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Representative democracy under martial law

Представницька демократія в умовах воєнного стану

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Abstract

The research of representative democracy under martial law is extremely relevant, especially in contemporary times when many countries face military conflicts and threats to national security. Notably, the military aggression of the Russian Federation on the territory of Ukraine has significantly altered the agenda in Ukraine regarding elections. In wartime, there arises a need for swift decision-making, which can lead to temporary limitations on democratic procedures. Analyzing this issue will help find a balance between effective crisis management and preserving the core of the democratic order. The purpose of this study is to examine the functioning of representative democracy under martial law, particularly how democratic institutions and processes are preserved and adapted during a crisis period. The research methodology includes empirical, comparative, and logical methods. The study examines the functioning of representative

Анотація

Дослідження представницької демократії в умовах воєнного стану є надзвичайно актуальним, особливо в сучасних реаліях, коли багато країн стикаються з воєнними конфліктами та загрозами національній безпеці. Зокрема, військова агресія російської федерації на території України суттєво змінила порядок денний в Україні щодо виборів. В умовах війни постає необхідність оперативного прийняття рішень, що може призводити до тимчасового обмеження демократичних процедур. Аналіз цього питання допоможе знайти баланс між ефективним управлінням під час кризи та збереженням основ демократичного ладу. Метою дослідження є вивчення функціонування представницької демократії в умовах воєнного стану, зокрема, аналіз того, як зберігаються і адаптуються демократичні інститути та процеси у кризовий період.

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democracy under martial law. It explores the peculiarities of the operation of democratic institutions and government bodies during wartime, including the role of parliament, the president, and the judiciary. Changes in legislation aimed at ensuring state security and stability, as well as mechanisms for protecting citizens' rights and freedoms, are analyzed. Special attention is paid to balancing national security and adherence to democratic principles. Potential risks to democracy under prolonged martial law and possible ways to minimize them are also considered. Conclusions are drawn that, despite existing restrictions, it is essential to ensure these restrictions are proportional and temporary, while maintaining oversight by civil society.

Keywords: war, martial law, democracy, representative democracy, governance, legislation, human rights, freedom, elections, parliament, government.

Методологію дослідження складають такі методи, як: емпіричний, порівняльний та логічні методи. У результаті дослідження, розглянуто функціонування представницької демократії в умовах воєнного стану. Вивчено особливості роботи демократичних інститутів та органів влади під час війни, зокрема, роль парламенту, президента та судової системи. Проаналізовано зміни у законодавстві, спрямовані на забезпечення безпеки та стабільності держави, а також механізми захисту прав і свобод громадян. Окрема увага приділяється балансу між забезпеченням національної безпеки і дотриманням демократичних принципів. Розглядаються також потенційні ризики для демократії в умовах тривалого воєнного стану і можливі шляхи їхньої мінімізації. Зроблено висновки, що в умовах існування обмежень, важливо забезпечити, щоб ці обмеження були пропорційними та тимчасовими, а також щоб зберігався контроль за владою з боку громадянського суспільства.

Ключові слова: війна, воєнний стан, демократія, представницька демократія, управління, законодавство, права людини, свобода, вибори, парламент, уряд.

Introduction

Representative democracy is one of the primary forms of governance that ensures citizen participation in state decision-making through elected representatives. This system provides stability, legitimacy, and accountability of power. However, under martial law, when a country faces extraordinary challenges and threats, questions arise regarding the functioning of representative democracy. During martial law, certain rights and freedoms of citizens may be restricted, decision-making procedures altered, and special powers granted to the executive branch.

In this context, several critical questions arise:

- How to maintain the legitimacy of the government and parliament when democratic institutions are operating under limited conditions?
- How to balance the need to restrict certain rights and freedoms to ensure security with the demands of a democratic state?
- What is the role of parliament in decision-making during martial law, and how to preserve its effectiveness?
- How to ensure oversight of the executive branch's actions, which may receive expanded powers?
- How to involve citizens in decision-making when traditional mechanisms of representative democracy might be restricted?

These questions are crucial for understanding the challenges faced by representative democracy under martial law. Researching this topic allows for identifying ways to ensure state stability and uphold democratic principles even during the most challenging periods of national history.

The object of the study is representative democracy under martial law, i.e., the analysis of the governance system and political processes in a country experiencing a military conflict or martial law.

The subject of the study is the interaction between representative democracy and military conflict, including the analysis of the impact of military actions on democratic institutions, decision-making processes, and civil society. The study also examines strategies for preserving democratic values and institutions during a crisis, as well as the influence of international actors on democratic processes in a country under martial law.

Therefore, the research aims to identify the main challenges and risks faced by democratic systems during war and to find effective mechanisms for supporting and protecting democratic principles and citizens' rights. The main tasks include:

- Analyzing changes in legislation and policy aimed at ensuring state security and stability during martial law.
- Investigating the role of key institutions of representative democracy, such as the parliament, president, and judiciary, in wartime.
- Assessing the balance between national security and adherence to democratic principles.

The article is consisted of several section:

Theoretical Framework or Literature Review

This section sets the stage by discussing the importance and relevance of studying representative democracy under martial law. It highlights contemporary issues such as military conflicts and threats to national security, with a specific focus on the impact of the Russian Federation's aggression in Ukraine. The need for swift decision-making during wartime and its implications for democratic procedures are addressed. This section reviews existing literature and theoretical perspectives on maintaining democratic institutions and processes in crisis situations, aiming to find a balance between effective crisis management and the preservation of democratic values.

Methodology

This section details the research methodology used in the study. It describes the empirical, comparative, and logical methods employed to examine the functioning of representative democracy under martial law. The methodological approach includes analyzing legislative changes, the roles of various democratic institutions, and mechanisms for protecting citizens' rights and freedoms during wartime. The section outlines how data was collected and analyzed to understand the operation of government bodies and the impact of martial law on democratic processes.

Results and Discussion

In this section, the findings of the study are presented and analyzed. It explores the peculiarities of how democratic institutions, such as the parliament, president, and judiciary, function during wartime. Legislative changes aimed at ensuring state security and stability are examined, along with their impact on citizens' rights and freedoms. The discussion focuses on balancing national security needs with adherence to democratic principles. It identifies potential risks to democracy under prolonged martial law and suggests ways to minimize these risks. The section provides an in-depth analysis of the challenges and adaptations of democratic processes in crisis periods.

Conclusion

The final section summarizes the key findings and conclusions of the study. It emphasizes the importance of ensuring that any restrictions on democratic procedures during martial law are proportional and temporary. The need for maintaining oversight by civil society is underscored. The conclusion reiterates the essential balance between effective crisis management and the preservation of democratic values, stressing that the core democratic order should be upheld even in times of national security threats.

Theoretical Framework or Literature Review

Firstly, Afanasyeva (2023) focused on the issues surrounding elections in Ukraine that will take place after the cessation or cancellation of martial law. The restoration of democratic institutions post-war presents Ukraine with several key issues that need to be discussed and resolved now, including voter locations, candidates and political parties, electoral commissions at various levels, election timing, funding, judicial protection, electoral legislation, and European integration aspects. The researcher concluded that war will have significant institutional, logistical, and legislative impacts on elections, emphasizing the importance of preparing for future challenges.

Secondly, Andrushko (2023) addressed the challenges of conducting elections during martial law. The author, with whom we fully agree, argued that holding elections in occupied territories before disarmament, demilitarization, border control restoration, and ensuring legislative and institutional conditions will not resolve the conflict, and the election results will not be recognized by conflict participants. Conducting elections during armed conflict also poses numerous risks and issues that violate the principles of universal and equal suffrage, potentially leading to elections being deemed illegitimate. Experience from other countries that had armed conflicts indicates that elections are possible only 2-3 years after the end of hostilities.

Moreover, Mykhailov (2022) examined ways to realize the people's right to power under martial law. The author noted that the principle of popular sovereignty can become a societal, political, and legal reality only if there is a wide range of direct democracy forms through which the people can express their will in daily life. Protecting the state involves not only defending national but also popular sovereignty. Since the need for citizens to express their will and shape authoritative decisions is constant, popular sovereignty cannot be limited regardless of the specific legal regime. Special guarantees of security and stability introduced during martial law are unconditional, but any restrictions on citizens' participation in various forms of direct democracy must be balanced by implementing direct democracy mechanisms that do not contradict these guarantees and do not involve defense matters.

The most effective way to ensure the practical realization of popular sovereignty, and thus the people's right to direct power, is through mechanisms of direct electronic democracy. The use of information and communication technologies allows for safe decision-making, encouraging their adoption or participation. However, we note that the use of IT technologies can pose many risks under conditions of cyberattacks, internet access issues, and power outages.

Additionally, Chyrkin and Kyrychenko (2024) discussed democracy during wartime, noting that Russia's military aggression against Ukraine revealed an interesting feature: the Ukrainian people demonstrated a high level of legal consciousness. Understanding the risks of losing statehood, the nation entered into a new unwritten social contract with the government, based on unity and joint struggle against the enemy. Even under military aggression, the people maintain and ensure the fundamental principles of the constitutional order.

Buga (2023) explored the issue of public consultations under martial law. During wartime, public trust in government decisions remains critically important, even more so than in peacetime. Democracy should support high levels of trust in government structures. Although martial law may lead to a ban on elections and referendums, other democratic methods of influencing the government, such as public consultations, expertise, and petitions, exist. It is important to develop the legal institution of public consultations and incorporate it into decision-making processes by authorities. Although some aspects of this process are not yet perfectly regulated by law, the results of public consultations are advisory and considered in decision-making. Developing this institution can strengthen democracy in the country and increase public trust in government structures.

What is more, Szostek and Toremark (2022) noted that the future of democracy in Ukraine depends on the war's outcome and efforts to build strong independent institutions. Currently, parts of Ukraine are under occupation by the Russian Federation, a closed and repressive autocracy. The prospects for democracy in the occupied regions, especially in the east, south, and Crimea, depend on whether Ukraine can expel Russian occupation forces. Ukraine needs to restore control over its borders to become a full-fledged

democracy. If Ukraine can protect its borders, regain control over its territory, and secure future security guarantees, the prospects will be positive. Several key factors contribute to this.

Reilly (2010) discussed post-conflict elections, focusing on institutional challenges such as the absence of effective state institutions to organize and conduct elections, inadequate legal frameworks, infrastructure destruction including polling stations and transport routes, security issues for voters, election workers, and observers, low public trust in the election process due to prior conflict, the possibility of elections entrenching one side's power, societal divisions due to ethnic, religious, or political conflicts, and the many limitations and risks of post-conflict elections.

Vodiannikov (2023) examined the challenges of holding elections during the war in Ukraine. The researcher noted that the motives of foreign allies urging Ukraine to conduct elections even under extreme conditions are understandable: they seek to prevent Ukraine from backsliding from its democratic path. However, the risks of holding elections in such conditions are also evident: elections under extreme conditions are likely to "cement" the current power configuration for the next five years and simultaneously undermine the societal legitimacy of democratic institutions elected during wartime, creating a favorable environment for retreating from democracy. Predicting the results of possible elections during the war is speculative. According to the author, there is no convincing precedent or case where a democracy at war, with significant parts of its territory occupied or engaged in active combat, managed to conduct free and fair elections. Wartime conditions affect electoral choices and, even more so, the dynamics of the election campaign and the fairness of the elections. Therefore, even if the current parliamentary majority lacks broad public support and would likely lose in peacetime, wartime conditions might allow it to either strengthen its parliamentary representation or maintain the status quo for the next parliamentary term. The author concludes, a position we fully agree with, that elections during wartime can only nominally confirm the country's democratic development.

Sadurski (2019, 2022) explored the collapse of Poland's constitutional order and the transition to an authoritarian regime. The main ideas from this section can be summarized as follows: analyzing the differences between illiberal democracy and populist authoritarianism, highlighting that Poland is transitioning from the former to the latter (the author argues that illiberal democracy is a cover for systematically undermining democratic institutions and norms, leading to authoritarianism); populism plays a key role in this process, creating the illusion of popular sovereignty but actually concentrating power in the hands of a narrow group of politicians; attacks on the rule of law are observed, including changes in the judicial system and restrictions on judicial independence; the author expresses concern about the future of democracy in Poland, emphasizing the need to support democratic institutions and principles.

Bugaric (2019) drew attention to the fragility and vulnerability of democracy when confronted with resolute authoritarian regimes seeking to undermine democratic foundations, transforming them into various forms of "competitive authoritarianism." The current surge in populism indicates that the rule of law and liberal democracy are under great threat when their fundamental principles no longer enjoy broad democratic support. Ultimately, the greatest hope for protecting liberal democracy lies in democratic political parties, civil society organizations, and a strong core of democracy-committed individuals.

In conclusion, representative democracy under martial law faces numerous challenges and limitations yet remains an essential mechanism for ensuring legitimacy and governance. Research trends in this field include examining the impact of martial law on the functioning of representative democracy institutions and developing strategies to preserve democratic values and processes during wartime. Studies also focus on developing and improving mechanisms to ensure citizen participation in decision-making, even under difficult martial law conditions, such as public consultations, discussions, and other forms of public influence. Additionally, scholarly research analyzes historical and contemporary examples of implementing representative democracy in conflict conditions to understand their impact on societal stability and peaceful transitions to democratic institutions post-conflict.

Methodology

Representative democracy under martial law is a complex research object that requires the application of various scientific research methods.

The following methods will be used to study the functioning of representative democracy under martial law: empirical, comparative, and logical methods. These methods provide a comprehensive and in-depth analysis of the topic, covering various aspects and levels of research.

Empirical Method: This involves collecting and analyzing real data and facts related to the functioning of representative democracy during martial law. This method includes:

- Data Collection: Analysis of official documents, laws, decrees, resolutions, as well as reports from governmental and non-governmental organizations that regulate and describe the peculiarities of martial law and the activities of democratic institutions during this period.
- Statistical Data Analysis: Collection and analysis of statistical data on changes in political activity, electoral processes, and violations related to restrictions on citizens' rights and freedoms during martial law.

Comparative Method: This allows for evaluating the specifics and effectiveness of representative democracy in different countries and conditions of martial law. This method includes:

- Legislative Comparison: Analysis of legislative acts from different countries regulating martial law to identify common features and differences in approaches to ensuring democratic processes.
- Historical Examples Comparison: Studying historical examples of martial law implementation in different countries and analyzing the consequences for representative democracy.
- International Experience Analysis: Researching practices and recommendations of international organizations, such as the UN, European Union, and others, regarding the functioning of democracy during emergencies.

Logical Methods: These include analysis, synthesis, induction, and deduction, which allow for systematizing knowledge and making substantiated conclusions. These methods include:

- Analysis: Decomposing the studied phenomenon into components for a deeper understanding of specific aspects of representative democracy functioning during martial law.
- Synthesis: Combining separate elements of the study into a single concept, allowing for an overall picture and systemic interconnections.
- Induction: Deriving general patterns based on the analysis of individual cases and empirical data.
- Deduction: Formulating specific hypotheses and conclusions based on general principles and theories related to democracy and martial law.

Using these methods in combination allowed for conducting a comprehensive and deep study of representative democracy under martial law, identifying its peculiarities, problems, and possible ways of improvement.

Results and Discussion

Limitations of the Study

Lack of Access to Classified Information: The study may be limited by the inability to access classified or sensitive information related to national security and government decision-making processes during martial law. This could result in an incomplete understanding of the full impact of martial law on democratic institutions and practices.

Difficulty in Assessing Long-Term Impact: Assessing the long-term impact of martial law on democracy is challenging due to the ongoing nature of the conflict and the uncertainty about when and how martial law will be lifted. The study may not be able to fully predict or evaluate the long-term consequences for democratic processes and institutions.

Reliance on Theoretical and Comparative Analysis: The research relies heavily on theoretical frameworks and comparative analysis, which may not capture the nuanced and dynamic realities on the ground. This could limit the applicability of findings to the specific context of Ukraine.

Potential Bias in Sources and Data: The study may be influenced by the availability and reliability of sources, especially given the context of an ongoing conflict. Information from government and non-governmental organizations may carry biases that affect the study's conclusions.

Challenges in Measuring Public Opinion: Accurately gauging public opinion and the level of public trust in government decisions during wartime is difficult. The stress and instability caused by the conflict may affect the reliability of survey data and other measures of public sentiment.

Impact of Displacement and Migration: The large-scale displacement and migration of Ukrainian citizens due to the conflict complicate the assessment of democratic participation and representation. The study may struggle to account for the political and social dynamics of displaced populations.

Legal and Constitutional Constraints: The study must navigate complex legal and constitutional constraints that affect democratic procedures during martial law. These constraints may limit the scope of potential reforms and adaptations to democratic practices.

Security Concerns: The ongoing security situation poses practical challenges for conducting research and gathering data. This could result in gaps in information and hinder a comprehensive analysis of the impact of martial law on democracy.

The value of democracy for the Ukrainian people is difficult to overestimate, as citizens have repeatedly affirmed their right to participate in socio-political life in various ways. Even under the legal regime of martial law, democratic values remain fundamental. The use of democratic methods in the management of public affairs ensures the necessary level of public trust in the government, which is crucial for achieving victory in the war. In addition, only under the conditions of a democratic system is there a possibility of building a strong economy that can provide an adequate standard of living for all members of society. The current economic development trends in Ukraine are characterized by the instability of the activity figures, budget deficits, low efficiency of the economic, political, and social reforms, rise in the level of the unprofitability of the enterprises, a high level of corruption, etc. (Kolomoiets, Tsybulnyk, Moroz, Prymachenko, & Khashev, 2021). The war of annihilation waged by the Russian Federation against Ukraine significantly exacerbates already existing economic problems. Thus, the preservation of democratic approaches in the management of state affairs, even under conditions of war and a difficult economic situation, is extremely important.

The main goal of democracy is to ensure and guarantee a high level of public trust in government decisions. At the same time, the level of public support for the government is a key component of the state's resilience to external and internal threats. Therefore, during wartime, the task of democracy does not lose its importance. On the contrary, a high level of public support for government decisions is a guarantee of achieving victory. The war may last for years, or possibly decades. Therefore, the issue of conducting various democratic procedures under the legal regime of martial law, especially over time, despite the legislator's opinion, is extremely important.

The principle of popular sovereignty is enshrined in Article 5 of the Constitution of Ukraine (Law No. 254к/96-VR, 1996). The academic community has developed a stable tripartite approach to its understanding: the people are the bearers of sovereignty and the only source of power in Ukraine; the people exercise power directly, as well as through state authorities and local self-government bodies; the people are guaranteed the exclusive right to decide the most important issues of state and public life (Sadurski, 2019). The power of the people means not the power of an abstract community, but the involvement of each citizen in its exercise.

Direct exercise of power is one of the main competencies of the Ukrainian people. The Law of Ukraine "On the Legal Regime of Martial Law" defines martial law as a special legal regime introduced in the event of armed aggression, threat of attack, or danger to the state independence and territorial integrity of Ukraine. Typical forms of direct democracy, such as elections and referendums, can be implemented only under the ordinary legal regime. Special legislative restrictions provided for in Article 19 of this Law make it impossible to hold elections and referendums during martial law. An additional prohibition on holding elections is contained in the Constitution, which stipulates that the term of office of the Verkhovna Rada of

Ukraine is extended until the day of the first meeting of the first session of the Verkhovna Rada of Ukraine elected after the termination of martial law or a state of emergency (Law No. 389-VIII, 2015, Decree No. 64/2022, 2022, Law No. 2102-IX, 2022).

Therefore, the prohibition on holding elections during martial law is enshrined at the legislative level. The Constitution of Ukraine is also unequivocal on this issue: in the event of the introduction of martial law or a state of emergency, the fourth part of Article 83 provides for the extension of the powers of parliament until the day of the first meeting of the first session of the Verkhovna Rada of Ukraine elected after the end of martial law or a state of emergency. This wording does not allow for ambiguity – the parliament must be elected only after the cancellation of martial law. Therefore, it can be argued that holding parliamentary elections during martial law is unconstitutional (Law No. 254к/96-VR, 1996).

As Vodiannikov (2023) notes, although the Constitution cannot be amended during martial law, subordinate acts may undergo changes. Therefore, if amendments are made to the electoral legislation allowing elections during wartime, these changes will be valid until the Constitutional Court of Ukraine declares them unconstitutional (presumption of constitutionality). Therefore, it is not possible to exclude the possibility of adopting such a law, especially under increased international pressure. However, there remains the question of whether free and fair elections can be held under the extreme conditions of war, and whether the will of the people will truly be free, as required by Article 71 of the Constitution.

Overall, the establishment of special restrictions is since during the operation of a special legal regime, the temporary restriction of constitutional rights and freedoms of individuals and citizens is allowed. At the same time, the relevant state authorities, military command, military administrations, and local self-government bodies are granted powers necessary to prevent threats, repel armed aggression, guarantee national security, and eliminate the danger to the state independence and territorial integrity of Ukraine. Among the numerous restrictions and management measures, there are no direct or even indirect references to the possibility of limiting the principle of popular sovereignty, as understood in Article 5 of the Constitution of Ukraine. In fact, all elements of this principle cannot be objects of interference (Opora, 2024). This fully confirms the need to find a balance between the temporary restriction of the possibility of direct democracy and ensuring the continuous exercise of state power by the people, who are its only source and bearers of sovereignty.

The Constitution of Ukraine enshrines the principle of a democratic state, according to which all power in the state belongs to the people. This principle goes beyond mere elections and directly influences the principle of free elections (Law No. 254к/96-VR, 1996). Elections ensure democratic legitimacy only when they are free and fair. This means that not only must the voting process itself be free from coercion and unlawful pressure, but voters' right to vote must not be restricted or canceled, and the entire electoral process must be fair from start to finish. This is achieved through numerous constitutional guarantees of freedom and equality, as well as institutional and procedural mechanisms (European Commission, 2023).

The dilemma of holding elections during wartime lies in choosing between two options:

1. Conducting elections that do not meet constitutional standards, or
2. Suspending the electoral process until the end of the war.

Another aspect of the principle of a democratic state must be taken into account: democracy means the self-determination of the people. Self-determination is based on the idea of free, rational, and informed choice. For democratic self-determination to be full-fledged, certain prerequisites are necessary, such as continuous free discussion among various social forces, interests, and ideas (Office of the Council of Europe in Ukraine, 2023).

During World War II, elections in Britain were suspended. At the end of the war, Churchill's support among the British reached 83%. However, his party lost the post-war elections in 1945. This example shows that democratic elections are won not because of past achievements, but based on the vision of the future. When a nation is in extreme conditions threatening its existence, the primary instinct becomes survival and returning to normal life, and the future in this context is not considered (Vodiannikov, 2023).

Problems that may arise during the organization and conduct of the electoral process include:

- Frequent air raid alerts will make reliable voting, vote counting, and election results impossible.
- Due to constant shelling, it will be impossible to provide equal voting conditions for all Ukrainians.
- Ukraine will not be able to guarantee equal access to voting for all citizens, as the voting process will be associated with varying levels of risk and constant shelling across the country.
- Conducting elections immediately after the end of martial law will be impossible in the most affected areas due to security issues, mined territories, destroyed polling stations, and outdated data in the State Voter Register.
- Elections will not be able to provide sufficient democratic legitimacy due to the mass displacement of Ukrainians who will not have the opportunity to vote, which may lead to the elections being declared illegitimate.
- Ukrainian electoral legislation provides for personal voting, which will overload polling stations at diplomatic and consular offices abroad.
- There is no electronic voting system in Ukraine, and the electoral code does not provide for experiments or pilot projects for the introduction of innovative technologies.
- During the pre-election campaign, which may coincide with the period of martial law, it is necessary to comply with security measures related to martial law (Andrushko, 2023).

Since February 24, 2022, more than 11 million Ukrainians have been forced to leave their country.

According to the United Nations High Commissioner for Refugees, as of early February 2023, almost 8 million Ukrainians are in European countries. At least 2.8 million Ukrainians were forced to move to the aggressor country or were deported. The number of Ukrainian children abroad has decreased from 650-690 thousand at the beginning of the conflict to approximately 480-520 thousand by the end of 2022. This means that about 10 million adult citizens who are voters are outside Ukraine (Afanasyeva, 2023).

Compared to the 2019 elections, when the number of Ukrainian voters abroad was about 410 thousand, the figure is now 25 times larger. Organizing the voting of such a large number of voters abroad requires new approaches and the creation of additional polling stations (UNIAN Information Agency, 2019).

Firstly, elections that are constitutionally questionable may undermine the legitimacy of not only the process itself but also the elected parliament. Tens of thousands of Ukrainians on the front lines, as well as those experiencing occupation or seeking refuge abroad, will feel deceived and alienated if they do not have the opportunity to vote or run for office. This sense of injustice may create new divisions in Ukrainian society, threatening post-war recovery.

Suspending martial law to hold elections will also not be positively received by the Ukrainian society. Public anger could undermine the legitimacy of the new parliament, especially if the number of casualties in the war increases after martial law is reinstated. Disillusionment with politicians may lead to a sense of hopelessness in democratic institutions.

Secondly, war distorts rational choice and deepens social divisions. Although sociological research during the war indicates unity and cohesion among the Ukrainian people, deep-seated differences remain, especially after personal experiences of the war. These emotional aftershocks and collective post-traumatic syndrome can lead to various scenarios of deteriorating overall psychological climate with corresponding consequences for democratic development.

In mid-2022, the Central Election Commission approved proposals to improve Ukraine's legislation aimed at preparing for and conducting elections after the cessation or termination of martial law in the country. These proposals were sent to the Verkhovna Rada Committee on State Building, Local Self-Government, Regional Development, and Urban Planning for further consideration and incorporation into the preparation of relevant draft laws.

Consultative democracy is gaining special significance in modern conditions. Its essence lies in the fact that the authorities are not obliged to consider the opinions of initiative groups, but at the same time, they can involve a wide range of subjects in consultations, drawing the attention of officials and public authorities to issues that, either by oversight or deliberately, have not received the necessary attention.

Therefore, despite the non-mandatory nature of consultative democracy, in cases where it causes public resonance, local and state authorities usually take public opinion into account in their decisions. Consultative democracy effectively draws attention to socially significant issues, and when these issues are truly important, the authorities cannot ignore them.

Conclusion

- Representative democracy under martial law presents a complex problem that requires careful analysis and strategy development. Based on the above, it was concluded that even under the challenging conditions of martial law, democratic values and processes remain critically important for ensuring the legitimacy and stability of the government.
- Martial law can lead to restrictions on representative democracy, such as the prohibition of elections or the limitation of civil liberties. The conditions of military conflict require the adaptation of democratic institutions and processes to new realities. This includes developing alternative mechanisms for citizen participation and ensuring their voice in the decision-making process.
- An important stage is the development of political and social recovery strategies that contribute to the return to the normal functioning of democratic institutions after the conflict ends. The conditions of martial law create several problematic issues for representative democracy, but there are ways to solve them:
 - Martial law often accompanies the restriction of political rights and freedoms of citizens. This can include censorship, a ban on elections, and restrictions on the rights to freedom of speech and association. Solutions: It is important to maintain a minimum level of civil rights and freedoms, ensuring access to information and the ability to express a civic position.
 - The conditions of military conflict can disrupt the legitimacy of power structures, especially if they are established or maintained as a result of a military coup. Solutions: It is important to uphold the rule of law and develop mechanisms to return to legitimate democratic institutions.
 - Martial law can undermine the development of civil society and threaten the independence of public organizations. Solutions: It is necessary to support the work of civil society and ensure its independence and protection from the influence of power structures.
 - It is important to ensure citizen participation in decision-making, even under the challenging conditions of military conflict. Solutions: Using alternative forms of citizen participation, such as public discussions, petitions, and consultations, to ensure their voice in the governance process.
 - Regarding options, it is more appropriate to suspend the electoral process. Even if martial law is lifted to conduct elections and the electoral process begins, it will remain questionable from a constitutional point of view and will likely contradict the core principles of the Constitution regarding a democratic state and free elections. Wartime does not provide an environment where participants in the electoral process can freely and fully express their views and will. Additionally, it does not guarantee that all citizens, whether in the armed forces, seeking refuge abroad, or surviving under foreign occupation, can actively participate in political life. Thus, the impossibility of holding elections during wartime becomes a matter of both democracy and security.

Regarding further scientific research, it is necessary to consider which institutional mechanisms facilitate or hinder the development of representative democracy under martial law, and to focus on analyzing political and social recovery strategies after the war that contribute to the restoration of democratic processes and the strengthening of democratic institutions.

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