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## **CRIMINAL RESPONSIBILITY FOR CRIMES COMMITTED DURING MARTIAL LAW IN UKRAINE**

The issue of crimes committed during martial law is more relevant today than ever, as Ukrainians have faced the problem of preserving their property during hostilities. Now our state is suffering from Russian armed aggression, the civilian population is suffering, not only from the military, but also from their compatriots. These individuals are stealing the property of city dwellers who have fled their homes to escape shelling and bombing. It is appalling that the thieves «work» in the homes of citizens right during the shelling, being at the epicenter of hostilities, at a time when property owners are in bomb shelters.

According to Art. 1 of Law in Ukraine «On the legal regime of martial law», martial law is a special legal regime imposed in Ukraine or in certain localities in case of armed aggression or threat of attack, danger of state independence of Ukraine, its territorial integrity and provides for the relevant state authorities, military command, military administrations and local self-government bodies, powers necessary to deter the threat, repel armed aggression and ensure national security, eliminate the threat to Ukraine's state independence, territorial integrity, and temporary, threatened, restricted constitutional rights and freedoms citizen and the rights and legitimate interests of legal entities, indicating the term of these restrictions [1].

The Criminal Code of Ukraine does not disclose the definition of a «war crime». Instead, it is generally accepted in the legal community to delineate these terms as follows:

– war crime – violation of IHL, in particular the laws and customs of war;

– war crime – a crime against the established order of military service, committed by a serviceman.

That is, war crimes are local crimes committed against the order of service or military service, committed by servicemen, conscripts and reservists. War crimes are violations of international law, generally accepted laws and customs of war, which are provided by IHL. Under these conditions, the commission of crimes against a person (murder, rape, torture) committed by combatants (in international law, persons who are members of the armed forces of a belligerent country directly involved in hostilities) in armed conflict cannot be classified as common crimes [2].

Taking into account all mentioned above, it should be noted that Law № 2117-IX increases the penalties not only for misappropriation of property of the wounded and killed on the battlefield (looting), but also for using tragic circumstances, fighting for their own gain, because changes to the Criminal Code affected the composition crimes under Articles 185 (theft),

186 (robbery), 187 (banditry), 189 (extortion), 191 (unlawful appropriation through service position). These crimes were supplemented by a qualifying feature – the commission of martial law.

Therefore, from now on, the responsibility for committing crimes under martial law or state of emergency has become more severe, namely:

– for theft – the offender faces imprisonment for a term of 5 to 8 years;

– for robbery – a term of 7 to 10 years;

– for banditry – the offender faces not only imprisonment for a term of 8 to 15 years, but also confiscation of property;

– for extortion – the penalty will be: imprisonment for a term of 7 to 12 years with confiscation of property;

– for appropriation, embezzlement of property with the help of service position, – not only imprisonment for a term of 5 to 8 years, but also deprivation of the right to hold certain positions or engage in certain activities for up to 3 years [3].

Basing on the given analysis, it should be concluded that today there is a need for detailed legal regulation of criminal law, in particular, criminal prosecution, martial law or in combat situations, as this will guarantee reliable protection of the sovereignty and territorial integrity of Ukraine.

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## **IMPLEMENTATION OF CIVIL LAW MODELS**

There are quite a large number of various legal models in the world, including civil law ones. They are classified according to different criteria and divided into different types.

The concept of a civil-law model should be understood as the unification of several states based on the unity of the basic laws of the civil-law regulation of social relations carried out in them [1; 75]. The following civil law models are distinguished: 1. Romano-Germanic; 2. Anglo-