






CRIMINAL OFFENCE DURING MARTIAL LAW IN UKRAINE: PECULIARITIES OF QUALIFICATION



 Olena Sasko ^{(a)1}  Hanna Shvedova ^(b)  Kostiantyn Orobets ^(c)  Ruslan Ovcharenko ^(d)  Oleksandr Ostapenko ^(e)

^(a)Associate Professor, Department of Criminal Justice and Law Enforcement, Faculty of Law, Lesya Ukrainka Volyn National University, Lutsk, Ukraine; E-mail: Olena_Sasko@ukr.net

^(b)Associate Professor, Department of Legal Support of Business Security, Faculty of International Trade and Law, State University of Trade and Economics, Kyiv, Ukraine; E-mail: shvedova777@ukr.net

^(c)Assistant Professor, Department of Criminal Law Policy, Yaroslav Mudryi National Law University, Kharkiv, Ukraine; E-mail: k.m.orobec@nlu.edu.ua

^(d)Professor, Department of Public Administration, Educational and Scientific Institute of Management, Economics and Business, Interregional Academy of Personnel Management, Kyiv, Ukraine; E-mail: Dnevnoi_dozor@ukr.net

^(e)Associate Professor, Department of Public Law Disciplines, Faculty of Law, Public Administration and Management, Vinnytsia Mykhailo Kotsiubynskyi State Pedagogical University, Vinnytsia, Ukraine; E-mail: ostapenko9@outlook.com

ARTICLE INFO

Article History:

Received: 20th June 2025
 Reviewed & Revised: 20th June 2025
 to 28th September 2025
 Accepted: 30th September 2025
 Published: 7th October 2025

Keywords:

Criminal Law, Martial Law, Case, Sabotage, Treason

JEL Classification Codes:

K14, K33, K38

Peer-Review Model:

External peer review was done through double-blind method.

ABSTRACT

The introduction of martial law in Ukraine has fundamentally altered the conditions of criminal proceedings, exposing the urgent need to adapt national legislation to wartime realities. The rapid escalation of armed conflict has created legal challenges related to the qualification of criminal offenses, particularly those classified as war crimes, and raised concerns regarding compliance with international standards. The purpose of this study is to examine how martial law affects the qualification of criminal offenses and to identify the main problems in applying the relevant provisions of the Criminal Procedure Code of Ukraine. The analysis is based on national legal acts, amendments adopted after February 2022, and judicial practice concerning crimes against national security and war crimes. The study employs the PRISMA methodology for systematic literature selection and integrates analytical, synthetic, comparative, and thematic approaches to ensure comprehensive coverage of the subject. The results reveal a marked increase in crimes against national security, peace, and human rights during the period of martial law, with the official statistics indicating a growth of over 40% in registered offenses of this category compared to the pre-war period. Judicial practice consistently demonstrates persistent difficulties in applying provisions related to war crimes, including inconsistent interpretations of legal norms and delays in adjudication. The findings also highlight gaps in adapting criminal legislation to wartime conditions. In conclusion, the study offers a systematic examination of the characteristics of criminal qualification under martial law, confirming both quantitative increases in wartime offenses and significant legal inconsistencies that warrant further scholarly attention.

© 2025 by the authors. Licensee CRIBFB, USA. This open-access article is distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0>).

INTRODUCTION

Significant changes in the way the legal system operates, especially in criminal justice, have resulted from Russia's massive 2022 attack against Ukraine. The country's criminogenic situation has changed dramatically since martial law was implemented in response to the escalation of hostilities. It has also placed new obligations and limits on official institutions. According to mounting research, wartime circumstances lead to an increase in crimes against human rights, peace, and national security, necessitating a review of current legal frameworks (Sayed, 2023). The importance of researching how Ukrainian criminal law and judicial practice change under martial law is underscored by the need to ensure the efficient classification of such offenses.

Existing criminal law rules, created during peacetime, and the intricate reality of armed conflict are incompatible, presenting a significant challenge. There are inadequacies in the current judicial system's control of wartime offenses, especially when it comes to collaborationist activities, illicit weapon trafficking, looting, and war crimes (Vynnyk & Hazdayka-Vasylyshyn, 2023). Furthermore, the application of both national and international humanitarian law is hampered by judicial practice, making it more difficult to prosecute offenders (Anisimova et al., 2023). These inconsistencies

¹Corresponding author: ORCID ID: 0000-0003-3919-2233

© 2025 by the authors. Hosting by CRIBFB. Peer review under responsibility of CRIBFB, USA.
<https://doi.org/10.46281/bjmsr.v11i1.2658>

To cite this article: Sasko, O., Shvedova, H., Orobets, K., Ovcharenko, R., & Ostapenko, O. (2025). CRIMINAL OFFENCE DURING MARTIAL LAW IN UKRAINE: PECULIARITIES OF QUALIFICATION. *Bangladesh Journal of Multidisciplinary Scientific Research*, 11(1), 13-22.
<https://doi.org/10.46281/bjmsr.v11i1.2658>

underscore the pressing need for a methodical examination of the legal definition of crimes committed during martial law, considering both domestic and international perspectives.

In addition to domestic efforts to pursue war crimes, a recent study highlights the growing significance of international accountability mechanisms, such as the authority of the International Criminal Court. Official figures indicate that the number of crimes involving illegal arms trafficking and sabotage has increased by 40–50% since the pre-war era, while empirical research also reveals a dramatic increase in these crimes (Janssen & Caranta, 2023; Shevchuk et al., 2023). Researchers further emphasize that, although new rules were added to the Ukrainian Criminal Procedure Code through legislative modifications in 2022–2024, their actual application remains uneven (Maurer, 2021; Trach et al., 2020). To identify patterns and emerging trends in the classification of wartime crimes, the scientific community requires an integrated strategy that combines doctrinal legal research with an examination of judicial practice.

The methodological basis of this article involves the use of analytical, comparative, and thematic approaches, complemented by elements of systematic review in line with PRISMA principles, which allows for the integration of diverse scholarly findings.

The purpose of this study is to provide a systematic assessment of the qualification of criminal offenses committed under martial law in Ukraine, identifying both the quantitative growth of wartime crimes and the qualitative challenges of their legal classification. The article addresses several interrelated tasks: (1) to outline the main transformations in criminal law and criminal procedure introduced after February 2022; (2) to analyze judicial practice regarding crimes against national security and war crimes; (3) to reveal the contradictions between Ukrainian legislation and international humanitarian law; and (4) to summarize the key legal gaps that require further scholarly attention.

The article's structure is as follows. The criminogenic dynamics in Ukraine under martial law, as well as the types of crimes that have become more severe, are examined in the first section. Legislative changes and their effects on criminal qualification are the subject of the second section. The judicial process and the challenges of applying criminal laws to war crimes are examined in the third section. A summary of the results is provided in the final section, highlighting the broader theoretical and practical aspects of criminal justice during times of conflict.

LITERATURE REVIEW

The issue of criminal qualification during martial law has been the subject of increasing scholarly attention, especially in the context of the ongoing Russian aggression against Ukraine. Recent studies highlight the need to adapt criminal legislation, judicial practice, and evidence collection procedures to wartime conditions, as well as to integrate national and international legal standards.

Particularly in light of martial law and the nation's ongoing European integration process, the adaptation of Ukrainian criminal law to European and international legal standards has become a significant area of study in recent years. Experts noted the importance of adapting criminal legislation to the new conditions of martial law in Ukraine. They examined the peculiarities of providing evidence in the context of hostilities and in territories de-occupied by the Ukrainian military (Anisimova et al., 2023), analyzing existing case law, decisions, and legal justifications. Attention was also drawn to individual lawyer practices – since an offence requires proof, the work of lawyers in defending their clients also requires certain specific features (Bershov et al., 2022), as the lack of the right to defence also does not contribute to the observance of human rights. On the other hand, researchers have analyzed the legal framework that guides investigative bodies and police structures in analyzing, classifying, and verifying committed offenses (Drok, 2024; Kamensky et al., 2023). Relevant changes to the existing legal framework formed the basis for organizing criminal proceedings and were duly recorded in the Criminal Code of Ukraine (Criminal Code of Ukraine, 2025). Specific innovations in the organisation of criminal proceedings, including the enforcement of court decisions in absentia, are highlighted through a comparative analysis (Bondarenko et al., 2022). As a result, the use of specific legal provisions has become more transparent and legally justified. This indicates that criminal justice reform in Ukraine is simultaneously a response to wartime realities and a step toward deeper legal harmonization with the EU.

According to recent studies, the introduction of martial law has significantly impacted Ukraine's criminal justice system, necessitating substantial adjustments to the laws and methods for obtaining evidence in both de-occupied and conflict-affected areas. Experts have cited individual cases of the application of international law and decisions of international courts regarding the punishment for crimes committed during martial law (Ablamskyi et al., 2023; Mazur et al., 2023). Such conclusions are significant because they align with Ukraine's current aspirations for European integration. Necessary reforms in the field of criminal justice are also caused by the need to adapt Ukrainian legislation to the norms of the European Union. This process does not cancel the martial law but goes hand in hand with responding to the criminal challenges posed by Russia's aggression against Ukraine. Researchers have noted that this complicates the reform of legislation, as it requires additional requirements to be considered (Szupjana & Burdin, 2023). At the same time, other scholars emphasise that changes are necessary, and the opportunity to implement appropriate innovative solutions for Ukrainian legislation during martial law is quite favourable: a specific 'shock condition' allows for the integration of new provisions into the legislation quite quickly (Husieva et al., 2023; Khan et al., 2023). Openness to reforming criminal law is also noted as a positive feature in European studies, which also emphasize the need for reforms and open cooperation between Ukraine's institutions and the EU (Janssen & Caranta, 2023). These studies have opened up opportunities for further interpretation of the importance of innovations to criminal legislation, which should be aimed at addressing the current challenges of organizing criminal proceedings during martial law and adapting the Ukrainian legal framework to European norms. This body of research highlights that evidence collection under wartime conditions demands both flexibility of procedures and strict adherence to legal guarantees.

The introduction of martial law in Ukraine has led to significant changes in criminal legislation, aimed at both strengthening liability for wartime offenses and establishing new mechanisms of legal protection. Recent scholarship has examined the package of legislative acts adopted in Ukraine to strengthen criminal liability during martial law. Researchers emphasise that the legal regime of martial law is characterised by specific regulations, which, along with the temporary restriction of certain constitutional rights and freedoms, introduce new mechanisms of criminal law to counter collaboration, the dissemination of information in support of the aggressor state, crimes against national security, and looting (Dzhelilova, 2023; Vuletić, 2021). An important aspect in this context is the recognition of circumstances that exclude criminal illegality and provide combat immunity, which are critical under wartime conditions (Kamensky et al., 2023; Maksymovych & Bronevyska, 2023). Key legislative changes supplemented the Criminal Code with Article 43-1, "*Fulfillment of the duty to protect the Motherland, independence and territorial integrity of Ukraine*", as well as with a transitional provision clarifying that civilians are not criminally liable for the lawful use of firearms against armed aggressors. Overall, scholars agree that Ukraine's criminal law institutions require systematic improvement in both directions: the criminalization of new offenses emerging under martial law, and the decriminalization of those provisions that no longer reflect the realities of wartime justice (Hreisa et al., 2022; Wilmshurst, 2017). The overarching mission of modern Ukrainian criminal law is defined as ensuring the protection of life and health, safeguarding peace and security, and countering crimes committed in the context of Russia's aggression (Bershov et al., 2022; Janssen & Caranta, 2023).

The legislative framework governing police institutions and investigative agencies is the subject of another significant line of study. It emphasizes that the amended sections of the Criminal Code serve as the cornerstone for structuring criminal procedures during a state of martial law. Scholars stress the vital importance of legal defense during times of conflict, in addition to legislative improvements, emphasizing that maintaining sufficient defense mechanisms, even in the face of extreme circumstances, is essential to the adequate protection of human rights (Shevchuk et al., 2023). The specific topic of the development of the qualification of criminal offences during martial law in Ukraine is also an object of discussion in legal science. Scholars analyze the issues related to the peculiarities of criminal liability in times of military conflict, the relevant transformations in the system of law application and regulation, the specific relationship between Ukrainian and international law, the implementation of international conventions, and other related matters. The primary source for studying this issue is also the Criminal Code of Ukraine (Criminal Code of Ukraine, 2025), as well as certain scientific commentaries on it. For example, changes to the general provisions on criminal liability and the specifics of applying the norms under martial law have been identified (Popov et al., 2025; Stupnyk, 2024). Against this background, the issue of distinguishing and more clearly defining crimes that pose a threat to national security, such as sabotage, treason, and war propaganda, has become increasingly relevant during the Russian military aggression (Orlovskiy et al., 2023; Popov et al., 2025). Additionally, it is worth noting the significant scientific research devoted to international criminal law. Perepelytsia (2024) studied the problem of liability for war crimes in accordance with the current Rome Statute and the jurisdiction of the International Criminal Court. The findings are relevant for understanding the further reform and adaptation of Ukrainian legislation to the existing norms of international standards and legal acts in the field of criminal prosecution (including military criminal offences). Thus, the institution of defense remains an essential safeguard for balancing state security needs and individual rights during a state of martial law.

Particularly in light of martial law and the nation's ongoing European integration process, the adaptation of Ukrainian criminal law to European and international legal standards has become a significant area of study in recent years. The study of criminal offences also encompasses terminological and comparative studies, examining them through the prism of military conflict and contemporary changes. Analysed the specifics of the qualification of crimes committed during the war (including genocidal practices) and the mechanisms of their legal investigation under international law. Particular attention is also paid to the challenges of collecting evidence during wartime and the use of confessions obtained from prisoners or under stressful situations (Gorinov & Mereniuk, 2022). An important aspect of such research has also been the identification of the role of international organisations in documenting crimes. In general, scholars and law enforcement specialists have formulated a general idea of the importance and peculiarities of classifying criminal offences during martial law. However, there is a need for further consideration of the legal aspects, including the search for recommendations for amendments to the current legislation, court practices, and the joint interaction of national and international legal mechanisms, as well as the further improvement of possibilities for international investigations and the prosecution of criminals. Overall, scholars agree that the reform of investigative practices has increased clarity in criminal proceedings, though practical challenges persist.

In summary, the literature suggests a growing consensus on the urgent need to adapt Ukrainian criminal legislation and judicial practice to the realities of martial law, while also acknowledging persistent gaps in harmonization with international legal standards. However, existing studies often remain fragmented, leaving open questions about the systemic qualification of wartime offenses.

MATERIALS AND METHODS

Research design

The work employs a qualitative approach, specifically the case study method, which enables a detailed analysis of individual cases of criminal offenses during martial law in Ukraine. This approach was chosen from the perspective that it provides an opportunity to describe and analyze in detail the specific features of qualifying criminal offences in real circumstances. Additionally, through the analysis of specific cases, it is possible to identify patterns and problems in law enforcement and determine the practical aspects of processes and decision-making. The case study also allows for a comparison of different cases. For this reason, the study will outline general trends and possible directions for improving legal practice. The outlined methodological approach is determined by the need to study the features of qualifying offences in specific situations, which,

in general, will affect the formation of scientifically sound conclusions.

The materials in the study were included based on the use of criterion sampling. Explicit criteria for including and excluding sources were formed. The inclusion criteria pertained to laws, scientific articles, and publications that addressed the primary legal aspects of qualifying criminal offences during martial law, as well as documents or reports containing information about specific cases of criminal offences. At the same time, the inclusion criteria were based on the inconsistency of the research topic. Works with an insufficient methodological base and non-reviewed materials were also excluded. Table 1 provides a detailed description of the main criteria for including and excluding sources.

Table 1. Criteria for including and excluding sources

Inclusion criteria	Articles and laws that describe key legal aspects of the qualification of criminal offences during martial law. Scientific articles published in leading peer-reviewed journals. Reports are official documents that define specific cases of criminal offences. Language of writing: Ukrainian, English. In the case of including Ukrainian-language sources, annotations must be in English.
Exclusion criteria	Articles, reports, and laws that do not relate to the selected research problem. Duplicates without original analysis. Works with an unproven and undescribed methodological basis of the research. Non-peer-reviewed materials. Articles, reports, and analytical materials written in languages other than English and Ukrainian.

Thus, the study relies on several key sources of information. It draws primarily on regulatory documents and legislative acts that govern the qualification of criminal offenses during martial law, including the Criminal Code of Ukraine and specific specialized laws. In addition, it uses reports and analytical materials related to war crimes to provide practical and contextual insights. The study also incorporates scientific articles and sections from collective monographs that examine the distinctive features of qualifying crimes committed in wartime conditions. Together, these materials form the legal and analytical foundation for the research.

Data collection procedure

To collect and systematize data, the scientifically sound PRISMA methodology was employed, which involved searching for relevant publications in scientific databases, an initial screening, and a comprehensive analysis of the selected materials. Therefore, scientometric databases were initially selected: Scopus, Web of Science, Google Scholar, and HeinOnline. The following keywords were entered into the search queries of these databases: criminal offence OR crime; martial law OR war OR legal regime of martial law; qualification of crimes OR description of crimes OR characteristics of crimes. Table 2 shows the keywords used to search for sources.

Table 2. Key words to search for sources

Keywords	Synonyms
Criminal offence	Criminal offence, crime, criminal law offence
Martial law	War, martial law, legal regime
Crime qualification	Description of crimes, characteristics of crimes

These databases were selected because they contain peer-reviewed materials and publications that are relevant to the chosen research topic. A total of 2378 results were obtained. After searching for relevant publications, primary screening was carried out, and all duplicates were rejected ($n = 589$). Next, the sources were screened based on an analysis of titles, abstracts, and keywords, and all inappropriate items were rejected ($n = 795$). After that, a comprehensive analysis of the selected sources for their relevance to the research objectives was conducted, and all studies unrelated to the analysis of criminal offenses during martial law in Ukraine were excluded ($n = 311$). As a result, 683 results were obtained, which were subjected to the preliminary inclusion criteria. In total, four inclusion criteria were formed: 1. The study should describe the key legal aspects of the qualification of criminal offences during martial law; 2. All materials should be published in leading peer-reviewed journals. 3. The research should identify specific cases of criminal offences. 4. Language of writing: Ukrainian, English.

Data Analysis

Data analysis was carried out using thematic and comparative analysis methods. Thematic analysis was carried out using Google Sheets software. This software was chosen based on its ease of use and ability to process data quickly. The table of this program contains data such as the author or law, year of publication, the last year of changes, main criminal offences, and key conclusions. This made it possible to systematise the data and identify key themes. Based on thematic analysis, the main law enforcement problems that arise during the qualification of crimes were also determined. Based on comparative analysis, the data obtained were compared with the results of other scientists. Additionally, this method enabled the comparison of criminal offenses with similar offenses in other countries that had experienced war.

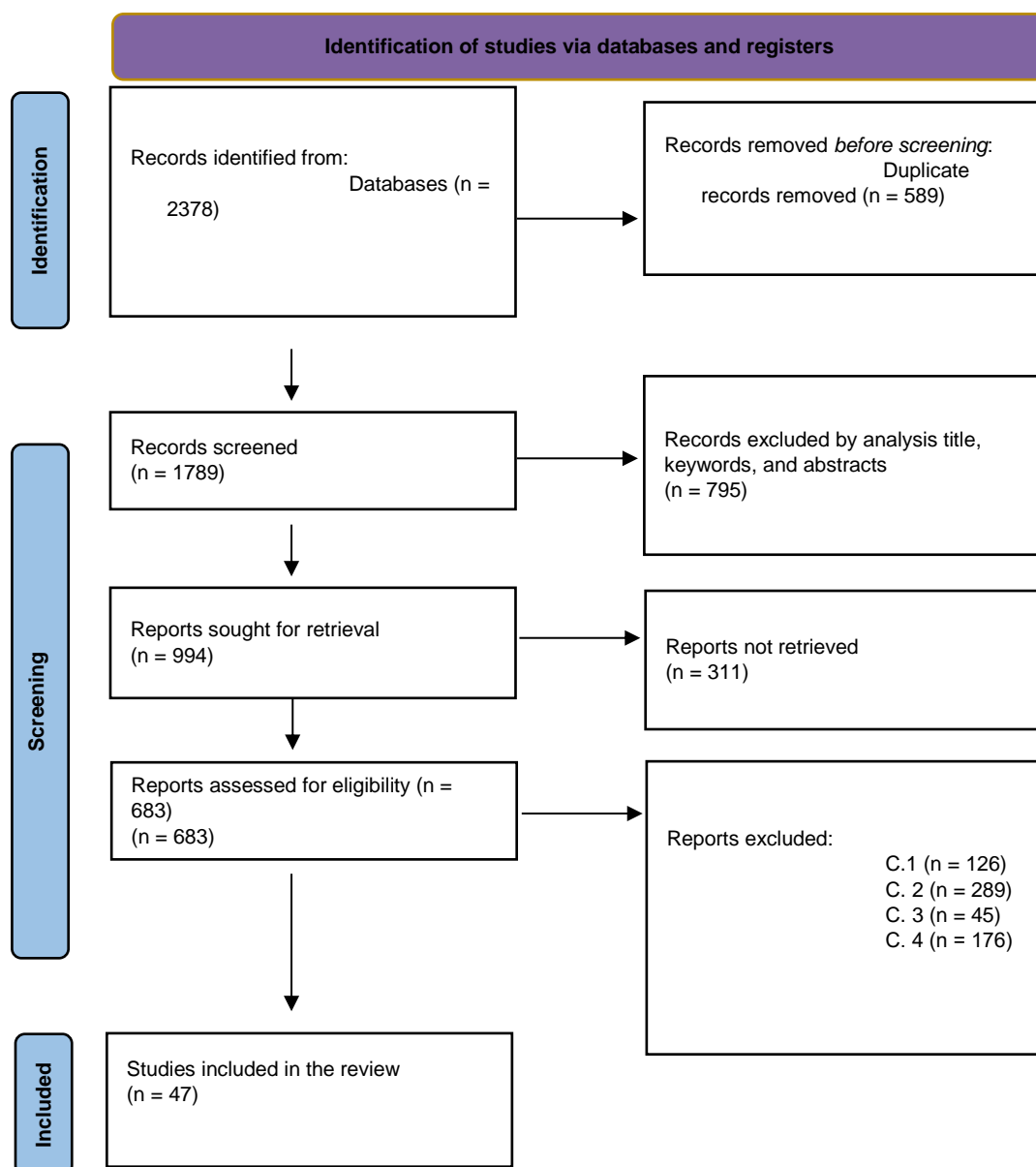


Figure 1. Data Collection Process and Materials Identification

RESULTS

Criminal proceedings under martial law are conducted in accordance with the uniform regime outlined in Article 615 of the Criminal Procedure Code of Ukraine. Several issues related to the intricacies of pre-trial investigation and court consideration of criminal proceedings arise in the practical application of this article's provisions by the courts. There has also been an increase in the number of criminal proceedings for crimes against the foundations of Ukraine's national security, military criminal offences, crimes against peace, human security, and international law. Additionally, new articles have been added to these sections of the Criminal Code of Ukraine, as well as amendments to specific existing articles (Criminal Code of Ukraine, 2025). As a result, there are concerns about the peculiarities of their qualification, the boundaries of corpus delicti, etc.

Maximum attention should be paid to the qualification of a crime if the circumstances of the offence committed 'under martial law' influence its qualification (Kozlovskiy et al., 2023). In this sense, the definition of 'martial law' should provide a clear path to examine the legal characteristics, such as the place, time, and circumstances, of the offense. This issue is particularly relevant in the case of ongoing crimes. A significant part of military criminal offences under the Criminal Code of Ukraine are formal crimes, which are defined as crimes committed during martial law. These include desertion (Article 408(4) of the Criminal Code of Ukraine), evasion of military service by self-mutilation or other means (Article 409(4) of the Criminal Code of Ukraine), and unauthorised leaving of a military unit or place of service (Article 407(5) of the Criminal Code of Ukraine) (Criminal Code of Ukraine, 2025).

In addition to the usual legal ramifications, the declaration of martial law may have additional legal repercussions, including criminal ones. To secure the foundations of national security and guarantee that the established military service system is shielded from any potential criminal invasions under martial law, effective management of criminal law

interactions is currently necessary. The requirements of the General and Special Parts of the Ukrainian Criminal Code govern these legal relationships. Accordingly, the commission of a crime under martial law, emergency, or other extraordinary circumstances is a situation that results in a more severe sentence, as stipulated in Clause 11 of Part 1 of Article 67 of the Criminal Code of Ukraine (Criminal Code of Ukraine, 2025). This suggests that the criminal took advantage of the most adverse period for society, characterized by challenging circumstances and poor living conditions, to carry out the crime. This confirms the existence of a larger public risk associated with this individual and allows for the assertion of an increased level of public danger from crimes committed during martial law (Criminal Code of Ukraine, 2025). Given the creation of circumstances that exclude the criminal unlawfulness of an act and, in some cases, may have signs of extreme necessity, these acts cannot be recognised as crimes if the restriction of constitutional rights or freedoms of a person occurred lawfully under martial law and if there are external signs of a crime under the Criminal Code of Ukraine.

The analysis of the criminal case in the Rivne court revealed that the defendant was charged with voluntary cooperation with the Russian occupiers (obtaining a position in the occupation administration), which, according to the Criminal Code of Ukraine, constitutes collaboration. The key point was to consider personal intent, i.e., an entirely voluntary consent to cooperate (Rivne City Court of Rivne Region, 2024). The court found that the defendant had been duly notified. The pre-trial investigation established that the cooperation was voluntary, for which the photo and video materials were used.

Although the lawyer claimed that the evidence was insufficient, the court found the materials obtained sufficient (Rivne City Court of Rivne Region, 2024). According to the verdict, the collaborator was sentenced to 15 years in prison with confiscation of property in favour of the state. A potential problem in the evidence was the lack of secure evidence that would have proved the voluntary nature of the position. The court measured the general circumstances but may not have considered whether the person was really acting under duress.

Another case demonstrates the use of modern communication technologies to recruit saboteurs. This case involves a set of signs indicating a criminal offense that can be qualified as sabotage (Article 113 of the Criminal Code of Ukraine), as well as the involvement of minors in criminal activity (Article 304 of the Criminal Code of Ukraine). The recruited minor, a resident of the Mykolaiv region, was supposed to set fire to a railway relay cabinet; the recruiters involved the minor in the commission of the criminal offenses and promised to pay for it (Art. 113, Art. 304, Art. 194(2), Art. 258-5, Art. 14, Art. 27). As a result of a plea bargain, the defendant pleaded guilty, cooperated with the investigation, and was sentenced to 5 years' imprisonment with a probationary period of 2 years (Rivne City Court of Rivne Region, 2024). This case exemplifies organized criminal activity involving digital technologies and the participation of minors, necessitating a specialized approach to qualification and investigation.

The analysis of the cases indicates that Russian aggression has actualised specific criminal offences that do not occur in peacetime. The recruitment and use of collaborators at various levels are crucial aspects for legal analysis. In this regard, there are grounds for considering such aspects as the establishment of voluntary cooperation, the actual commission of a crime or only intent, and the classification of the crime in accordance with the current Criminal Code of Ukraine. It is important that judges consider the circumstances (voluntary plea), and investigative authorities collect evidence using digital technologies. At the same time, certain elements require improvement. First, we are discussing the legislative aspects of regulating the collection of evidence, which aims to clarify the identification of collaboration as a criminal act.

The analyzed cases allow us to formulate separate recommendations for the further development of criminal law and its application in martial law (see Table 3).

Table 3. Recommendations for the Development of Criminal Law Enforcement in Ukraine

Nº	Recommendations	Description
1	Development of the legislative framework	Amendments to the Criminal Code of Ukraine are proposed to clarify the definition of crimes that are particularly socially dangerous under martial law (primarily looting, collaboration, and treason). It is possible to utilize available international experience, UN recommendations, and the existing practices of the International Criminal Tribunal, among others. To use a more differentiated approach to defining crimes related to collaboration, to distinguish between voluntary and forced cooperation, the degree of coercion, personal gain, etc. Develop legislative norms governing the use of the Rome Statute of International Criminal Law for the prosecution of international crimes.
2	Practical improvement	It is also clear that there is a need for an improved legal mechanism for witness protection. Developing updated instructions for investigators, police officers, judges, and prosecutors that would consider the practical peculiarities of organising the investigative process during martial law. A possible addition would be to utilize the best practices of European countries and NATO standards for addressing crises. It is also important to create and recognise at the legislative level special conditions for the work of specialised units to investigate crimes committed during martial law, with the possible use of experts in international humanitarian law.
3	Focus on increasing the efficiency of investigations	One of the practical tools is the use of modern, innovative technologies for documenting military criminal offenses, including satellite monitoring and blockchain technologies. To this end, it is possible to strengthen the existing interagency cooperation between individual law enforcement agencies, military administrations, and the army administration.
4	Educational component	The implementation of criminal legal activities under martial law requires changes to existing legal training programs. There is a need for further training of judges, prosecutors, and investigators to enhance their qualifications in investigating military criminal offences. A possible option is special training involving, among others, international specialists.

Source: compiled by the authors based on Amanbayeva et al. (2022); Haltsova et al. (2024); Kryvoruchko et al. (2023); Lavrov et al. (2022); Rakipova et al. (2023); Vynnyk and Hazdayka-Vasylyshyn (2023)

The application of these recommendations will significantly increase the effectiveness of combating criminal offenses during martial law (Safarli et al., 2024). It is worth emphasizing the importance of further adapting Ukrainian legislation to international, including European, standards.

DISCUSSIONS

Given the primary research problem, namely, the analysis of the peculiarities of qualifying criminal offenses committed during martial law in Ukraine, considering both national and international legislation. The first research question concerned the identification of the main changes in criminal law that were proposed and implemented because of martial law. The results show that criminal proceedings under martial law are conducted under a special regime in accordance with Article 615 of the CPC of Ukraine. The article indicates that the number of criminal proceedings for crimes against the foundations of national security of Ukraine, military criminal offences, crimes against peace, human security, and international law has increased. Studies by other scholars have confirmed the fact of an increase in the number of criminal proceedings, however, in relation to treason and collaboration. Contemporary authors have noted that the implementation of martial law has highlighted the need to refine criminal law, particularly in terms of liability for collaboration (Babikov et al., 2024; Dzhelilova, 2023; Hretsa et al., 2022). However, there are some controversial issues. For example, some researchers have acknowledged that the amendments to the CC of Ukraine adopted in wartime were generally characterised by a hasty nature (Babikov et al., 2024; Dzhelilova, 2023; Maurer, 2021). This, in turn, has led to contradictions in law enforcement.

It is noted that effective management of criminal law interactions is necessary to maintain the national security base and ensure that the established military service system is protected from potential criminal intrusions. However, the findings also indicated that the judicial process faces difficulties in applying the provisions of the Criminal Code on war crimes and military criminal offences. This is especially true for the qualification of ongoing crimes. These views are also consistent with other studies. In particular, the authors agreed that the primary reason for the difficulty of law enforcement is the lack of a well-developed methodology for classifying crimes (Osadcha & Kharytonov, 2022). At the same time, Maksymovych & Bronevytska (2023) and Pylypenko et al. (2021) also emphasised the important need to consider international standards, which should also apply to international humanitarian law. However, some authors believe that the main difficulties are not based on the qualification process but on the insufficient level of training of judges and investigators, who lack sufficient experience in such categories of cases (Devterov et al., 2024; Kravtsov et al., 2024).

Therefore, some scholars propose paying attention to more professional training of specialists and recognizing that it is necessary to develop specialized training programs for military law investigators and judges (Kaldygozova, 2024; Jarvis, 2023; Newhouse et al., 2017). Scholars emphasise that the training of military law investigators and judges should be based on the use of modern technologies and teaching methods (Catota et al., 2019; Kaldygozova, 2024; Shevchuk, 2023). However, the authors unanimously agree that an effective system of managing criminal law interactions is currently needed to preserve the national security base and ensure that the established system of military service is protected (Fazekas et al., 2022; Vuletić, 2021).

This study also proposed some recommended solutions and recommendations to improve the mechanisms for qualifying crimes in the context of armed military conflict. Amendments to the Criminal Code of Ukraine should be introduced to more clearly define the elements of crimes (Maksymovych & Bronevytska, 2023). Another important aspect is the need to form specialised units in law enforcement agencies to investigate modern crimes. Equally important is the optimisation of the process of qualifying criminal offences by engaging experts in international criminal law and military affairs.

The analysis also determined that to ensure the correct qualification of wartime crimes, the circumstances, including the place, time, and situational factors of the crime, should be clearly defined. Other scholars have also pointed out that the key challenges are not only defining martial law in the criminal law of Ukraine but also clearly defining the boundaries between general and military criminal offences (Khovpun et al., 2024; Maksymovych & Bronevytska, 2023). This aspect was also emphasised by authors who studied the criminal law of other countries (Ochodničanová & Heys, 2024; Thynne, 2021; Wilmschurst, 2017). Therefore, the results obtained highlighted some significant issues in criminal law enforcement during martial law, and the identified difficulties were also confirmed in the studies of other scholars. The practical value of this study lies in the optimisation of law enforcement. In particular, the analysis helped identify problematic aspects of qualifying crimes during a state of martial law. In the future, the study may be helpful for judges, investigators, and prosecutors. Additionally, the conclusions regarding the adaptation of Ukrainian legislation to international standards may be crucial for the development of future strategies for cooperation with international judicial bodies. The theoretical value of the work lies in its contribution to the development of criminal law science. It has expanded the scientific understanding of the peculiarities of law enforcement in wartime. At the same time, the above discussion on the qualification of crimes in wartime contributes to the formation of the basis for future research in the field of military criminal law.

However, despite the theoretical and practical value of the study, it is worthwhile to identify some methodological limitations in the work. Since the focus of the study was on the realities of the criminal law in Ukraine, the researchers did not analyze the identification of criminal offences in other countries that have experienced wars or conflicts. Additionally, the study relied exclusively on English-language literature, with a small percentage of Ukrainian-language works. However, works written in other languages were ignored entirely. These limitations open new directions for research. In the future, attention should be paid to conducting a comparative analysis of the process of qualifying a criminal offence during martial law in other countries and describing successful practices.

CONCLUSIONS

The purpose of this study was to provide a systematic analysis of the qualification of criminal offenses committed during martial law in Ukraine, with particular emphasis on the interplay between national criminal law and international humanitarian standards. The research demonstrated that Russian military aggression has fundamentally transformed the legal environment, requiring the adaptation of Ukrainian criminal legislation to contemporary wartime realities. The analysis revealed a marked increase in criminal proceedings related to crimes against national security, military criminal offenses, crimes against peace, and war crimes, which are now prosecuted under a special regime defined by Article 615 of the Criminal Procedure Code of Ukraine. At the same time, judicial practice continues to face difficulties in applying provisions of the Criminal Code to war crimes, reflecting both procedural challenges and interpretative inconsistencies.

The originality of this article lies in its comprehensive approach, which combines doctrinal legal analysis with an examination of judicial practice to identify legal gaps and inconsistencies in wartime criminal qualification. By integrating national and international perspectives, the study provides new insights into how Ukrainian legislation functions under conditions of martial law and how it interacts with global standards of accountability.

The findings carry both theoretical and practical implications. Theoretically, the article contributes to the development of military criminal law as a distinct area of research by clarifying the criteria for the correct qualification of wartime crimes. Practically, it underlines the importance of effective coordination between law enforcement bodies, courts, and international judicial institutions in ensuring accountability for wartime offenses. The results highlight that a precise definition of circumstances such as place, time, and situational factors is indispensable for accurate legal qualification, which in turn has direct implications for judicial decision-making and sentencing.

The study, however, is limited by its exclusive focus on the Ukrainian legal system and by the reliance on national legislative sources and judicial practice. While this provides an in-depth view of the Ukrainian context, it restricts the generalizability of the results to broader comparative frameworks.

Future research should expand the scope by incorporating comparative perspectives from other countries experiencing armed conflicts, as well as empirical data on judicial decision-making in war crimes cases. Further exploration of the interaction between Ukrainian law and the jurisdiction of international courts, particularly the International Criminal Court, would also provide a valuable direction for scholarly inquiry.

Author Contributions: Conceptualization, O.S. and H.S.; Methodology, K.O.; Software, R.O.; Validation, O.S., H.S. and O.O.; Formal Analysis, K.O.; Investigation, O.S.; Resources, O.S.; Data Curation, H.S.; Writing – Original Draft Preparation, O.S.; Writing – Review & Editing, H.S.; Visualization, R.O.; Supervision, O.O.; Project Administration, K.O.; Funding Acquisition, O.O. Authors have read and agreed to the published version of the manuscript.

Institutional Review Board Statement: Ethical review and approval were waived for this study, due to that the research does not deal with vulnerable groups or sensitive issues.

Funding: The authors received no direct funding for this research.

Acknowledgments: The authors have no acknowledgments to declare.

Informed Consent Statement: Informed consent was obtained from all subjects involved in the study.

Data Availability Statement: The data presented in this study are available on request from the corresponding author. The data are not publicly available due to restrictions.

Conflicts of Interest: The authors declare no conflict of interest.

REFERENCES

- Ablamskyi, S., Tchobo, D. L. R., Romaniuk, V., Šimić, G., & Ilchyshyn, N. (2023). Assessing the Responsibilities of the International Criminal Court in the Investigation of War Crimes in Ukraine. *Novum Jus*, 17(2), 353–374. <https://doi.org/10.14718/novumjus.2023.17.2.14>
- Amanbayeva, A. G., Khan, V. V., Yensebayeva, A. R., Karatayev, T. Z., & Kussainova, L. K. (2022). Investigative activity in the investigation of crimes against the sexual integrity of minors. *Medicine and Law*, 41(3), 333–350.
- Anisimova, H., Haltsova, V., Donets, O., Samoshchenko, I., & Shynkarov, O. (2023). Article: An Environmental and Legal Component of Criminal Offenses in Conditions of the Russian-Ukrainian International Military Conflict. *European Energy and Environmental Law Review*, 32(1), 47–65. <https://doi.org/10.54648/eelr2023004>
- Babikov, O., Bozhyk, V., Bugera, O. I., Kyrenko, S. H., & Viunyk, M. (2024). Balancing interests: Criminal proceedings & private life interference under martial law in Ukraine. *German Law Journal*, 25(4), 553–577. <https://doi.org/10.1017/glj.2024.12>
- Bershov, H. Y., Hrytenko, O. A., Khashev, V. H., & Fialka, M. I. (2022). Assessing and Evaluating the General Legal Characteristics of War Crimes: A Basic Necessity or a Confused Platform. *Ius Humani. Law Journal*, 11(1), 43–60. <https://doi.org/10.31207/ih.v11i1.295>
- Bondarenko, O., Reznik, O., & Utkina, M. (2022). Novelization of the Criminal Code of Ukraine during the 2022 Russian invasion. *Journal of International Legal Communication*, 4(1), 31–38. <https://doi.org/10.32612/uw.27201643.2022.1.pp.31-38>
- Catota, F. E., Morgan, M. G., & Sicker, D. C. (2019). Cybersecurity education in a developing nation: the Ecuadorian environment. *Journal of Cybersecurity*, 5(1), 1–19. <https://doi.org/10.1093/cybsec/tyz001>
- Criminal Code of Ukraine, No. 2341-III. (2025). *Ukraine*. <https://zakon.rada.gov.ua/laws/show/2341-14#Text>
- Devterov, I., Tokar, L., Silvestrova, O., Lozo, O., & Poperechna, G. (2024). Philosophical dimensions of digital transformation and their impact on the future. *Futurity Philosophy*, 3(4), 4–19. <https://doi.org/10.57125/FP.2024.12.30.01>
- Drok, I. S. (2024). Activities of the National Police of Ukraine to stabilize the illegal circulation of firearms. In *Activities of law enforcement agencies to ensure public safety and order during the legal regime of martial law* (pp. 80–100). Baltija Publishing. <https://doi.org/10.30525/978-9934-26-442-9-5>
- Dzhelilova, M. A. (2023). Causes and conditions of organized crime under martial law: Regional aspect. *South Ukrainian Law Journal*, 2, 8–13. <https://doi.org/10.32850/sulj.2023.2.2>
- Fazekas, M., Sberna, S., & Vannucci, A. (2022). The extra-legal governance of corruption: Tracing the organization of

- corruption in public procurement. *Governance* (Oxford, England), 35(4), 1139–1161. <https://doi.org/10.1111/gove.12648>
- Gorinov, P., & Mereniuk, K. (2022). Military law in Ukraine: Future prospects for development. *Futurity Economics & Law*, 2(3), 46–59. <https://doi.org/10.57125/FEL.2022.09.25.03>
- Haltsova, O., Obolentsev, V., Smetanina, N., Fivkin, P., & Panova, S. (2024). Preventing domestic violence under martial law in Ukraine. *El-Usrah: Jurnal Hukum Keluarga*, 7(2), 677–694. <https://doi.org/10.22373/ujhk.v7i2.24146>
- Hretsa, S., Tykhomyrov, D., Olashyn, M., Rudanetska, O., & Bogoniuk, H. (2022). Transformation of the legal system in a time of war: International, administrative, and criminal aspects. *Cuestiones Políticas*, 40(75), 879–900. <https://doi.org/10.46398/cuestpol.4075.53>
- Husieva, V., Shynkarenko, I., & Pylyp, V. (2023). Theoretical and practical problems of conducting criminal and administrative proceedings in Ukraine under martial law. *Revista Amazonia Investiga*, 12(65), 20–28. <https://doi.org/10.34069/ai/2023.65.05.2>
- Janssen, W., & Caranta, R. (Eds.). (2023). *Mandatory sustainability requirements in EU public procurement law*. Hart Publishing. <https://doi.org/10.5040/9781509963980>
- Järvis, M. (2023). Leadership in the era of sustainable development: Challenges and opportunities for modern managers. *Law, Business and Sustainability Herald*, 3(4), 4–20. <https://lbsherald.org/index.php/journal/article/view/50>
- Kaldygozova, S. (2024). Using mobile technologies in distance learning: A scoping review. *E-Learning Innovations Journal*, 2(1), 4–22. <https://doi.org/10.57125/elij.2024.03.25.01>
- Kamensky, D., Dudorov, O., Savchenko, A., Movchan, R., & Danylevska, Y. (2023). Criminal liability for humanitarian aid embezzlement during war: The case of Ukraine. *Cuestiones Políticas*, 41(77), 760–776. <https://doi.org/10.46398/cuestpol.4177.50>
- Khan, O., Nazarenko, I., Zvirianskyi, H., Manyk, O., Heta, D., & Shaituro, O. (2023). Justice for war crimes in Ukraine: In search of an optimal model. *Cuestiones Políticas*, 41(79), 402–417. <https://doi.org/10.46398/cuestpol.4179.27>
- Khovpun, O., Kichuk, Y., Petrenko, A., Dombrovska, O., & Metil, A. (2024). Mediation as a conflict resolution tool in criminal proceedings in the context of martial law. *Social Legal Studios*, 7(1), 264–272. <https://doi.org/10.32518/sals2.2024.264>
- Kozlovskiy, S., Kulnich, T., Mazur, H., Varshavska, N., Lushchik, M., Khadzhynov, I., & Kozlovskiy, V. (2023). Forecasting the competitiveness of the agrarian sector of Ukraine in the conditions of war and European integration. *Bulgarian Journal of Agricultural Science*, 29(5), 774–783.
- Kravtsov, S., Orobets, K., Shyshpanova, N., Vovchenko, O., & Berezovska-Chmil, O. (2024). Progress and challenges in combating corruption in Ukraine: Pathways forward. *Journal of Strategic Security*, 17(2), 28–43. <https://doi.org/10.5038/1944-0472.17.2.2223>
- Kryvoruchko, L., Pylyp, V., & Makarova, O. (2023). Activities of Ukraine law enforcement agencies to ensure the rights and freedoms of citizens during martial law. *Revista Amazonia Investiga*, 12(64), 228–236. <https://doi.org/10.34069/ai/2023.64.04.22>
- Lavrov, R., Remnova, L., Sadchykova, I., Mazur, H., Tymoshenko, M., Kozlovskiy, V., & Kozlovskiy, S. (2022). Investments in the sustainable development of the potato sector in Ukraine based on the optimal balance of production and consumption. *WSEAS Transactions on Business and Economics*, 19, 186–196. <https://doi.org/10.37394/23207.2022.19.19>
- Maksymovych, R., & Bronevyska, O. (2023). Legislative Amendments to the Criminal Code and the Criminal Procedure Code of Ukraine under Martial Law. *SOCIETAS*, 11(4), 64–83. <https://doi.org/10.31262/1339-5467/2023/11/4/64-83>
- Maurer, D. (2021). War crime pardons and presidential (self-) restraint. *Federal Sentencing Reporter*, 33(5), 313–318. <https://doi.org/10.1525/fsr.2021.33.5.313>
- Mazur, H., Burkina, N., Popovskiy, Y., Vasylenko, N., Zaiachkovskiy, V., Lavrov, R., & Kozlovskiy, S. (2023). Customer classification and decision making in the digital economy based on scoring models. *WSEAS Transactions on Business and Economics*, 20, 800–814. <https://doi.org/10.37394/23207.2023.20.74>
- Newhouse, W., Keith, S., Scribner, B., & Witte, G. (2017). *National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework*. National Institute of Standards and Technology. <https://doi.org/10.6028/nist.sp.800-181>
- Ochodničanová, E. V., & Heys, A. (2024). New war, same battle? Conflict-related human trafficking in the context of the war in Ukraine. *Journal of Illicit Economies and Development*, 6(2), 26–41. <https://doi.org/10.31389/jied.235>
- Orlovskiy, R., Kharytonov, S., Samoshchenko, I., Us, O., & Iemelienenko, V. (2023). Countering cybercrime under martial law. *Journal of Cyber Security and Mobility*, 12(6), 893–910. <https://doi.org/10.13052/jcsm2245-1439.1264>
- Osadcha, A., & Kharytonov, S. (2022). Problems of qualification of complicity in criminal offenses with a special subject. *Legal Horizons*, 15(1–4), 69–78. [https://doi.org/10.54477/lh.25192353.2022.15\(1-4\).pp.69-78](https://doi.org/10.54477/lh.25192353.2022.15(1-4).pp.69-78)
- Perepelytsia, S. (2024). Criminal law aspects of wartime collaboration in the Criminal Code of Ukraine. In *Integrated computer technologies in mechanical engineering - 2023* (pp. 184–195). Springer Nature Switzerland. https://doi.org/10.1007/978-3-031-60549-9_15
- Popov, G., Puhach, A., Shkolnikov, V., Baranovska, T., & Orobets, K. (2025). Assessing war crimes during armed conflicts: Insights from Ukraine and global standards. *Journal of Lifestyle and SDGs Review*, 5(1), Article e03391. <https://doi.org/10.47172/2965-730x.sdgreview.v5.n01.pe03391>
- Pylypenko, V. P., Sliusarchuk, K. T., Pylypyshyn, P. B., & Boichenko, S. V. (2021). Human rights violations by war crimes: Theory and practice. *Journal of the National Academy of Legal Sciences of Ukraine*, 28(4), 270–278. [https://doi.org/10.37635/jnalsu.28\(4\).2021.270-278](https://doi.org/10.37635/jnalsu.28(4).2021.270-278)
- Rakipova, I., Podobnyi, O., Smirnov, M., Ulianov, O., & Chipko, N. (2023). Communication of the victim in the criminal proceedings of Ukraine in the conditions of martial law. *DIXI*, 25(2), 1–18. <https://doi.org/10.16925/2357-5891.2023.02.12>
- Rivne City Court of Rivne Region. (2024). Verdict in the name of Ukraine in case No. 569/11632/23. *Unified State Register of Court Decisions*.
- Safarli, C., Kolach, S., Zhyvko, M., Volskyi, O., & Bobro, N. (2024). Considering globalisation risks in the formation and implementation of international investment strategies. *Pakistan Journal of Life and Social Sciences*, 22(2), 100284–100293. <https://doi.org/10.57239/pjlss-2024-22.2.00776>

- Sayed, R. (2023). Exploring cultural influences on project management approaches in global business development. *Futurity of Social Sciences*, 1(4), 38–60. <https://doi.org/10.57125/FS.2023.12.20.02>
- Shevchuk, O., Matyukhina, N., Babaieva, O., Lysodyed, O., & Davydenko, S. (2023). Conflict of interest in the activities of judges in Ukraine and the European Union: A comparative legal study. *Juridical Tribune – Tribuna Juridica*, 13(2), 262–282. <https://doi.org/10.24818/TBJ/2023/13/2.06>
- Shevchuk, V. (2023). The role of digital technologies in the investigation of war crimes in Ukraine: Criminalistic problems. *Grail of Science*, (25), 97–110. <https://doi.org/10.36074/grail-of-science.17.03.2023.014>
- Stupnyk, Y. V. (2024). Problems of ensuring human rights and freedoms during pre-trial investigation under the legal regime of martial law. In *Activities of law enforcement agencies to ensure public safety and order during the legal regime of martial law: Scientific monograph* (pp. 342–356). Baltija Publishing.
- Szupjana, M., & Burdin, W. (2023). Criminal law in Ukraine in the context of war (2022–2023): Responding to challenges. *Annales Universitatis Mariae Curie-Skłodowska, Sectio G (Ius)*, 70(3), 181–194. <https://doi.org/10.17951/g.2023.70.3.181-194>
- Thynne, K. (2021). Better a war criminal or a terrorist? A comparative study of war crimes and counterterrorism legislation. *International Review of the Red Cross*, 103(916–917), 237–266. <https://doi.org/10.1017/s1816383121000436>
- Trach, Y., Tolmach, M., Chaikovska, O., & Gumeniuk, T. (2020). Problems of Cultural Heritage Preservation in the Context of the Armed Conflict Growth. In *IFIP Advances in Information and Communication Technology* (pp. 31–44). Springer International Publishing. https://doi.org/10.1007/978-3-030-48939-7_4
- Vuletić, I. (2021). Criminal law and the challenges of autonomous intelligence: Substituting a theory of guilt with the division of labor. In *The law and economics of patent damages, antitrust, and legal process* (pp. 111–126). Emerald Publishing Limited. <https://doi.org/10.1108/s0193-589520210000029007>
- Vynnyk, A., & Hazdayka-Vasylyshyn, I. (2023). Strengthening criminal liability for committing property and some other offences under martial law in Ukraine. *Social Legal Studios*, 6(2), 9–16. <https://doi.org/10.32518/sals2.2023.09>
- Wilmshurst, E. (2017). Definition of the crime of aggression: State responsibility or individual criminal responsibility. In *The International Criminal Court and the crime of aggression* (pp. 93–96). Routledge. <https://doi.org/10.4324/9781351218306-8>

Publisher's Note: CRIBFB stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



© 2025 by the authors. Licensee CRIBFB, USA. This open-access article is distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (<http://creativecommons.org/licenses/by/4.0>).

Bangladesh Journal of Multidisciplinary Scientific Research (P-ISSN 2687-850X E-ISSN 2687 8518) by CRIBFB is licensed under a Creative Commons Attribution 4.0 International License.