

to their provision, the procedure and amount of compensation in the event of an insured event, and the concept of force majeure needs to be clarified in this context. Aviation law will need to be reformed due to retraining of personnel in connection with changes in flight rules, introduction of additional equipment and changes in air transportation rules, etc.

### **Conclusion**

The resumption of air traffic in Ukraine during the war requires a thorough review and reform of legislation in all relevant areas, which necessitates in-depth scientific research and further discussions.

### **List of references:**

1. Horbal H.I., Radchenko Y.P. State and prospects of development of the air transport industry of Ukraine in the context of European integration, post-pandemic and war. *Management and Entrepreneurship in Ukraine: Stages of Formation and Problems of Development*. Lviv 2023. C. 249-260.
2. Negoda T. Restoration of air traffic, or when Ukraine will take off again. *Ukrinform*. 2023. URL: <https://www.ukrinform.ua/rubric-vidbudova/3650935-vidnovlenna-aeroruhu-abo-koli-ukraina-znovu-zletit.html>.

**УДК 343.01(043.2)**

## **PROBLEMS OF UKRAINIAN LEGISLATION IN TERMS OF CIVIL AVIATION SECURITY IN MARTIAL LAW CONDITIONS**

**Mariia Soroka**

*National Aviation University, Kyiv*

*Supervisor - Sofia Lykhova, Doctor of Law, Professor*

**Key words:** international aviation safety, crimes against civil aviation security, criminal liability.

Ukraine has been resisting a full-scale invasion of the Russian Federation troops for the third year. Since the introduction of martial law throughout Ukraine, civil aviation has stopped its activities. Currently, the media, with reference to government officials, are discussing the possibilities of restoring civil aviation.

Such a recovery requires taking into account international experience not only in terms of technical aspects but also in terms of the compliance of the legislative framework with existing realities, since the threats to civil aviation security are extremely high under martial law.

L.V. Moshyaga states that crimes against aviation security can be divided into two groups: hijacking of aircraft and other crimes against civil aviation security [1, p. 375].

Martial law conditions increase the risks of committing so-called other crimes against civil aviation security, and it is in this part that Ukrainian legislation needs to be improved and brought into line with international standards.

Ukraine is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, ratified with a reservation by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR No. 1352-VIII of January 16, 1973 (hereinafter referred to as the Convention), however the current Criminal Code of Ukraine, unlike the Convention, does not define criminal liability for a person who commits an act of violence against a person on board an aircraft in flight, if such an act may endanger the safety of this aircraft; or destroys an aircraft in operation, or causes damage to this aircraft that disables it or may endanger its safety in flight [2].

Criminal liability under the current legislation of Ukraine applies to persons involved in the maintenance and/or operation of an aircraft, and such crimes are mostly classified as minor offenses.

Under martial law, there is a possibility of enemy sabotage and reconnaissance groups infiltrating as passengers on civilian flights in order to carry out sabotage or a terrorist act. An important element in preventing criminal acts would be to expand the powers of the National Bureau of Investigation of Aviation Accidents and Incidents with Civil Aircraft and the State Aviation Service of Ukraine, to unite their efforts and communication with military structures.

Classifying this category of crimes as serious crimes would allow for a wider range of investigative tools to be used, and most importantly, to prevent them from happening. In particular, the use of undercover investigative (search) measures in this category of cases, such as obtaining information from electronic information systems, would ensure the effectiveness of the investigation of crimes being prepared

### **Conclusion**

It is necessary to bring the national legislation of Ukraine into line with the international conventions in the field of civil aviation security ratified by the Verkhovna Rada of Ukraine and to strengthen the criminal liability for crimes in the field of traffic safety and operation of air transport, which would enable law enforcement agencies to more effectively detect and prevent crimes.

**List of references:**

1. Moshnayga L. Criminal responsibility for crimes against aviation transport safety: international legal approach. Analytical and Comparative Jurisprudence. 2022. No. 4. P. 357–361. URL: <https://doi.org/10.24144/2788-6018.2021.04.62> (date of access: 22.03.2024).

2. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Status as of January 1, 2023, URL: [https://zakon.rada.gov.ua/laws/show/995\\_165#Text](https://zakon.rada.gov.ua/laws/show/995_165#Text) (date of access: 22.03.2024).

**UDC 340:629.78:316.422.44(091)(043.2)**

**SOME ASPECTS OF AVIATION DEVELOPMENT IN UKRAINE: LEGAL,  
ORGANIZATIONAL, INTERNATIONAL**

**Sydorchuk Yuliana**

*National Aviation University, Kyiv*

*Scientific adviser- Rybikova Anna Volodymyrivna, Associate Professor  
of the Department of Theory and History of the State and Law, Candidate of legal sciences*

**Key words:** aircraft, plane, aviation, Ukraine.

Since the beginning of Ukraine's independence on 24<sup>th</sup> August 1991, the country's aviation industry has passed significant changes and development. The main achievements in this period can be considered that Ukraine has several national and private airlines that provide inside and international air transportation, many airports in Ukraine have been modernized and expanded to provide better passenger service and increase the volume of passenger and cargo transportation, but due to the full-scale intrusion they do not work yet, Ukraine cooperates with international organizations, such as the International Civil Aviation Organization (ICAO), to improve safety standards in the aviation industry.

After the declaration of state independence and sovereignty of Ukraine in 1991 and the collapse of the USSR, Ukraine inherited one of the most powerful aviation groups in the world. It had more than 1,000 aircraft of various types. In 1992, the military aviation of Ukraine was second only to the aviation of the United States, Russia and China in terms of quantity and was the most numerous in Europe. It is also worth noting that most of the modern military airfields of the USSR were located on the territory of Ukraine. The Air Force of Ukraine was created on the basis of this group on 17<sup>th</sup> March 1992 [1].