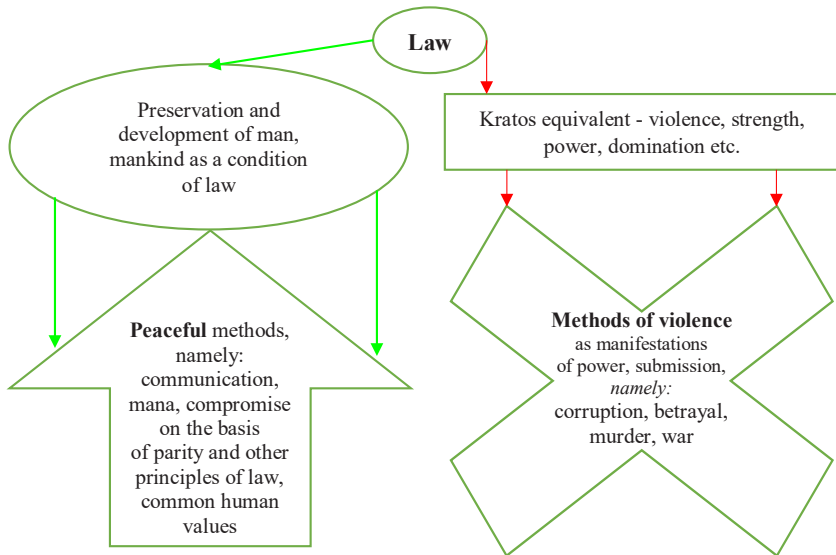


Figure 2.1. Interpretation of law by a viable civilization (peaceful) and by the military aggressor (case of the russian federation)

to the economic and financial crime domain, for instance, the level of the economic growth, the institutional quality, etc. Similar studies found out differentiated influences of the tax pressure on corruption in the developed countries in comparison with those from the developing countries. It identifies that the influence of the institutional quality on corruption is much higher in the developing countries than in the developed ones. 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 2020, p. 99–101, 106–107).

The absence of this correlation determines the regularity of the increase in violence, in particular military violence. For example, the war of the russian federation against Ukraine. The advantage of our state was the desire to integrate into the EU, whose economic and spiritual legal civilization standards stimulated us to make significantly greater anti-corruption efforts (law-making, organizational and institutional, etc.), compared to the military aggressor. An additional stimulus for Ukraine was the tension provided by the russian federation since 2014, namely: the renewal of law enforcement agencies and other components of public power to return the enemy-occupied territories. Simultaneously, the military aggressor did not feel any challenges that would stimulate him to eradicate corruption and improve (organizationally and technologically) law enforcement agencies. On the contrary, the infinity of material wealth covered the losses from corruption. The lack of an effective response from the world community to russia's violation of international law – rules for all states – has created a sense of complacency and lack of counterbalance to its wrongful decisions, violence. In fact, other countries of the world have created for russia the impression of impunity for crimes, namely: to plunder the goods of another nation, opportunities to ignore international law, use violence against neighboring states, intimidate, attack in cyberspace on critical infrastructure, 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 it is destructive to any state. The possibility of violence is fueled by the lack of courts, law enforcement and other effective international institutions for its prevention and punishment.

That being said, there may be instances where judges adjudicate, overtly or otherwise, in a way that corresponds with the interests of their own countries. The multinational composition of international courts and tribunals may serve to limit the impact of such partiality; hybrid tribunals have been specifically designed to ensure that national judges do not hold sway (Shane 2014, p. 326). In the context of an underdeveloped international legal system, H. Lauterpacht noted how States “distrust the impartiality of international judges in the unavoidable exercise of their creative function of filling the gaps”. In his view: To deny the very possibility of international judges being impartial when their national interests are concerned is to exhibit a shallow scepticism which ignores both human nature and historical experience. There is in international judges a deep and ever-growing consciousness that they are the trustees of the best and most urgent hopes of humanity and holders of a supreme position in an international hierarchy (Lauterpacht 2011, p. 203, 218).

In addition to anti-corruption systemic shifts forward, during the Russian terror during 2014–2022, Ukraine managed to renew its political elite, reform the courts, the prosecutor’s office, and municipal authorities. Successes are also observed in strengthening the market conditions of entrepreneurship (conditions were created for the functioning of the land market, etc.) and the financial sector (banks and non-bank financial institutions). In the conditions of subversive activity of saboteurs from the Russian Federation, Ukraine renewed its army and law enforcement agencies, improved their skills and provided them with modern equipment; created territorial defense units; established stronger international ties, saturate them with work on a number of economic (scientific, military and other) projects; develop and adopt a number of new standards in higher education to provide legal opportunities for

academic mobility. Training courses on anti-corruption issues (content, practice, innovations and trends) continued for public servants. During the war, pre-war institutes for advanced training of public servants continued their training according to curricula that include subjects for acquiring knowledge to minimize military losses, neutralize the enemy and restore peace. Formed in this way, their legal awareness is an organizational weapon to fight the enemy. An important conclusion for states that are threatened by the invasion of foreign troops is the conclusion that it is necessary to saturate the minds of local government and state officials with special knowledge of military law. The Center for Advanced Training has created training courses for public servants of Zaporizhia 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 has strengthened the institutional capacity of the public administration to restore peace and ensure the rule of national law throughout the country. Her actions became conscious, timely and, ultimately, effective in wartime.

Notwithstanding the practical life of business confirms the preservation during the war of the main requests from local public authorities for illegal receipt of funds from business in the form of regular provision of money for personal needs, kickbacks, etc. This is observed in enemy-free areas where entrepreneurs continue to work. During the war, the problem of corruption in such areas is especially acute, namely: at the customs in the form of bribery for smuggling; during the distribution of humanitarian aid by destination; in military enlistment offices the risks of bribes for assistance in evading conscription increase. The war exposed the conflict of officials’ interest, appointed to office on the basis of personal connections between officials and not on the basis of the assessment of their

high professional qualities. The indicator was that corrupt officials in the first challenges of the war left their posts and went abroad or to the West of the country. They acted clearly as in the parable of the bestowed good, not the good earned. Those who received them honestly, whose path to them was a manifestation of purely personal qualities and professionalism, often remained in office.

War-related transformations of corruption and its manifestations during the war convince us of the validity of the hypothesis of the vulnerability of a nation that has deep and long-standing problems of dishonesty of public authority. Such corruption is nothing but an internal abuser. Its action is no less bloody than the violence of the army of another country. The only difference is in pace and obviousness. Corrupt people commit violence unnoticed and for a long time, and the enemy army commits violence openly and swiftly.

At the end of the rating of corruption perception there are countries with unstable political situations, military conflicts and where governments only partially control the territory of the state – Somalia and Syria (13 points) and South Sudan (11 points). Since 2014, Ukraine has been characterized by all three factors that exacerbate corruption. It Corruption Perceptions Index (CPI) for 2021 was not enviable: 122 places with 32 points. The greatest success in combating corruption in 2021 (+5) was shown by Malawi, which scored 35 points and took 110th place in the ranking. In recent years, local law enforcement agencies have effectively investigated a number of corruption cases by top government officials. Malawi's anti-corruption bureau has arrested the energy minister and two other officials on suspicion of corruption in the state's oil contract. These investigations culminated in court convictions in several high-profile cases. They also include the "Cash gate" cases, the essence of which was to spend budget funds without compliance procedures 2009–2014. Cash gate scandal involved the misappropriation of government funds through the transfer of funds from the government bank accounts to private companies in disguise for payment of goods and services. The scandal was dubbed cash gate because low level public officers who were arrested for committing

the offenses under this scheme were found with stockpiles of cash in their homes and vehicles. It was uncovered in September, 2013, when a government accounts clerk whose monthly emoluments were less than \$100 was found with huge sums of cash estimated at over \$300,000.00 in his car. A week later, there was an assassination attempt on Malawi's budget director. The government with assistance from the British Government conducted a forensic audit and the results were as follows. A preliminary report revealed that public officers had manipulated the payment system (integrated Financial Management Information System – IFMIS) to steal over \$32 million within 6 months from April 2013 to September 2013. Public officers drew checks through the system in favor of private contractors on the pretext that they had supplied goods or services to the government when they had not. Once a check was issued, they would delete the transaction from the system. A full audit showed that the cash gate scandal may date back to 2009, and for the period ending 2014 the amounts involved were \$356 million (Chiwala 2018, p. 2–3). By not fighting corruption, productivity, investment, capital and, therefore, economic growth and development decreases over time. From this perspective, the regression analysis using panel data techniques showed that poverty, inequality, drug trafficking, the actions of armed agents affect violence. It was also established that corruption negatively affects business growth. From the methodology and techniques employed, it was determined that these variables are suitable to analyze the incidence of corruption and violence in the growth and economic development. Institutional policy is to strengthen the interactions between different economic agents, transparent participation in decision-making adequate and strengthened governance, strengthening the judicial system and adequate efficient resource allocation system. This would greatly decrease the vicious cycle that hampers development and economic growth of countries, makes state weaker and war as possible (Poveda 2019, p. 17).

2.2. Conditions for the creation and application of law in anti-corruption policy

Consistent with the Confucian view that a true king is supposed to rule for the benefit of the people, Xunzi believed that a true king can engage in punitive expeditions against corrupted rulers. Rulers become corrupted when they violate the Way and fail in their moral responsibilities to their people. By contrast, a true king acts virtuously at all times and orders his army to refrain from slaughtering the civilian population. Indeed, consistent with the Confucian view that exemplifying one's virtue can help bring about moral and political renewal, Xunzi believed that a true king's army can bring about moral change only by acting virtuously toward the people (Traven 2021, p. 108). The basic legal principle of action during the war was the idea of justice of its beginning. We rely on the scientific doctrine of fair war within the Western tradition of law. War combines power and law (Sein and Sollen), where the first is in the service of law and law limits the power. The war becomes fair in response to unprovoked aggression; as a last resort to restore the violated right (*consecutio juris*); punishment of the 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 daily vocabulary of theoretical works and practical application after the Second World War in the late 40's of the twentieth century. It is claims are made about the need to safeguard the innocent in wars of conquest. It is morally permissible to wage punitive wars to overthrow corrupted leaders. If weapons are raised in a righteous cause, then both aggressive and defensive warfare are proper. If the cause is not righteous, then neither is proper. Morally permissible wars are those that seek to punish corrupt leaders who lack the Tao. Violence against the innocent, i.e., against those who have done no wrong, is inherently wrong (Traven 2021, p. 110). The purpose of *Jus ad bellum* is "to save succeeding generations from the scourge

of war” (Haque 2017, p. 190). It is a 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 legality of the use of war force. According to them, the modern world in each case limits the use of war force in international relations. The fact of war is the action of the subject, carried out for specific reasons. This action entails a legal regime that reflects the validity of the reasons and the status of the subject. Jus in bello – laws of war is a system of legal regimes (rights and responsibilities) for the warring parties. These are the rules governing the behavior of combatants during the war. They act if the war is fair, due to a well-founded reason in the doctrine (motive, material grounds). Otherwise, the law during the war does not apply to the aggressor, but applies only to the subject who pursues just goals in the war. Anyone who does not fight for a good / worthy case has no rights and can be executed. Example: discussions about it of ordinary citizens on social networks; changing the boundaries of law in conditions of unjustified / excessive violence, etc. (Kolb 1997, p. 554–556).

The first act before or immediately after the start of the war is completely committed within one day. This is the imposition of martial law. During the same period, restrictions are imposed on border crossings in the financial sphere, as well as in the spheres of justice (courts) and law enforcement agencies. Decisions to protect critical infrastructure, both physical and in cyberspace, are also becoming immediate. Information resources of courts and law enforcement agencies, tax information and all national (regional) registers of individuals, entrepreneurs, etc. are subject to closure. The following decisions apply to everything at once, namely: administration of justice and continuation of criminal proceedings, execution of criminal penalties, security and, if necessary, evacuation of the population, logistics of business (raw materials and finished products) and the population; tax burden and incentives; nomenclature of humanitarian aid and its customs clearance; liberalization of labor legislation requirements; movement of cash, food, medicine, fuel, weapons; ensuring the rights of asylum seekers

who have lost housing, clothing and other components of life; protection of the rights of refugees abroad, etc. F. i., the destruction of buildings during the war results in a large amount of garbage, the storage of which on land requires the liberalization of relevant rules in the field of environmental law. In peacetime, such storage is allowed only on concrete or other surfaces, which eliminates the ingress of construction components debris into the soil, otherwise the environmental inspectorate imposes huge fines.

Changing the territory of the theater of operations and moving the lines of military fronts is a variable factor for the adequate reactions of the parliament and public administration. A separate area of work is to ensure strict executive discipline in public authorities, preventing the resignation and departure to foreign countries of these bodies' officials, and especially the leaders! Victory in a war with minimal losses implies the maximum preservation of productive forces and means, economic capacity to create added value and make a profit. Accordingly, the balance is set in the optimal ratio of fiscal benefits and incentives with a tax burden to save both entrepreneurs and not lose revenue to public budgets (funds).

The beginning of the war necessitated the mobilization of available national resources and support from other nations. Numerous speeches of the President of Ukraine before the parliaments of foreign countries, which are civilizational close to the Ukrainian multiethnic nation, have become a phenomenal legal phenomenon in the defense of Ukraine (Table 2.1). At least it is a source of constitutional, international public, international humanitarian law. The content of the speeches, the combination of communication styles (diplomatic, official, conversational 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 formation of determination of senior officials of foreign countries (their unions). They decide to act quickly and make the necessary decisions to support Ukraine. A separate type of such decisions are the sanctions parts of the legal norms aimed at punishing and weakening the military aggressor.

Table 2.1. An innovative way to involve legally highly civilized nations in restoring law order in the face of war determined by corruption and related crimes

№	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.	قطر / 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

End of Table 2.1

№	Country's parliament, government, head, nation	Date of the President's speech
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

Public power during the war rebuilds its structure, adds to its military. The operative implementation of new tasks, which are conditioned by the need to protect from the armed forces of a foreign country, neutralize and expel the enemy from their territories, and restore sovereignty in the territories temporarily occupied by the enemy, is becoming urgent. That is, a number of functions of wartime are added to the functionality of peaceful life. Such being the case, economic, legal, law enforcement and other functions of public administration are meaningfully adjusted to the needs of victory in the war, namely: other structures and nature of expenses, relocation of the productive forces; material support 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 through the country due to war (internally displaced persons); those who went abroad (refugees or temporary asylum seekers); prisoners of war; victims of war, military and civilian, 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-executive 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 six domesticated animals, grains, or implements. When you see their elderly or very young, return them without harming them. Even if you encounter adults, unless they engage you in combat do not treat them as enemies. If an enemy has been wounded, provide medical attention and return him (Traven 2021, p. 110). Apart from

the warring parties, the International Committee of the Red Cross remains responsible for enforcing international humanitarian law during the war. This organization is the only entity that has a mandate from the world community to help people during the war and implement 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 public authority in the occupied territories. They form the occupying authorities. Procedures for 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 actions taken by the occupiers to organize power in the occupied territories is the result of their desires and illusions that have nothing to do with the nature of law. The occupiers and/or other interested community call such activities and their separate parts legal terms that cannot and do not add legal meaning. 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, nothing legal arises as a result of such use of legal categories in real life. All that remains are the words of the occupiers, which correspond to those parts of the imagination of their consciousness that deny the actual legal reality both in relation to them and in relation to all other representatives of the nations of the world.

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Conclusions. Thus, the tolerant attitude of citizens to corruption and the high level of public involvement in corrupt relations weakens such a nation over time to such an extent that it becomes unable to resist external military aggression. The fact of such failure is proof of the transition of corruption quantitative indicators into the quality of violence and war as extreme forms of legal values denial, which are reflected at the level of the constitution and norms of international law, including humanitarian law. During the war, law is a completely dynamic matter of transforming the rules of national and international level on the territory of the war – military law. It is a plan of national self-preservation and victory of the enemy, a balance between humanity and military necessity in actions and rules. As a system of universally binding norms, it regulates legal relations between the military and in wartime extends its effect to the entire population, as well as all national law during martial law and its transformation due to war, variations in legal requirements of the occupiers in their territories, international norms. As well it is humanitarian law and the practice of its application by the International Committee of the Red Cross, relevant judicial and other acts of law enforcement. Legal regimes during

the war are due to the emergence of new categories of citizens, including those affected by it; the emergence of occupation troops and collaborators; reaction of foreign countries and its changes in dynamics, etc. The legal regime in the territories occupied by foreign troops reveals the decomposition of their legal consciousness, which allows the existence of fictional legal phenomena in such lands and the population living in it, in which the occupiers and collaborators do not believe, recognize their falsity and rational failure, deny international law. They do not apply them to themselves and/or to their countries. The failure of these rules is proved by their absence in the highly developed countries of the world.