

THE INFLUENCE OF MARTIAL STATUS IN UKRAINE ON DIGITALIZATION PROCESSES IN THE CONTEXT OF CIVIL LAW

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Abstract. In view of the forced changes in the social life of Ukrainians, which were caused by the introduction of a special legal regime - the martial law regime by the corresponding decree of the head of state, many temporary changes in society arose. The most complete picture of such regularities can be traced in the legal field, in which various aspects of people's existence find their manifestation. One of these was the right to access the Internet as a tool for realizing the information transformation of the state, in particular, legal phenomena that make up the general paradigm of understanding certain processes, that is, in the combination of the information field and legal reality. The purpose of the study was to analyze changes in the dynamics of digitalization within the law, which to some extent became on the rails of wartime. Such a direction should demonstrate the relentless development of digital technologies, which seem to "keep up with the times", which will certainly have an exclusively positive meaning described in this study. The importance of its conduct lies in the search for keys to solving certain problems inherent in both peacetime and wartime, however, in general, an analysis was provided and the prospects for the development of this direction in the Ukrainian space, primarily legal, were provided.

Keywords: *digitalization processes, information field, influence of martial law, digitalization*

It is impossible to imagine the modern world without digital technologies, which are based on information as a whole. These processes affected all spheres of social and political life, a special place in which is occupied by law, which is considered through the prism of the main regulator of social relations, which forms the general paradigm of legal reality. It is in it that information is reflected as a factor that moves digitization forward. Law seems to "keep pace with the times". Especially such regularities can be traced in the context of the dynamics

of development in this aspect of the civil law of Ukraine. I would like to note that it is this branch that is basic in the system of private law, thus it determines the key guarantees related to its functioning, in particular, it sets the vector for its further development. It is worth emphasizing that information is not only a factor that affects civil law, but also serves as its object, which mainly refers to intangible benefits provided for in Art. 200 of the Civil Code of Ukraine, which is highlighted in Chapter 15 of the corresponding code and has the same name. Such a connection between the subject of study and the field of law, for which the object can influence it, is atypical and interesting enough for detailed consideration and explanation. Highlighting the subject of the influence of the martial law regime in Ukraine on the digitalization process, I consider it necessary to point out the probable reason for the introduction of a special legal regime - the martial law regime. It becomes obvious: information is not only a tool for the implementation of innovations, but can be considered as a weapon, primarily a hybrid one, and in combination with an undemocratic aggressor state - the Russian Federation, namely its military and political leadership, it is clear what impact on society has unreliable and distorted information with favorable facts for him. The inciting of inter-ethnic enmity will be one of the factors for committing a full-scale armed aggression of this state against independent and legal Ukraine. The response to the attack of the Russian Federation was the introduction of the martial law regime, the decision to adopt which was adopted by the President of Ukraine by his decree, when adopting it, he was guided and carried out orientation to the Constitution of Ukraine and the Law of Ukraine "On the Legal Regime of Martial Law". He significantly influenced every sphere of social life, so I suggest focusing attention on making corrections in the information field.

The right to access the Internet is a native response to the challenge of the times, provoked not only by the dynamics of the development of society itself, but also partly generated by it the fourth generation of human rights. The above gives a special place in the system consisting of the corresponding rights. The educational literature contains a detailed interpretation of this right with an indication of its characteristic features and its constituent elements, for example: the right to free access to the Internet; the right to free speech on the Internet; the right to protect information about oneself on the Internet [1, p. 269]. The specified parts of this right only highlight the multifaceted and versatile nature of one of the rights of the fourth generation of human rights. Outlined frameworks for understanding this possibility, guaranteed to every person, contribute to the emergence of a counter-question: in which normative legal acts is the right to access the Internet established? Ukrainian legislation is definitely moving in the direction of progressive states, trying to make sometimes relevant changes to

the national document base. For example, there is a rule fixed in the Constitution of Ukraine, namely in Article 34 of the Basic Law of the State: “everyone has the right to freely collect, store, use and disseminate information orally, in writing or in any other form - at his choice” [2, Article 34]. In this way, you can spread information on the Internet. Focusing on the regulatory legal framework, noting that there are not many narrowly focused, that is, those that regulate this legal aspect in Ukraine, but the Law of Ukraine “On Information” stands out among them, which wants to provide guarantees of this right in detail, but the mechanism its implementation, in particular rights to access the Internet, is not established. Focusing attention on the process of digitalization, when studying issues related to the impact of information, it is worth evaluating: it acquires a new meaning. Yes, it is possible to argue that they are insufficiently defined and regulated in the civil law of Ukraine: in the relevant code of this field, there are no such rights, but it should be noted that the candidacy of people’s deputies to submit to the parliament in the draft law on introducing amendments to the Civil Code of Ukraine in the part of the regulation of the right of access to the Internet. It is clear that this cannot be limited when implementing the concept of digitalization of law, it is obvious: it needs to be enshrined at the constitutional level in the Basic Law. Also, some researchers of this issue formulated the definition of this right: “everyone guarantees the inalienable right to unhindered, free access to the Internet. Everyone is guaranteed freedom of choice and use of software and technical means through which access to the Internet is carried out. The state should encourage and promote the development of cultural and linguistic diversity online, as well as create technical conditions of access for persons with disabilities and vulnerable population groups. The state must create safe, high-quality and reliable conditions for using the Internet, guarantee access to the Internet” [3, p.66].

Investigating the interrelationship of the influence of martial law on the processes of digital transformation, it is interesting to speculate: can it be limited under special conditions? The answer to this question will not be obvious, as it requires working out all the advantages and disadvantages. In the conditions of a full-scale war, it is necessary to act in a coordinated manner, because the aggressor state is constantly trying to destabilize the situation in the country and discredit its leadership, while spreading false and, sometimes, completely fabricated information. If we are talking about advantages, then, of course, the Internet is one of the sources of obtaining operational information about the situation in Ukraine and about the course of the war against our people, which is being waged by the Russian Federation. Although in wartime it is distributed with certain restrictions specified in the Law of Ukraine “On the

Legal Regime of Martial Law”, this does not stand in the way of the development and improvement of the information field in the context of digitalization. The answer to the question will be a partial limitation, because such processes cannot be stopped, they develop in conjunction with society, responding to the challenges of time as well. Such consolidation at the constitutional level will exclusively contribute to the general development of digital transformation within the framework of law, in particular. The information space, within which digital and innovative technologies are considered, is related to the civil law of Ukraine, both of which gave birth to the emergence of new intangible goods, the feature of which is the existence in the appropriate form. Such goods are securities, money, in other words, digitalization has covered many aspects of this branch of law, which gives reason for a more detailed study of digitalization phenomena. Peculiar guidelines for the formation of a new approach to legal regulation in the field of modern transformation were laid down by the Decree of the Cabinet of Ministers of Ukraine of November 17, 2021 No. 1467-r “On the approval of the Strategy for the implementation of digital development, digital transformations and digitalization of the state finance management system for the period until 2025 and approval of the plan of measures for its implementation”. In view of the fact that the main legislative act in Ukraine, which regulates property and personal non-property relations based on legal equality, free expression of will, property independence of their participants, is the Civil Code of Ukraine, a draft law was submitted to the Verkhovna Rada, which provides for changes in Book one “General provisions” Chapter three “Objects of civil rights” of this codified act of our state. This draft law is aimed at fulfilling Ukraine’s obligations under the Association Agreement between Ukraine, on the one hand, and the European Union, on the other hand, one of which is the implementation into national legislation of existing acts of EU institutions in accordance with the directions defined in the agreement. In addition, digital technologies have caused the emergence and certain development of such objects of digital circulation as legal Internet platforms, which allow any person to prepare online simple legal documents (forms of a will, claims, simple forms of contracts or requests) [4 , pp. 71-72]. Continuing the line of analysis on the impact of a special legal regime on digital transformation, I note that such services and platforms are in great demand during the war: they will allow to carry out certain financial transactions and others within the limits of civil rights The relevance of this is observed in the conditions of war, when there cannot be a gathering of people for the purpose of their security, which is what the “Air Alert” signal warns about, namely the possibility of launching missile strikes throughout the territory of Ukraine.

Returning to peaceful times, the milestone of which is February 24, 2022, almost every citizen used the application or web portal “Diya”, which seems to be the personification of the connection “state - person”, embodied by the Ministry of Digital Transformation of Ukraine, which set the main vector of development in this area. Many services, in particular those related to civil law, can be obtained using platforms on the Internet. For a more detailed description, parallels should be drawn with peacetime and the existence of a society that is engulfed in a full-scale war. Probably, in addition to the fact that the aggressor state - the Russian Federation, brings death and destruction on the territory of Ukraine, committing shameful war crimes, the question arises: apart from bringing the enemy to justice, which is the subject of a separate study, how to get help from the state - Ukraine? The Ukrainian Government has developed and continues to develop new programs to support the population that suffered from the consequences of the armed invasion of the occupying state, implementing them through digitalization tools. Taking into account the Resolution of the Cabinet of Ministers of Ukraine No. 380 of 2022 “On the collection, processing and accounting of information on damaged and destroyed immovable property as a result of hostilities, acts of terrorism, sabotage caused by the military aggression of the Russian Federation”, it can be affirmatively emphasized that its implementation will be related to the development of “Action”, through which citizens of Ukraine can submit relevant documents to receive compensation for destroyed property. Article 311 of the Civil Code of Ukraine provides for the right to inviolability of housing, which has become a derivative of the right enshrined in Article 47 of the Constitution of Ukraine. However, in the conditions of martial law, this right is subject to limitation according to Art. 64 of the Basic Law, but does not provide a detailed description of such a procedure. The Civil Code of Ukraine brings some clarity to the understanding of the implementation of such a restriction in the part of the concept of “requisition”, which provides for the alienation of property for reasons of public necessity and need only on the condition of their prior compensation, which is the basis for their distinction, i.e. making it impossible to confuse between requisition and other methods forced termination of property rights, all the more compared to compensation for damages caused by Russian military personnel, who destroyed the homes of hundreds of thousands of people. The destruction of housing caused another category of change in society, which is directly related to the conditions of the state being at war, namely the internal displacement of Ukrainian citizens, which may have been caused not only by the violation of the right to inviolability of housing due to its destruction or damage, but also and concern for one’s own safety and, most importantly, a life that can easily be taken away by Russia. “Diya” simplified the procedure for granting the

appropriate status to such persons, making them much more accessible, using a remote form of document submission, which does not require personal presence, but this does not mean that there was a violation of the procedure defined in the Law of Ukraine “On Ensuring Rights and Freedoms Internally displaced persons”. This law contributes to the provision of financial support from both the state and international organizations to persons who have experienced the direct consequences of such a shameful phenomenon in the 21st century as war. In this way, through the application and web portals/platforms, communication will take place between the citizen and the state to settle certain issues that have arisen against the background of a full-scale war. When considering and comparing peacetime to wartime, it is easy to see changes in the provision of another group of public services. This was complicated, first of all, by the closure of certain registers, which provide for the provision of such services to citizens. For example, the YeMalyatko service, one of the components of which is the state registration of a born natural person, has not undergone changes, because there is currently an open State Register of Civil Status Acts, with the functioning of which, of course, its implementation is ensured, that is, the essence of the service is the registration of a person through the issuance of a birth certificate, which, in turn, will confirm the political and legal connection of a person with the state, i.e. the citizenship of Ukraine, which arises at the time of birth. In contrast to the specified service, there is one that has already undergone changes, although not significant, since the next register continues to work with certain exceptions. Thus, the Unified State Register of Legal Entities and Individual Entrepreneurs and Public Organizations clarifies the procedure for registering these entities, the importance of which is obvious due to the fact that the state’s economy must function on its front. However, other aspects that are subject to specific regulation in this regard by legislation have undergone certain changes. The same can be said about some of those listed below. Carrying out certain operations related to the demand for information on the ownership of immovable property, on mortgages, prohibition on the alienation of immovable property objects is carried out taking into account the specifics, as already noted, in terms of the operation or non-operation of certain registers. It becomes clear that the described exceptions in the work of Internet platforms are temporary, i.e., such that they are introduced exclusively for the period of martial law, that is, until the moment of victory of good over darkness. It is worth emphasizing: after this, there will be a relatively new stage in the development of the information field and space in Ukraine, which can be considered in the plane of innovation with an inclination towards the total digitalization of all spheres, where it is possible and, at the same time, necessary, in particular in the legal reality. Our state has significant potential for the introduc-

tion of modern technologies aimed at avoiding the corruption component and corresponding risks, eliminating excessive bureaucracy. Transformation as an indicator of society's readiness for change as a whole, as well as an indicator of the desire to be a part of the European community, where digitization was started relatively earlier. These changes in Ukraine often require a quick response to the challenges of time, based on certain mechanisms of legal regulation.

So, in the course of analyzing the processes of digital transformation in Ukrainian law, primarily civil law, a study of the interrelationship of the influence of certain laws, which are dictated by a special legal regime - the regime of martial law, was carried out. Peacetime and wartime are compared in the context of digital transformation, and the main aspects-exceptions that appeared as a result of forced changes against the background of full-scale armed aggression of the Russian Federation are described. The vectors of the further development of the information space within the framework of national law, in which changes must continue to be implemented, emphasizing unhindered access to public services, are indicated. Both theoretical and applied aspects, which became the subject of this study, were noted.

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