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LEGAL BASE FOR USE OF WEAPONS BY THE POLICE UNDER WAR CONDITIONS

In our time, the issue of using weapons by police officers during performance of official duties is quite relevant, especially when there is a war in our country. How will the limit of necessity and degree of risk change in this difficult time?

Whereas a threat to the life and safety of law enforcement officials must be seen as a threat to the stability of society as a whole, whereas law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as it is guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Convention on Civil and Political Rights.

The article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officers may use force only when it is strictly necessary and required for the performance of their duty. This provision emphasizes that the use of force by law enforcement officers should be exceptional; while it implies that law enforcement officers may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspects, no force going beyond that may be used.

During the preparatory meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Varenna, Italy, there were agreed the elements to be considered in the course of further work on restrain in the use of

force and firearms by law enforcement officers. The Seventh Congress, in its resolution 14, emphasizes that the use of force and firearms by law enforcement officers should be commensurate with due respect for human rights.

It may be noted that the function of the criminal justice system is to contribute to the protection of the basic values and norms of society. We are convinced that due attention should be paid to crime prevention and criminal justice and the related processes, including the fate of victims of crime, the role of youth in contemporary society and the application of United Nations standards and norms. Improving regional, interregional and international co-operation and co-ordination provides achievement of further progress in this area, including effective and full implementation of the resolutions of the Seventh Congress.

During the performance of the powers defined by the Law of Ukraine "On the National Police", police officers may apply the provisions of Art. 42 of this law as a measure of influence; they are allowed to use firearms, but under certain circumstances and in compliance with a clear procedure established by the current legislation of Ukraine. Before using a firearm, the police officer is obliged to inform the person that such a measure of influence may be applied to him in case of non-fulfillment of his legal demand, to give him enough time to stop illegal actions and only after that, in case of ignoring the legal demand of the policeman, the latter can use firearms. The warning can be given by voice, at a considerable distance or when addressing a large group of people through loudspeakers, sound amplifiers (Part 2 of Article 43 of the Law on the National Police). The use of firearms is the most severe coercive measure. That is why the police officer is authorized to use firearms only in exceptional cases, an exhaustive list of which is provided for in Part 4 of Art. 46 of the Law "On the National Police". The firearms can be used in the following cases:

- 1) to repel an attack on a police officer or members of his family, in case of a threat to their life or health;
- 2) to protect persons from an attack that threatens their life or health;
- 3) for the release of hostages or persons illegally deprived of their liberty;
- 4) to repel an attack on objects under guard, convoys, residential and non-residential premises, as well as release such objects in case of their capture;

5) to detain a person who was caught during the commission of a serious or particularly serious crime and who is trying to escape;

6) to detain a person who offers armed resistance, tries to escape from custody, as well as an armed person who threatens to use weapons and other objects that threaten the life and health of people and/or a police officer;

7) to stop the vehicle by damaging it, if the driver's actions pose a threat to the life or health of people and/or a police officer;

8) for the forced termination of the flight of an unmanned aircraft, if there are reasonable grounds to believe that such an aircraft is used to commit an offense or poses a threat to the life or health of people and/or a police officer, by damaging or destroying the unmanned aircraft and/or components of the unmanned aircraft aviation system.

Today there is a war in Ukraine; weapons are used not only by the police, but also as a means of mass destruction. There is a list of weapons that cannot be used during hostilities. There are certain prohibitions approved by international documents. Humanitarian law contains basic principles and International rules governing the choice of weapons and prohibits or restricts the employment of certain weapons.

From the beginning, international humanitarian law (IHL) has endeavoured to limit the suffering caused by armed conflict. To achieve this, IHL addresses both the behaviour of combatants and the choice of means and methods of warfare, including weapons. Early treaties prohibited the use of exploding projectiles weighing less than 400 grams (in 1868) and bullets that flatten upon entering the human body (in 1899). In 1925, governments adopted the Geneva Protocol, which outlaws the use of poison gas and bacteriological methods of warfare. This treaty was updated with the adoption of the Biological Weapons Convention in 1972 and the Chemical Weapons Convention in 1993, both of which strengthened the 1925 Protocol by extending prohibitions to the development, production, acquisition, stockpiling, retention and transfer of biological and chemical weapons, and required their destruction.

A number of conventional weapons are regulated in the 1980 Convention on Certain Conventional Weapons. This Convention prohibits the use of munitions that use fragments not detectable by X-ray and blinding laser weapons. It also limits the use of incendiary weapons as well as mines, booby traps and "other devices". The Convention is also the first treaty to establish a framework to address the post-conflict hazards of unexploded and abandoned ordnance.

Anti-personnel landmines are prohibited under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. More than three-quarters of the world's countries have joined the Convention, which has had a positive impact in terms of destruction of stockpiles, mine clearance, reduction of casualties and assistance to victims.

On 30 May 2008, 107 States adopted the Convention on Cluster Munitions. The treaty's obligations became legally binding on the 30 ratifying States on 1 August 2010 and subsequently for other ratifying States. By adopting and signing the Convention, States have taken a major step towards ending the death, injury and suffering caused by these weapons.

The unregulated widespread availability of arms contributes to violations of international humanitarian law and hampers delivery of assistance to victims. Since 2006, States have been discussing a global "Arms Trade Treaty" (ATT). In January 2010, the UN General Assembly decided to convene the 2012 UN Conference on the Arms Trade Treaty to elaborate a legally binding instrument on the highest possible international standards for the transfer of conventional arms. The International Committee of the Red Cross (ICRC) supports the elaboration of a comprehensive, legally binding ATT that establishes common international standards for the responsible transfer and brokering of all conventional weapons and their ammunition.

Faced with the constant and rapid evolution of weapons, the ICRC has published a Guide to Legal Reviews of New Weapons, Means and Methods of Warfare to help governments fulfill their obligation to ensure that the use of new weapons, means or methods of warfare comply with the rules of IHL.

In conclusion, it should be noted that the legislation clearly regulates the norms of the use of weapons not only by the police, but also weapons in war conditions. Compliance with these norms must be clear and unwavering, because life depends on the decision made to use a particular weapon.

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ROAD SAFETY IN CROWDED AREAS DURING MARITAL LAW

The adoption of martial law, which is both a legal regime and the basis of the functioning of the state in specific conditions, involves granting the relevant state authorities, military command, military administrations and local self-government bodies the powers necessary to avert the threat, repel armed aggression and ensure national security, eliminate threats to the state independence of Ukraine, its territorial integrity, as well as a temporary, threat-induced, restriction of the constitutional rights and freedoms of a person and a citizen and the rights and legal interests of legal entities with an indication of the period of validity of these restrictions [1].

From February 24, 2022, the life of Ukraine changed into a format of constant combat readiness, because several regions immediately experienced a military invasion by the Russian aggressor. However, the main issues of the functioning of settlements during the period of martial law, although they have undergone drastic changes, do not lose their importance. Road safety is one of such integral priority issues. During this period, its condition is influenced by, it would seem, the same factors as in peacetime, but they also acquire a certain specificity. Among such factors: 1) decisions of local self-government bodies; 2) the condition of roadways, primarily elements that do not depend on electricity supply (such as traffic lights), in particular, their equipment with road signs, road markings, etc.; 3) the number of vehicles on the roads; 4) the culture of road users (both drivers and pedestrians), etc. Against the background of the general psychological tension among the population caused by the aggressive