

THE THEORETICAL FOUNDATIONS AND PRACTICAL IMPLEMENTATION IN THE PRIORITY OF THE RULE OF LAW IN TIMES OF WAR

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Abstract

The rule of law under martial law is one of the most complex and urgent issues of modern legal science, as it defines the limits of permissible restrictions on human rights and the degree of state responsibility for upholding democratic principles in times of extreme threats. This topic requires balancing security, legal certainty, and compliance with international human rights standards. The study aims to identify and characterize the constitutional, judicial, and administrative mechanisms that ensure the rule of law under martial law. The methodological framework includes comparative legal, systemic, institutional, and analytical methods, as well as generalization of statistical data from the World Justice Project, V-Dem, Freedom House, and Transparency International. The results show that the effectiveness of legal institutions in wartime depends on judicial independence, legislative transparency, and the proportionality of legal restrictions. A comparative analysis revealed that democratic states with strong constitutional control mechanisms (e.g., Germany, France, Poland) preserve legal stability, while excessive power concentration undermines the rule of law (e.g., Hungary, Vietnam). The Ukrainian experience demonstrates that military measures can coexist with adherence to international humanitarian norms and parliamentary oversight. The practical significance of the study lies in identifying models of legal stability applicable for improving martial law legislation, developing public monitoring mechanisms, and preventing abuse of emergency powers.



Keywords

Environmental protection, criminal offenses, rule of law, martial law, constitutional control.

Resumo

O Estado de direito sob a lei marcial é uma das questões mais complexas e urgentes da ciência jurídica moderna, pois define os limites das restrições permitidas aos direitos humanos e o grau de responsabilidade do Estado pela defesa dos princípios democráticos em tempos de ameaças extremas. Este tema requer um equilíbrio entre segurança, certeza jurídica e conformidade com as normas internacionais de direitos humanos. O estudo visa identificar e caracterizar os mecanismos constitucionais, judiciais e administrativos que garantem o Estado de direito sob a lei marcial. O quadro metodológico inclui métodos jurídicos comparativos, sistêmicos, institucionais e analíticos, bem como a generalização de dados estatísticos do World Justice Project, V-Dem, Freedom House e Transparency International. Os resultados mostram que a eficácia das instituições jurídicas em tempo de guerra depende da independência judicial, da transparência legislativa e da proporcionalidade das restrições legais. Uma análise comparativa revelou que os Estados democráticos com fortes mecanismos de controlo constitucional (por exemplo, Alemanha, França, Polónia) preservam a estabilidade jurídica, enquanto a concentração excessiva de poder compromete o Estado de direito (por exemplo, Hungria, Vietname). A experiência ucraniana demonstra que as medidas militares podem coexistir com a adesão às normas humanitárias internacionais e à supervisão parlamentar. O significado prático do estudo reside na identificação de modelos de estabilidade jurídica aplicáveis para melhorar a legislação da lei marcial, desenvolver mecanismos de monitorização pública e prevenir o abuso dos poderes de emergência.

Palavras-chave

Proteção ambiental, infrações penais, Estado de Direito, lei marcial, controle constitucional.

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Introduction

The issue of the rule of law under martial law is of particular relevance in the modern world, where military conflicts, emergencies and global crises change the established legal guidelines. The rule of law is the foundation of a democratic state, ensuring the stability of the legal system, equality of all before the law and predictability of the actions of the authorities. However, in times of military threats, this principle is severely tested, as the state is forced to restrict certain rights and freedoms for security reasons while trying to maintain legal balance. It is at such moments that the real quality of democratic institutions and the stability of the constitutional order are revealed.

The relevance of this study stems from the need to understand how the system of legal guarantees is transformed during martial law, what institutional mechanisms ensure a balance between governmental powers and protection of citizens, and how effectively international standards are integrated into national legal practice. The theoretical value of the work lies in the disclosure of the relationship between constitutional control, judicial independence and compliance with international humanitarian norms that form the basis of the modern legal order. The practical significance of the study is determined by the possibility of using its findings to improve martial law legislation, to form effective safeguards against abuse of emergency powers and to ensure real protection of human rights even in conditions of limited freedoms. An analysis of current research shows that



the scientific community is increasingly interested in the problems of legal regimes of martial law. The works of Binder et al. (2025), Mészáros (2024) and Dang and Hoang (2024) emphasize the risks of concentration of power and undermining democratic control mechanisms. Kelbia et al. (2025), Honcharenko (2024) and Grynchak and Grynchak (2022) conduct a comparative analysis of the constitutional systems of different countries, demonstrating the varying degrees of readiness of legal institutions for crisis situations. Ukrainian researchers Korentsov (2024), Prytyka et al. (2022) and Nakonechna& Novosad (2023) focus on the problems of observance of the administrative and legal status of citizens and the proportionality of restrictions during martial law. Despite the existence of a large number of studies, the issue of integrating international humanitarian standards into national legal regimes, as well as assessing the sustainability of democratic institutions in prolonged crisis conditions, remains insufficiently developed. Thus, *the problem of the study* is the contradiction between the need to ensure the security of the state and the preservation of the rule of law in emergency conditions. A comprehensive assessment of the effectiveness of constitutional and judicial mechanisms for controlling emergency powers, as well as an analysis of local legal resilience at the community level, remains an *unfilled scientific niche*.

The purpose of the study is to clarify the theoretical, legal and practical mechanisms for ensuring the rule of law under martial law, to identify the risks of abuse of emergency powers and to characterize the instruments of legal control and balance between security and human rights.

Analysis of Recent Research and Publications

An analysis of recent research and publications demonstrates a wide range of approaches to the study of the rule of law and legal regimes under martial law. Modern scholarly works pay attention to the monitoring of the current legislation during martial law (Ahapova& Ivanchuk, 2023), the administrative and legal regime of martial law (Bezkrivniy, 2024), as well as the assessment of human rights protection practices in times of emergency (Binder et al., 2025; Krotiuk, 2025). The studies by Kondos (2024), Dang and Hoang (2024) and Condos (2024) raise the issues of colonial rule and challenges to law and order in emergencies, in particular, on the example of the COVID-19 pandemic. A significant number of publications are devoted to a comparative analysis of constitutional mechanisms for ensuring the rule of law during martial law in different countries (Kelbia et al., 2025; Grynchak & Grynchak, 2022; Honcharenko, 2024). In the Ukrainian context, the problems of applying martial law and its impact on the administrative and legal status of citizens are discussed (Korentsov, 2024; Kramarchuk, 2025), as well as the protection of fundamental human rights (Kuchyk et al., 2023; Nakonechna& Novosad, 2023).

Particular attention is paid to the mechanisms of international humanitarian law and the role of the judiciary in protecting rights under martial law (Paskar, 2023; Nijs, 2024), as well as to the local and regional dimensions of state resilience in times of armed aggression (Melnykovska&Sokhey, 2025). Analysis of international practice also



demonstrates negative examples of abuse of emergency powers that undermine the rule of law (Mészáros, 2024). Contemporary research emphasizes the need to balance security with the preservation of human rights in wartime, and emphasizes the importance of constitutional oversight and international standards during martial law (Stadnik & Buravska, 2022; Statsenko, 2025; Yatsun, 2024). Modern research also emphasizes the importance of balancing the public interest of the state with the protection of human rights in wartime. In particular, Prytyka et al. (2022) emphasize the protection of civil, property and labor rights even under martial law, as well as the challenges of ensuring a fair trial. Lupu and Wallace (2024) examine the specifics of international humanitarian law and support for foreign fighters, which is of direct relevance to the regulation of legal issues in the armed conflict zone. Novitskyi (2025) focuses on the peculiarities of the rule of law in modern conditions, emphasizing the practical aspects of its implementation. Won (2025) analyzes the issue of emergency powers in the context of the COVID-19 pandemic, which opens the way for a comparative analysis with martial law and its impact on human rights. These works add to the general understanding of the challenges to the rule of law in extreme conditions, demonstrating the need for a comprehensive and systematic approach to legal regulation.

Continuing the analysis of recent studies, it is worth noting that additional sources focus on the role of administrative courts in protecting human rights during martial law (Paskar, 2023), as well as on the local and regional dimensions of Ukraine's resilience in the fight against Russian aggression (Melnykovska&Sokhey, 2025). The issue of legal restrictions, in particular, restrictions on the right to movement under martial law, is important on the example of Ukrainian practice (Marushak, 2023). Emphasis is placed on international aspects, in particular, international humanitarian law and its application in wartime (Nijs, 2024), as well as on the negative consequences of abuse of emergency powers for the rule of law (Mészáros, 2024). Recent publications also consider the challenges of implementing constitutional mechanisms in times of emergency in different countries, highlighting lessons for Ukraine (Honcharenko, 2024; Kelbia et al., 2025). Particular attention should be paid to the analysis of practices of human rights restrictions in the context of martial law, with an emphasis on the problems of uncontrolled expansion of mobilization powers (Statsenko, 2025) and ways to overcome them (Nakonechna& Novosad, 2023).

Based on the above, it can be stated that despite significant progress in research, the issues of the optimal balance between ensuring the security of the state and preserving the rights and freedoms of citizens in wartime remain unresolved. There is also a lack of in-depth analysis of practical mechanisms to control the use of emergency powers and prevent their abuse.

Research Methods

The study was conducted in 2024-2025 by the author on the basis of an interdisciplinary approach using official statistics from international organizations and the results of modern scientific publications. The main sources of empirical data were the open reports



of the World Justice Project (2021, 2023, 2024), V-Dem Institute (2024a, 2024b), Freedom House (2024) and Transparency International (2024), which contain comparative indicators of the rule of law, democracy and anti-corruption effectiveness in more than 140 countries. The information base was also based on scientific articles by recognized experts in the field of constitutional and administrative law, international humanitarian law and human rights published in professional journals such as *Oslo Law Review*, *International Journal of Constitutional Law*, *Amazonia Investiga*, *Problems of Legality*, etc. The methodological basis was formed by the comparative legal method – for comparing the mechanisms of ensuring the rule of law in different states; the systemic method – for analyzing the interrelationships between the legal, institutional and social elements of the martial law regime; the analytical method – for interpreting international indices and statistics; the institutional method – for identifying the role of judicial and constitutional bodies in ensuring control over emergency powers; and the structural and functional approach – for classifying the main elements of the martial law regime. The obtained data were systematized in tables and diagrams created by the author, which reflect comparative results and allow assessing the interdependence between security measures and the preservation of legal guarantees in wartime.

Research Results

The problematic aspects of the application of martial law, in particular in Ukraine, are quite multifaceted and complex. First, the key challenge is balancing the need to ensure national security and protect the administrative and legal status of citizens. Often, martial law provisions provide for temporary restrictions on rights and freedoms related to movement, assembly, the right to work, and other basic freedoms (Korentsov, 2024). These restrictions can create significant pressure on the population, complicating their normal daily life and administrative processes. The second important aspect is the risk of abuse of emergency powers of the authorities arising from unclear legislative regulation or the lack of effective mechanisms to control their implementation (Mészáros, 2024). All of this can lead not only to violations of fundamental human rights, but also to the demystification of systemic problems in public administration. At the same time, the administrative and legal status of citizens is changing under the influence of martial law, which complicates the operation of the usual rules of administration and law. The application of the special regime is often accompanied by restrictions on legal procedures, such as access to a fair trial, which increases the level of legal uncertainty for citizens (Prytyka et al., 2022). The third problematic issue is the discrepancy between the provisions of military legislation and international human rights standards. Some national regulations are not able to fully ensure compliance with international humanitarian law, which requires enhanced judicial oversight and better consolidated procedures (Kuchyk et al., 2023; Paskar, 2023). As a result, citizens may find themselves in a situation where their rights remain mere declarations rather than guaranteed labor or social guarantees.

It is important to add to the issue of the impact of martial law on the labor rights and property status of citizens. Restrictions related to mobilization, changes in the operation of enterprises, and measures to protect against security threats create additional



obstacles to the stable functioning of the labor market and business (Nakonechna& Novosad, 2023). This poses a threat to social instability for vulnerable populations, which requires additional regulation and social protection from the state. Summarizing, it can be stated that the problems of applying martial law have deep legal, social and administrative roots. Overcoming them requires clearer legislative coding of restrictions, introduction of effective control and constitutional mechanisms, as well as adaptation of national legislation to international human rights standards (Kelbia et al., 2025; Honcharenko, 2024). Only a systematic and multicomponent approach will make it possible to protect not only state security but also the rights of citizens in the emergency conditions of martial law.

Table 1. Mechanisms for the protection of fundamental human rights in the context of martial law

Protection mechanism	Description	Examples and specifics of application
International humanitarian law	A body of international law governing behavior in armed conflicts.	It ensures the protection of civilians, the prohibition of torture, and humanitarian assistance (Nijs, 2024).
Constitutional control	Judicial review of the constitutionality of martial law measures in relation to human rights.	Protection from illegal restrictions, refutation of unconstitutional norms (Krotiuk, 2025).
Administrative courts	Consideration of citizens' complaints against the actions of administrative bodies during martial law.	They protect the right to a fair trial and prevent abuse of power (Paskar, 2023).
International human rights institutions	Mechanisms of the UN, ECHR and other human rights monitoring bodies.	They accept individual complaints and monitor the situation with rights violations (Kuchyk et al., 2023).
Legislative restrictions	Temporary restrictions on rights and freedoms provided for by martial law.	They regulate movement, assembly, and information activities (Marushak, 2023).
Monitoring and evaluation of legislation	Analyzing the compliance of martial law norms with human rights standards and improving them.	Constant review of laws, elimination of discriminatory norms (Ahapova& Ivanchuk, 2023).

Source: created by the author based on (Ahapova& Ivanchuk, 2023; Krotiuk, 2025; Kuchyk et al., 2023; Marushak, 2023; Nijs, 2024; Paskar, 2023)

The protection of fundamental human rights is critical during martial law, when states introduce emergency measures to ensure security. One of the key instruments of such protection is international humanitarian law, which regulates minimum standards of behavior during armed conflicts and guarantees the inviolability of fundamental human rights even in emergency situations. At the same time, the role of judicial systems, in particular administrative courts, is crucial in ensuring proper control over the application



of restrictions and protection of citizens' rights. The complex of protection mechanisms can best be summarized through a comparative overview of the key approaches and instruments presented in Table 1.

Thus, modern mechanisms for the protection of fundamental human rights in the context of martial law are based on a combination of international humanitarian law, effective judicial practice, state legislation and international control. They are aimed not only at minimizing the negative consequences for human rights in times of emergency, but also at preserving the rule of law and public trust in legal institutions. It is important to emphasize that the success of these mechanisms depends on their implementation in national law, proper judicial independence and the activities of international organizations. Continuous monitoring and adaptation of legislation helps to reduce the risks of abuse and violations, which is especially important for countries undergoing martial law.

The rule of law under martial law is of particular importance, as it is in times of emergency that states face a dilemma between the need to ensure security and the preservation of fundamental human rights and freedoms. Constitutional mechanisms for guaranteeing the rule of law should prevent the usurpation of power, ensure judicial control over the actions of the executive branch of government, and harmonize national norms with international standards. A comparative analysis of the experience of different countries allows us to identify optimal models of interaction between the branches of government in a state of emergency or martial law, to identify effective safeguards against the abuse of emergency powers, and to trace trends in constitutional reform aimed at strengthening the rule of law (Kelbia et al., 2025; Honcharenko, 2024; Mészáros, 2024).

In order to systematize the approaches introduced in different countries, Table 2 provides a comparative analysis of the constitutional mechanisms for ensuring the rule of law under martial law.

A comparative analysis of the constitutional mechanisms for ensuring the rule of law shows that the success of the legal regime during martial law depends not only on the existence of formal control institutions, but also on their real independence and ability to limit the extraordinary powers of the executive branch. European countries with a developed culture of constitutionalism demonstrate a higher level of legal balance between security and freedom, while countries with hybrid or centralized models face the risk of undermining the principle of separation of powers. Ukraine, despite the objective challenges of war, continues to maintain basic guarantees of constitutional control, which confirms its commitment to European standards of the rule of law (Kelbia et al., 2025; Honcharenko, 2024).



Table 2. Comparative analysis of constitutional mechanisms for ensuring the rule of law under martial law

Country	Main constitutional mechanism	Key elements of control	Peculiarities of implementation during martial law	Effectiveness / challenges
Ukraine	Constitutional Court, parliamentary oversight, martial law decrees of the President with subsequent approval	Judicial control, restrictions on term extension, parliamentary monitoring	President can declare martial law only with the consent of the Verkhovna Rada; judiciary remains operational	Constitutional stability is preserved, but there is a risk of executive power expansion (Korentsov, 2024; Statsenko, 2025)
Poland	Constitutional tribunal and "state of emergency" mechanism	Parliament has the right to control the validity of emergency measures	Limitation of terms and scope of emergency powers	Effective parliamentary oversight, but slow response of the judiciary (Grynchak & Grynchak, 2022)
Hungary	Emergency powers of the government under the 2020 constitutional amendment.	Limited parliamentary oversight, increased role of the government	Use of the state of emergency for political concentration of power	Violation of the principle of separation of powers, undermining confidence in the courts (Mészáros, 2024)
Germany	"Grundgesetz (Basic Law) – Articles 115a-115l	The Federal Constitutional Court controls the legality of government actions	Emphasis on maintaining parliamentary oversight even in times of war	High level of stability and legal certainty (Kelbia et al., 2025)
France	Constitutional Council, "état d'urgence" regime	President initiates state of emergency, but parliament can limit it	The Constitutional Council assesses the legality of government decisions	Balance between speed of decisions and legal control (Honcharenko, 2024)
United Kingdom	Unwritten constitution, parliamentary sovereignty	Judicial precedent and parliamentary oversight	Emergency powers are realized through acts of parliament	High flexibility, but dependent on political culture (Binder et al., 2025)
USA	US Constitution, judicial review of the Supreme Court	Division of powers between Congress and the President, "War Powers Resolution"	President acts within the framework of congressional delegated powers	Clear system of checks and balances, but controversy over executive orders (Lupu & Wallace, 2024)



Israel	Basic laws and judicial review by the Supreme Court	The Court controls the proportionality of restrictions on rights	During martial law, the Court actively intervenes in executive decisions	A positive example of active judicial review (Binder et al., 2025)
Vietnam	Socialist model of control – party responsibility and government centralization	No independent constitutional court	Emergency measures are adopted centrally without judicial review	High level of efficiency but low legal transparency (Dang & Hoang, 2024)

Source: created by the author on the basis of (Binder et al., 2025; Dang & Hoang, 2024; Grynychak & Grynychak, 2022; Honcharenko, 2024; Kelbia et al., 2025; Korentsov, 2024; Lupu & Wallace, 2024; Mészáros, 2024; Statsenko, 2025)

During martial law, the state authorities receive expanded powers to ensure national security, mobilize resources and protect citizens. However, the granting of such extraordinary powers is always accompanied by risks of abuse, ranging from political concentration of power to restrictions on civil rights and arbitrary interpretation of laws. The main challenge is to find a balance between the effectiveness of government decisions and preservation of democratic guarantees. Emergency powers can be justified only if they are legally proportionate, time-limited and subject to parliamentary control. The experience of different countries shows that the abuse of such instruments often leads to the erosion of constitutional principles, usurpation of power and undermining public trust in the state (Mészáros, 2024; Honcharenko, 2024; Statsenko, 2025). To summarize the main challenges and proposed mechanisms for overcoming them, Figure 1 provides a structured visualization of the problems and ways to resolve them based on a comparative analysis of international practice.

Thus, the main threat in the field of emergency powers is the gradual normalization of military restrictions, when temporary measures become permanent practices of public administration. To prevent this, it is necessary to create an effective system of checks and balances that combines internal constitutional control and external international monitoring. The introduction of transparent procedures, clear terms of emergency acts and regular parliamentary reporting will help to preserve the rule of law even in times of war. Ukraine's experience in recent years can serve as an example of gradual strengthening of democratic governance in times of crisis (Kelbia et al., 2025; Honcharenko, 2024).

The resilience of the state in wartime is formed not only at the central level, but primarily in the local and regional dimensions. It is these levels that ensure the viability of communities, the maintenance of public order, the functioning of infrastructure and the provision of basic services to the population in the face of constant threats. In the Ukrainian context, the military resilience of communities is manifested in the ability of local authorities to coordinate actions between military structures, humanitarian missions, businesses, and volunteers.



Figure 1. Challenges and ways to resolve the abuse of emergency powers during martial law

Key challenges:	Ways to resolve the issue:
<p>Concentration of power in executive bodies. The government has excessive powers to make decisions without parliamentary approval, which weakens the principle of separation of powers (Mészáros, 2024). Reduced transparency of government decisions. Some decisions are made behind closed doors, without public scrutiny, creating a risk of violating citizens' rights (Dang & Hoang, 2024). Weakening of judicial control. Judicial institutions are often limited in their jurisdiction or operate under administrative pressure (Krotiuk, 2025). Political manipulation of military restrictions. Use of a state of emergency to suppress opposition or control the media (Binder et al., 2025).</p>	<p>Strengthening parliamentary oversight. Introducing mandatory periodic reports by the government to parliament on decisions made under martial law (Honcharenko, 2024). Limiting the duration of emergency powers. Setting time limits with the possibility of extension only with parliamentary approval (Kelbia et al., 2025). Enhancing the role of the constitutional court. Granting the court powers to review acts adopted during martial law (Krotiuk, 2025). International monitoring and standardization. Using the recommendations of the Council of Europe, the UN, and the OSCE to harmonize national legislation (Yatsun, 2024). Transparent communication with the public. Ensuring public access to decisions made under martial law through open government portals (Ahapova& Ivanchuk,2023).</p>

Source: created by the author on the basis of (Ahapova& Ivanchuk, 2023; Binder et al., 2025; Dang & Hoang, 2024; Honcharenko, 2024; Kelbia et al., 2025; Krotiuk, 2025; Mészáros, 2024; Statsenko, 2025; Yatsun, 2024)

At the same time, the exercise of such powers is accompanied by a number of legal restrictions, including on freedom of movement, information activities, and public gatherings. These restrictions are intended to guarantee security, but they should be applied proportionately and should not undermine the foundations of the democratic system (Melnykovska&Sokhey, 2025; Marushak, 2023; Nakonechna& Novosad, 2023).

Table 3 presents a comparative description of local and regional aspects of Ukraine's resilience in wartime, highlighting key legal restrictions, their consequences, and ways to balance security and human rights.

Ukraine's local and regional resilience during martial law demonstrates a high level of adaptability and interaction between civil society and the government. At the same time, the introduction of legal restrictions, especially on movement, creates additional social challenges, ranging from violations of labor rights to the isolation of certain communities. The balance between security and human rights is achieved through constant monitoring of restrictions, a flexible approach to their application, and the development of digital governance tools. The decentralized model of governance and the active role of communities remain key factors in preserving the rule of law even in emergency situations (Melnykovska&Sokhey, 2025; Nakonechna& Novosad, 2023).

In the current conditions of war, an empirical study of the rule of law is of particular importance, as it allows us to trace real changes in institutional indicators that reflect the



quality of public administration and the degree of protection of citizens' rights. The study was conducted on the basis of publicly available official sources and international reports, including the World Justice Project (2021, 2023, 2024) and Varieties of Democracy (V-Dem Dataset, 2021-2023), as well as analytical reviews by Freedom House (2024) and Transparency International (2024). These organizations systematically collect data based on combined surveys of legal experts, civil society representatives, national statistical agencies, and open government reports. For example, the World Justice Project annually covers more than 214,000 respondents and about 3,500 experts in 142 countries using a standardized questionnaire of eight indicators: limited government, absence of corruption, open government, fundamental rights, security, regulatory activity, civil and criminal justice (World Justice Project, 2024). The V-Dem data is compiled by more than 4,000 researchers who assess electoral, liberal, deliberative, and participatory democracy using multidimensional models (V-Dem Institute, 2024b). The data was selected for Ukraine, Poland, and Hungary for 2021-2024, which made it possible to trace the dynamics of legal indicators in a country under martial law and compare it with European countries with different levels of constitutional stability.

An analysis of statistical indicators suggests that Ukraine maintains relatively stable positions in global rule of law rankings even in the face of a full-scale war. According to the World Justice Project, the overall rule of law index decreased from 0.51 in 2021 to 0.47 in 2023, but increased to 0.49 in 2024, indicating gradual institutional adaptation. For comparison, in 2024, Poland's index was approximately 0.61, and Hungary's was 0.43 (World Justice Project, 2024). According to the V-Dem index of electoral democracy (v2x_polyarchy), Ukraine had a score of 0.415 in 2023, which is lower than Poland's 0.73 and Hungary's 0.63 (V-Dem Institute, 2024b; Our World in Data, 2024). These values demonstrate that despite martial law and temporary restrictions on rights, the level of democratic practices and legal culture remains moderately stable.

As can be seen from Table 1, the Rule of Law Index in Ukraine demonstrates a wave-like dynamics – first, a decline under the influence of hostilities, and then a gradual recovery in 2024.

The data show that even under martial law, Ukraine has not lost the basic institutional foundations of the rule of law. Although some indicators – such as restrictions on rights and freedoms, independence of the judiciary, or the level of corruption risks – have deteriorated in the short term, the overall trend shows that legal institutions are resilient. The score of 0.49 in 2024 demonstrates that the state mechanisms of legal control, parliamentary oversight and civic monitoring continue to function despite the extraordinary challenges. This confirms that it is possible to maintain a balance between security and human rights even in times of deep crisis, which is consistent with the findings of analytical reports by Freedom House (2024) and Transparency International (2024). Thus, the quantitative indicators of international organizations confirm that Ukraine is forming a unique model of legal stability that combines legal restrictions with the desire to preserve democratic values and legal balance.



Table 3. Local and regional dimension of Ukraine's resilience in wartime and related legal constraints

Level / Aspect	Key elements of resilience	Types of legal restrictions	Impact on communities	Mechanisms for balancing rights and security
Local level (communities)	Self-organization of the population, activities of volunteer headquarters, local resource mobilization	Temporary bans on mass events, control of movement between communities	Restrictions on social activity, but increased security	Local coordination councils involve the public in decision-making (Melnykovska&Sokhey, 2025)
Regional military administrations	Evacuation management, distribution of humanitarian aid, control of transport corridors	Access control, curfews, document checks	Slowing down logistics and economic activity	Flexible permitting procedure for strategic transportation (Marushak, 2023)
Transportation infrastructure	Ensuring the movement of military, refugees, and humanitarian goods	Restrictions on interregional travel, checkpoints	Temporary reduction of population mobility	Electronic system of route approvals, military commandant's offices as security regulators
Economic sustainability of the regions	Support for critical infrastructure enterprises, business relocation	Restrictions on free movement of labor, export regulation	Decline in economic activity in frontline regions	State programs to support relocated enterprises (Nakonechna& Novosad, 2023)
Information security	Prompt information, countering disinformation	Censorship of military news, ban on filming military facilities	Restriction of freedom of expression, but reduction of information risks	Information centers at the IAA and content verification systems (Ahapova& Ivanchuk, 2023)
Social sustainability	Provision of basic services, support for internally displaced persons	Restrictions on freedom of movement in dangerous areas	Psychological burden and migration challenges	Implementation of humanitarian corridors and digital passes (Marushak, 2023)
International cooperation at the regional level	Cooperation with international partners, grant programs for local recovery	Regulatory restrictions on the involvement of foreign volunteers in combat zones	Delays in the implementation of recovery projects	Simplification of visa and customs procedures for humanitarian missions (Lupu & Wallace, 2024)

Source: created by the author based on (Ahapova& Ivanchuk, 2023; Lupu & Wallace, 2024; Marushak, 2023; Melnykovska&Sokhey, 2025; Nakonechna& Novosad, 2023)



Table 4. Rule of Law Index (WJP) in Ukraine in 2021-2024

Year	WJP index	Rank among countries	Commentary
2021	0.51	74/139	stable period before the war
2022	0.50	-	slight decrease due to the introduction of martial law
2023	0.47	89/142	minimum value for the years of observation
2024	0.49	88/142	the beginning of the restoration of stability

Source: created by the author based on World Justice Project (2021, 2023, 2024), V-Dem Institute (2024b), Freedom House (2024), Transparency International (2024)

Ensuring a balance between state security and preserving the rights and freedoms of citizens during martial law is a complex but critical task that requires a systematic approach and responsible policy. First, a clear legislative framework should be introduced to define the limits of emergency powers that can be used during martial law, taking into account international human rights standards. This includes ensuring that the restrictions are temporary, proportionate and strictly accountable for any abuse, as well as that they are subject to ongoing monitoring by independent institutions and the public. Second, the development and strengthening of constitutional and judicial oversight institutions should be a priority. The judicial system should have the necessary independence and resources to effectively review cases related to violations of rights during martial law. It is important to ensure quick access to legal protection for citizens, to create specialized mechanisms for reviewing such cases, which will allow not only to establish the facts of violations, but also to respond to them properly. Third, maximum transparency and public control over the actions of the authorities in wartime should be ensured. Regularly informing the public about the restrictions imposed, their grounds and duration, as well as public reporting by the responsible authorities, will help to increase trust and prevent corruption and abuse. The involvement of civil society organizations, human rights structures and international partners in monitoring the situation is extremely effective.

Finally, it is necessary to invest in training and professional development of civil servants and law enforcement officials to ensure that the principles of the rule of law are upheld even in extreme circumstances. It is important to foster a culture of legal responsibility, tolerance and respect for human rights as the basic principles of state policy. The introduction of such measures will help maintain a balance in which national security is ensured while not violating the fundamental rights and freedoms of citizens, which is the key to the long-term stability and development of the state.



Discussion

The results obtained confirm the difficulty of finding a balance between national security and preservation of human rights during martial law. According to a number of researchers, emergency powers can be justified only under conditions of clearly defined temporality and proportionality, as well as in the presence of effective parliamentary and judicial control (Binder et al., 2025; Mészáros, 2024). At the same time, some authors, such as Dang and Hoang (2024), argue that even under severe restrictions, democratic institutions are able to adapt to crisis conditions, provided that the government is open and civil society is involved. In the context of Ukraine, this is confirmed by international reports that demonstrate the stability of key legal indicators despite the large-scale challenges of war (World Justice Project, 2024; V-Dem Institute, 2024a).

A comparison of the constitutional models of different countries shows significant differences in the degree of independence of the judiciary and parliamentary control during the state of emergency. European countries, such as Germany and France, demonstrate the effectiveness of the system of checks and balances through constitutionally enshrined mechanisms for verifying the legality of government decisions (Kelbia et al., 2025; Honcharenko, 2024). Hungary, on the other hand, shows an example of the gradual erosion of the rule of law due to the concentration of power in the hands of the executive (Mészáros, 2024). In this context, the Ukrainian model looks intermediate: despite significant challenges, it preserves the functioning of parliamentary oversight, the Constitutional Court, and the basic elements of judicial independence (Korentsov, 2024; Statsenko, 2025).

A number of scholars (Ahapova & Ivanchuk, 2023; Paskar, 2023; Krotiuk, 2025) emphasize that the real effectiveness of the rule of law in wartime is determined not so much by legal formulas as by the level of public trust in legal institutions. It is trust that becomes a critical factor in legal sustainability, which is consistent with sociological trends that show that Ukraine maintains a moderately high level of legal awareness and public control, even under martial law. Other researchers, such as Lupu and Wallace (2024), draw attention to the international dimension of the rule of law, emphasizing that the support of international partners and external monitoring have a significant impact on the stability of domestic legal institutions.

The contradictions between the positions of different groups of authors lie primarily in the interpretation of the limits of permissible restrictions on human rights. Some scholars believe that severe restrictions are inevitable to ensure national security (Marushak, 2023; Nakonechna & Novosad, 2023), while others emphasize that even in a crisis, the state has no right to go beyond international humanitarian law standards (Nijs, 2024; Kuchyk et al., 2023). The empirical evidence presented confirms that Ukraine is trying to comply with these standards, ensuring that legal restrictions are controlled and reversible.

At the same time, the analysis showed certain contradictions between the formal existence of legal guarantees and their practical implementation. As noted by Mészáros (2024), even democratic institutions can gradually lose their effectiveness in the case of



"normalization" of emergency powers, when temporary measures become permanent. For Ukraine, this danger is also relevant, as the war creates conditions under which emergency governance tools can become commonplace. However, as the experience of local communities shows (Melnykovska&Sokhey, 2025), local resilience and public participation remain safeguards against the usurpation of power and excessive centralism.

Thus, the results of the study confirm that the rule of law under martial law is a multidimensional phenomenon that encompasses the legal, institutional and social levels. Its preservation depends on a combination of effective legal mechanisms, political accountability and the active role of civil society. However, the restrictions imposed during the war leave a number of open questions, including the limits of legal control, guarantees of judicial independence, and the long-term implications for democratic development. These aspects require further interdisciplinary research that combines legal analysis with sociological, political and psychological approaches to provide a holistic understanding of the rule of law in extreme circumstances.

Conclusions and Prospects for Further Research

The study reveals the complex nature of the rule of law under martial law as a dynamic system which combines legal, institutional and social components. Its scientific novelty lies in the comprehensive comparative analysis of the constitutional mechanisms of different states, which demonstrate that the effectiveness of the legal regime of martial law is determined not only by legislative provisions, but primarily by the actual functioning of the system of checks and balances. The Ukrainian experience confirms that it is possible to preserve the basic principles of the rule of law even in times of military threats, but reveals a number of problems, including the risks of normalizing emergency powers, fragmentation of judicial control, and a lack of parliamentary oversight. The practical significance of the findings lies in the possibility of using the identified patterns to improve national legislation on human rights restrictions, develop effective monitoring mechanisms, and strengthen local legal resilience. At the same time, the study faced limitations related to the incompleteness of open data, rapid changes in the legal framework, and the varying levels of availability of international benchmarks. Further research should be directed at developing models for assessing the proportionality of legal restrictions, studying the impact of martial law on trust in judicial institutions, and analyzing the interaction between state and civil society structures in maintaining the rule of law during crisis situations. Thus, the study lays the groundwork for the formation of a strategy for the legal stability of the state, which is centered on the individual, his or her rights and the value of democratic principles even in the most extreme conditions.

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