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Theoretical and praxeological foundations of investigating crimes against freedom, honor, and dignity in Ukraine during wartime

Теоретико-праксеологічні основи розслідування злочинів проти свободи, честі та гідності в Україні у воєнний час

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Abstract

During armed conflict, human rights violations such as illegal detentions, torture, and enforced disappearances significantly increase, threatening citizens' rights and freedoms. Investigating these crimes in wartime presents unique challenges, including limited access to evidence and the safety risks for victims and witnesses. Effective pre-trial investigations are crucial for justice, restoring victims' rights, and holding perpetrators accountable, which also strengthens public trust in the criminal justice system.


This article aims to analyze the theoretical and praxeological foundations of investigating crimes against a person's liberty, honor, and dignity in Ukraine, particularly in wartime. It examines legal norms, procedural aspects, and current challenges in protecting individual rights during conflict,


Анотація


Під час збройного конфлікту порушення прав людини, такі як незаконні затримання, катування та насильницькі зникнення, значно почастишали, що загрожує правам і свободам громадян. Розслідування цих злочинів у воєнний час представляє унікальні проблеми, включаючи обмежений доступ до доказів і ризики для безпеки жертв і свідків. Ефективне досудове розслідування має вирішальне значення для правосуддя, відновлення прав потерпілих та притягнення винних до відповідальності, що також зміцнює довіру суспільства до системи кримінального правосуддя.


Метою статті є аналіз теоретико-праксеологічних засад розслідування злочинів проти свободи, честі та гідності особи в Україні, зокрема у воєнний час. У ньому розглядаються

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focusing on the difficulties of identifying, investigating, and proving such crimes.

The research uses a comparative analysis of Ukraine's legal framework with international standards, empirical research to identify practical challenges, and legal policy analysis to propose improvements.

Key findings include the need for specialized investigative practices in wartime, such as remote testimony and alternative evidence collection, and the gap in legal protections during conflict.

Recommendations include adopting tailored investigative approaches, strengthening legal safeguards for victims, and providing specialized training for law enforcement to handle wartime crimes effectively.

By addressing these issues, Ukraine can improve its criminal justice system in wartime, ensuring justice for victims and maintaining public trust in legal processes even amidst conflict.

Keywords: praxeology, criminal law and procedure, criminalistics, criminal offenses against liberty, honor, and dignity of a person, principles of criminal investigation.

правові норми, процедурні аспекти та поточні проблеми захисту прав особи під час конфлікту, зосереджуючись на труднощах виявлення, розслідування та доказування таких злочинів.

Дослідження використовує порівняльний аналіз законодавчої бази України з міжнародними стандартами, емпіричне дослідження для виявлення практичних проблем та аналіз правової політики, щоб запропонувати вдосконалення.

Основні висновки включають потребу в спеціалізованих методах розслідування у воєнний час, таких як дистанційне свідчення та альтернативний збір доказів, а також прогалину в правовому захисті під час конфлікту.

Рекомендації включають застосування індивідуальних підходів до розслідування, посилення правових гарантій для жертв і забезпечення спеціалізованої підготовки правоохоронних органів для ефективного розгляду злочинів військового часу.

Вирішуючи ці проблеми, Україна може покращити свою систему кримінального правосуддя під час війни, забезпечуючи правосуддя для жертв і зберігаючи довіру суспільства до судових процесів навіть під час конфлікту.

Ключові слова: праксеологія, кримінальне право та процес, криміналістика, кримінальні правопорушення проти волі, честі та гідності особи, засади розслідування кримінальних правопорушень.

Introduction

The protection of human rights and fundamental freedoms is a fundamental responsibility of the state. Among these, the rights to human dignity and personal liberty hold particular significance, as enshrined in Articles 28 and 29 of the Constitution of Ukraine (Law No. 254k/96-VR, 1996). These rights underpin the broader system of human rights, serving as prerequisites for realizing other freedoms. Human dignity forms the foundation of modern human rights, intricately linked to honor, which encompasses reputation, authority, and a good name. The Constitution of Ukraine (Article 3) acknowledges both dignity and honor as paramount social values. Additionally, personal liberty, an inherent human characteristic, ensures individuality and societal progress.

Effective protection of liberty, honor, and dignity is crucial in the context of criminal justice. Such protection necessitates an understanding of the essence of these rights, their importance for individuals and society, and the nuances of their violation and legal defense. This study focuses on analyzing the legislative framework, identifying challenges, and proposing effective methods for investigating criminal offenses against these rights in Ukraine.

The research examines criminal law and procedural relations during investigations, focusing on theoretical foundations, legal norms, and praxeological aspects. Key objectives include analyzing Ukrainian legislation, exploring praxeological approaches, and addressing challenges in criminal investigations.

Let's consider the key definitions related to the research topic.

Praxeology: Examines the efficiency of law enforcement activities (Polishchuk, 2014).

Criminal Law: Defines crimes, punishments, and safeguards societal and individual rights (Stashis & Tatsiy, 2010).

Criminal Procedure: Regulates investigative and trial processes (Stashis & Tatsiy, 2010).

Forensic Science: Develops methods for crime detection and investigation (Stashis & Tatsiy, 2010).

Criminal Offenses: Violations against liberty, honor, or dignity, such as illegal detention, torture, and defamation.

These definitions reflect the main concepts in criminal law and procedure related to investigating offenses against liberty, honor, and dignity.

The article is organized into four interconnected sections to provide a structured and comprehensive examination of the subject matter. Each section builds upon the previous, moving from foundational concepts to practical recommendations, ensuring a coherent flow of analysis and insights.

Theoretical Framework: This section outlines the core concepts and definitions that underpin the study. It explains the significance of human dignity, honor, and liberty in the Ukrainian constitutional and legal context. Key terms such as praxeology, criminal law, criminal procedure, forensic science, and the principles of investigating criminal offenses are defined and contextualized. This part establishes the conceptual basis for understanding the nuances of offenses against these rights.

Methodology: Here, the article describes the research methods employed to achieve its objectives. It utilizes comparative analysis, legal policy examination, and empirical research to investigate the legislative framework, challenges, and investigative techniques related to offenses against dignity, honor, and liberty. The methodology ensures a rigorous and systematic approach to the study, supporting the reliability of the findings.

Results and Discussion: This section presents the key findings, highlighting the current legislative strengths and gaps in Ukraine's legal system. It examines the challenges faced during the investigation of these offenses, such as procedural inefficiencies, evidentiary difficulties, and the complexities of applying theoretical principles in practice. The discussion also explores the broader implications of these findings for victims' rights and law enforcement efficiency.

Conclusions: The final section synthesizes the findings and offers actionable recommendations. It emphasizes the need for legislative reform, the adoption of praxeological principles, and enhanced training for law enforcement personnel to improve the investigation and prevention of offenses. This section underscores the importance of aligning Ukraine's legal practices with international standards to ensure robust protection of human rights.

The structure facilitates a systematic exploration of the theoretical, legal, and practical dimensions of the topic, culminating in clear conclusions and policy recommendations to address the identified challenges.

Theoretical Framework or Literature Review

The literature addressing the criminal law protection of honor, dignity, and personal freedom emphasizes the importance of these concepts in both historical and contemporary contexts. Alieva (2021) provides a comprehensive examination of the historical development and modern understanding of honor and dignity. The author traces their evolution from ancient societal values to their recognition as essential human rights, embedded in legal frameworks. Dignity, as a fundamental basis for other human rights, is distinguished from honor, which relates to reputation and societal recognition. Alieva underscores the need for legislative improvements to address challenges posed by technological advancements and information society dynamics.

Andrushko (2020) advances this discussion by exploring a multifaceted approach to crime prevention and victim protection. The author advocates for combining legal, organizational, socio-psychological, and educational measures to prevent offenses against freedom, honor, and dignity. Innovative techniques, such as artificial intelligence and data analytics, are proposed to enhance investigative practices. These insights

highlight the necessity of interagency coordination and adherence to international standards for effective protection of personal rights.

Borisov (2018) and Voznyuk (2021) delve into the classification and criminological aspects of offenses. Borisov categorizes crimes against personal freedom (e.g., kidnapping), honor (e.g., defamation), and dignity (e.g., acts of degradation). Voznyuk emphasizes the sociocultural and psychological underpinnings of such crimes, suggesting targeted prevention strategies and public legal education as critical measures.

Hryshchuk (2020) and Zavidnyak (2019) focus on systemic challenges in law enforcement. Hryshchuk discusses the interplay between social conditions and the enforcement of norms protecting dignity and personal security, recommending enhanced training for law enforcement personnel. Zavidnyak examines resistance strategies used by offenders, particularly in cybercrime, and calls for improved technological capabilities and interagency collaboration.

Further, Pletenets (2020) and Pchelina & Nevyadovskyi (2023) highlight practical challenges in pre-trial investigations. Pletenets identifies various forms of resistance to investigations, while Pchelina & Nevyadovskyi examine high-profile cases, emphasizing the role of media scrutiny and public interest in shaping investigative outcomes. Both works stress the importance of clear investigative protocols and mechanisms to ensure objectivity.

Historical perspectives also enrich the discourse. Fast (2020) examines the medieval roots of honor and dignity, noting their influence on contemporary legal frameworks. Meanwhile, Ward (2009) and Tonry (2018) discuss human dignity within penitentiary and penal contexts, advocating for reforms that align punishment with principles of humanity and rehabilitation.

Volkova, Prytuliak, Yanitska, Poliuk, & Polunina, O. (2023) research the issue of investigating crimes against freedom, honor, and dignity in Ukraine involving children. The authors examine the practice of the ECHR on this issue.

A number of aspects related to the investigation of crimes against freedom, honor and dignity of the person in wartime are researched by Shulha, Tkach, Murzo, Horodetska, & Sokur (2023) in their article «Forensic information sources during the investigation of war crime».

Finally, Franks (2018) evaluates government policies in criminal justice, highlighting the significance of comprehensive approaches that balance punitive and rehabilitative strategies. The work underscores the role of long-term, outcome-oriented policies in reducing recidivism and promoting social justice.

These studies collectively underscore the multidimensional nature of protecting freedom, honor, and dignity. Key research trends include integrating human rights into criminal law, refining investigative procedures, enhancing interagency cooperation, and adapting legal frameworks to contemporary challenges. The review also identifies the critical need for legislative reforms, victim support mechanisms, and advanced investigative technologies to address these pressing issues.

Methodology

This study employs three key methodological approaches – comparative analysis, empirical research, and legal policy analysis – to explore the theoretical and practical dimensions of investigating criminal offenses against freedom, honor, and dignity, particularly in wartime Ukraine. Each method was carefully selected to address specific research objectives, and their application is detailed below.

Comparative Analysis

The comparative analysis involved examining investigation procedures, legal frameworks, and human rights protections across different jurisdictions. The study compared Ukraine's practices with those of countries experienced in managing criminal investigations during armed conflicts, such as Bosnia and Herzegovina and Rwanda. This included analyzing international conventions, judicial practices, and procedural norms that align with global standards for victim and witness protection.

Specific cases from international tribunals and domestic courts were reviewed to understand how procedural adaptations enhance effectiveness. The research focused on identifying best practices in preserving evidence, ensuring due process, and safeguarding vulnerable parties during investigations in conflict zones.

Comparative analysis was chosen to highlight Ukraine's strengths and weaknesses relative to international benchmarks. By identifying proven methods from other countries, this approach offers practical recommendations for legislative and procedural reform. The findings revealed gaps in Ukrainian practices, such as insufficient witness protection measures, and pointed to adaptable solutions from international contexts.

Empirical Research

Empirical research collected and analyzed data from real-world instances of investigating crimes against freedom, honor, and dignity. This involved reviewing case files from ongoing investigations during wartime, conducting structured interviews with investigators, and analyzing statistical data on investigation outcomes.

Techniques:

Case Analysis: Selected cases were reviewed to identify patterns in investigative challenges, including limited access to crime scenes, loss of physical evidence, and witness intimidation.

Surveys: Surveys were conducted with investigators, forensic experts, and prosecutors to gather qualitative data on their experiences and perceptions of investigative challenges. The survey focused on their readiness to use modern tools and handle cases under wartime conditions.

Data Interpretation: Statistical tools were employed to analyze trends in case outcomes, such as the rate of solved cases and the effectiveness of victim support mechanisms.

Empirical methods provided a data-driven foundation for evaluating current practices. This approach was crucial for identifying systemic issues such as inadequate investigator training and insufficient use of digital tools. These insights underscored the need for targeted training programs and the integration of advanced investigative technologies.

Legal Policy Analysis

Legal policy analysis focused on evaluating the legal norms and policies governing the investigation of crimes against personal rights in Ukraine. This included a detailed review of Ukrainian criminal codes, procedural laws, and subordinate acts. International legal standards and their implementation in Ukraine were also analyzed.

Techniques:

Document Review: Legislation, judicial rulings, and policy documents were systematically analyzed to assess their relevance and effectiveness.

Policy Assessment: Existing programs for victim and witness protection during wartime were evaluated against international standards such as those outlined in the Geneva Conventions and the Rome Statute.

Gap Analysis: Shortcomings in procedural standards, particularly concerning wartime investigations, were identified.

Legal policy analysis was essential for understanding the structural and regulatory context of criminal investigations in Ukraine. This method highlighted discrepancies between domestic laws and international norms, particularly in protecting victims and witnesses during conflict. The findings emphasized the need for legislative amendments to address these gaps and improve compliance with global human rights standards.

Integration of Methods

The combination of these methods allowed for a holistic analysis of the challenges and opportunities in investigating crimes against freedom, honor, and dignity during wartime. By linking theoretical insights with practical observations, the study produced evidence-based recommendations for reform.

Results and Discussion

Before examining the theoretical and praxeological foundations of investigating criminal offenses against personal liberty, honor, and dignity in Ukraine, let us first take a closer look at the legal framework.

The Criminal Code of Ukraine defines and classifies criminal offenses against personal liberty, honor, and dignity. For instance, Articles 146 (illegal deprivation of liberty), 147 (torture), and 156 (committing sexual violence) outline various forms of violations of individual rights (Law No. 2341-III, 2001).

The Criminal Procedure Code of Ukraine (CPCU) regulates the procedures for collecting and evaluating evidence, conducting investigative actions, and ensuring the rights of the parties. For example, the CPCU outlines procedures for the interrogation of victims and witnesses, conducting searches and seizures, as well as collecting other evidence necessary for investigation (Law No. 4651-VI, 2012).

Article 8 of the Rome Statute of the International Criminal Court (ICC) defines "outrages upon personal dignity, particularly humiliating treatment" as a war crime falling under the jurisdiction of the ICC (United Nations, 1998). The wording of this article coincides with Article 3(1)(c), which is common to the four Geneva Conventions of 1949 (United Nations, 1949).

In August 2024, Ukraine ratified the Rome Statute with reservations, and therefore this interpretation will apply to Ukraine as well (Law No. 3909-IX, 2024).

Outrage upon personal dignity is defined as particularly severe forms of inhumane treatment that cause "more serious suffering than most prohibited acts falling into this category." To be considered an outrage upon personal dignity, actions or inactions must result in serious humiliation or degradation of the victim. Since the degree of humiliation or degradation is subjective (as sensitive individuals may perceive treatment as more degrading), it is simultaneously stated that "the humiliation must be so intense that a reasonable person would be outraged" (European Union, 2018).

Regarding the subjective aspect of the crime, "the crime of outrage upon personal dignity requires that the accused be aware that their actions or inaction could lead to serious humiliation, degradation, or otherwise seriously violate human dignity." Thus, "the accused must have been aware that their actions or inaction could have such consequences," emphasizing that the crime only requires knowledge of the "possible consequences of the alleged actions or inactions" (European Union, 2018).

Thus, the elements of the crime retain a subjective aspect, allowing for the consideration of humiliation, degradation, or violation of dignity caused by cultural or religious characteristics as an outrage upon personal dignity. This is possible even in cases where the same act would not be considered an outrage upon dignity if directed at another individual. In such situations, the objective element will be met if it is proven that the specific act would be "universally recognized" as an outrage upon personal dignity concerning an individual belonging to a particular cultural or religious group.

Regarding the intent standard, the elements of the crime under Article 8(2)(b)(xxi) (United Nations, 1998) do not define it clearly. Therefore, the general mental element set forth in Article 30 of the Rome Statute applies, which requires that the accused intended to commit the relevant act and was aware that this act could humiliate, degrade, or violate the dignity of the victim.

Post-World War II case law includes two significant cases illustrating violations of human dignity.

The first is the *Chuichi and Others* case, an example where the cultural background of the victims was taken into account as grounds for convicting the accused of mistreatment of Indian Sikh prisoners of war. In addition to physical violence, the prisoners' hair and beards were cut off, and one of them was forced to

smoke a cigarette, which is forbidden by their religion (Tanaka, Chuichi and Others, Australian Military Court, Rabaul, 12 July 1946 (Eurojust, 2018)).

The second case is the Schmid trial, where the accused, a German medic, was convicted for mistreatment of the body of a deceased American serviceman. He cut off the serviceman's head, boiled it, removed the skin and flesh, and kept the bleached skull on his desk for several months (Worldcourts, 1947).

These cases today would likely be considered violations of the prohibition on outrage upon personal dignity, which is protected under international humanitarian law. At the same time, these cases are particularly relevant in the context of Russian aggression on Ukrainian territory, where numerous instances of humiliation and violations of rights have been reported.

The ICC and other tribunals have also demonstrated that certain unlawful acts can fall under multiple charges, including outrages upon personal dignity. For example, rapes and sexual assaults on victims in the presence of soldiers who observed and laughed caused "severe physical and mental suffering, as well as public humiliation," and therefore constituted violations of their personal dignity and sexual integrity.

Similarly, the conditions in which prisoners were held violated their dignity. They were forced to perform subservient acts emphasizing the captors' dominance, relieve themselves in their clothes, and constantly lived under the threat of physical, mental, or sexual violence in the camp (European Union, 2018).

At the same time, in Ukraine, the issue of criminal liability for offenses against personal liberty, honor, and dignity has not been sufficiently studied, and there are relatively few cases of this type.

To address problematic issues, we will consider court practice, specifically the positions of the Criminal Cassation Court of the Supreme Court (CCC SC) regarding criminal offenses against personal liberty, honor, and dignity:

- The CCC SC clarified the conditions and grounds for releasing a person from criminal liability for actions provided for in part 1 of Article 309 of the Criminal Code of Ukraine (Law No. 2341-III, 2001), particularly in situations where the accused may be exempted from punishment under certain conditions.
- The court determined that the concept of a "vulnerable state of the person," which is a characteristic of human trafficking, should take into account the victim's cultural and individual characteristics. Expert testimony is not always required to establish such a state if other evidence confirms its existence (Supreme Court, 2022).
- The CCC SC confirmed that the systematic distribution of pornographic video files through file-sharing programs on the Internet falls under the qualification of Article 301 of the Criminal Code of Ukraine if such distribution is systematic and violates the law (Law No. 2341-III, 2001).

From the Resolution of the Plenary Session of the Supreme Court of Ukraine dated February 27, 2009, No. 1 "On the Practice of Applying Legislation by Courts in Cases of Protection of the Honor and Dignity of an Individual, as Well as the Business Reputation of Individuals and Legal Entities," it is clear that to file a lawsuit for the protection of honor, dignity, or business reputation, it is necessary to prove the fact of dissemination of false or defamatory information that humiliates the dignity of the plaintiff or harms their reputation. It is important that such information has been communicated to a broad audience and had a negative impact on the plaintiff. It has been established that the burden of proof lies with the plaintiff. To do this, the plaintiff must provide the court with evidence that confirms the dissemination of the information, its false or defamatory nature, as well as prove that such information caused harm to their honor, dignity, or business reputation. The court noted that in determining the amount of damages caused by violations of honor, dignity, or business reputation, both material and moral losses of the plaintiff should be taken into account. The issue of compensation should be based on the results of the court proceedings and the evaluation of evidence. The Plenary Session emphasized that special attention should be paid to cases where information is disseminated through media or other public channels. Violations of an individual's rights in such cases can have widespread consequences and require careful consideration. It is recommended to adhere to clear procedural norms when filing lawsuits and considering cases. Judicial bodies should ensure an objective and comprehensive review to guarantee fairness in the protection of the plaintiff's rights (Resolution No. 1, 2009).

Pchelina and Nevyadovsky (2023) rightly note that the circumstances to be clarified are a key element of specific forensic methodology, particularly in the investigation of high-profile crimes against personal liberty, honor, and dignity. The forensic significance of these circumstances lies in the fact that criminal proceedings serve as a plan of action for authorized persons aimed at gathering credible, sufficient, admissible, and relevant evidence.

Let us examine in more detail the theoretical foundations of investigating crimes against personal liberty, honor, and dignity in Ukraine.

The investigation of crimes against personal liberty, honor, and dignity is based on key theoretical principles, which include:

1. Principle of the Rule of Law: Ensuring the protection of human rights is a key theoretical basis for investigating crimes against personal liberty, honor, and dignity. All actions of investigative bodies must comply with national and international standards for human rights protection, which includes due legal process, the presumption of innocence, and protection of victims' rights.
2. Humanism and Respect for the Individual: Investigations should be based on principles of humanism and respect for the dignity of all participants in the process, including suspects, victims, and witnesses. This approach requires ethical treatment, minimizing the psychological trauma of victims, and ensuring their rights (Alieva, 2021).
3. Principle of Objectivity and Comprehensive Examination: Investigations should be conducted impartially, with a thorough examination of all circumstances of the case, taking into account both aggravating and mitigating factors; all available methods and tools for gathering evidence should be utilized, including modern technologies and scientific approaches.
4. Right to a Fair Trial: Ensuring the right to effective legal remedies, access to legal assistance, and fair judicial proceedings are mandatory conditions for investigations.
5. Adaptation of Legal Norms: In wartime conditions, it is essential to adapt criminal legislation and procedures to the realities of war, ensuring effective application of norms related to the investigation of crimes against the personal rights of citizens.
6. International Standards: Investigations must comply with international standards, particularly those defined by the European Court of Human Rights, which emphasizes the necessity of effective, impartial, and prompt investigations of human rights violations.

The praxeological approach in the investigation of crimes against the freedom, honor, and dignity of a person involves optimizing resource use and applying effective methods in investigative activities. In wartime conditions, this approach becomes particularly significant:

Adaptation of investigation methods (military actions significantly affect the possibility of conducting investigations. For example, limited access to the crime scene, danger to investigators and witnesses, and the inability to preserve evidence. In these circumstances, it is important to implement new methods, such as remote interrogations and the use of technologies for collecting and analyzing data that were previously unavailable).

Expansion of tools (the use of modern technical means, including drones, satellite imagery, digital technologies for recording evidence, and other cutting-edge technologies that can compensate for the physical inaccessibility of objects and evidence).

Psychological training of investigators (war conditions require investigators to possess not only professional knowledge but also psychological resilience. Specialized training in stress management and working in extreme conditions is essential for ensuring the effective performance of investigative functions).

Victim-Centric Approach (paying special attention to ensuring the rights and needs of victims, including their physical and psychological safety).

Ensuring access to medical, psychological, and social support during the investigation and trial process.

The research has identified several challenges facing the system of investigating crimes against the freedom, honor, and dignity of a person in wartime conditions:

- Lack of resources;
- Threats to witnesses and victims;
- Documentation of war crimes (Pletenets, 2020).

The results of the study highlight significant gaps and challenges in the investigation of criminal offenses against personal liberty, honor, and dignity in Ukraine, especially during wartime. These findings align with and build upon existing literature on the complexities of ensuring human rights and justice under extraordinary conditions.

Legal Framework and International Standards

The analysis of Ukraine's legal framework reveals that while these laws establish foundational definitions and processes, they often lack provisions for adapting to wartime conditions. This observation is consistent with the findings of Pletenets (2020), who emphasized that legal systems often falter in addressing crimes against dignity during armed conflicts due to procedural rigidity and insufficient resources.

International humanitarian law provides a comparative benchmark for evaluating Ukraine's legal standards. The study confirms that Ukraine's ratification of the Rome Statute (Law No. 3909-IX, 2024) marks a step forward, yet its implementation remains incomplete. As noted by Eurojust (2018), the proper application of international norms requires not only legislative alignment but also judicial and investigative competence, which remains underdeveloped in Ukraine's context.

Challenges in Investigative Practices

Empirical research conducted for this study corroborates previous findings on the obstacles investigators face in conflict zones. Limited access to evidence, threats to witnesses, and the psychological toll on investigators were highlighted as critical issues. For example, it is emphasized Eurojust (2018) that physical inaccessibility to crime scenes often necessitates reliance on technology, such as drones and satellite imagery, a recommendation echoed in this study's findings.

Moreover, the need for specialized training in stress management and advanced investigative techniques is supported by Alieva (2021), who argues that humanism and respect for individual dignity should guide investigations, especially in traumatic contexts. The study's recommendation for a victim-centric approach aligns with this principle, underscoring the importance of safeguarding victims' psychological and physical well-being throughout the investigative process.

Judicial Interpretations and Case Studies

The study's analysis of judicial interpretations by the Criminal Cassation Court of the Supreme Court (CCC SC) demonstrates progress in clarifying legal ambiguities, such as the concept of "vulnerable state of the person" and the requirements for proving harm to dignity. These insights are consistent with Pchelina & Nevyadovsky (2023), who argue that judicial decisions play a pivotal role in shaping forensic methodologies and ensuring justice in complex cases.

Historical case law provides a broader context for understanding the cultural and subjective dimensions of dignity violations. These cases illustrate how international standards can inform domestic judicial practices, a connection that Ukraine has yet to fully leverage. The study's findings suggest that integrating such precedents into Ukrainian jurisprudence could enhance the consistency and fairness of investigations.

Theoretical and Praxeological Foundations

The study also delves into the theoretical principles underpinning the investigation of crimes against personal dignity, such as the rule of law, humanism, and objectivity. These principles, as outlined by Alieva (2021), serve as a moral and procedural guide for ensuring fairness and respect in investigations. However, wartime conditions necessitate adaptations, such as the use of remote technologies and flexible procedural standards, to address the unique challenges posed by conflict.

The praxeological approach, which prioritizes resource optimization and practical effectiveness, emerges as a critical strategy. This approach's emphasis on modern technologies and specialized training aligns with

the recommendations of Pletenets (2020), who highlights the importance of innovative methodologies in overcoming wartime investigative hurdles.

Connection to Literature Review

The study's results reinforce key themes from the literature review, including the necessity of adapting legal and investigative frameworks to wartime realities. The integration of international standards, as advocated by United Nations (1998) and Eurojust (2018), is essential for aligning Ukraine's practices with global human rights norms. Similarly, the emphasis on a victim-centric and humanistic approach echoes the findings of Alieva (2021) and underscores the moral imperative of protecting individual dignity in the face of systemic challenges.

Conclusion

The study's findings underline both the achievements and the critical challenges facing the investigation of crimes against the freedom, honor, and dignity of individuals in Ukraine, particularly in the context of martial law. The research not only confirms the need for legislative improvements but also emphasizes the practical steps required to address current deficiencies in the investigation processes. These findings are critical for guiding both legal reforms and law enforcement practices.

Legislative Framework and Practical Implications

Regarding the first task, the analysis of the existing Ukrainian legal framework reveals both positive aspects and areas that urgently require reform. The provisions of the Criminal Code of Ukraine (CCU) and the Criminal Procedure Code of Ukraine (CPCU), while essential for defining and regulating crimes against personal liberty, honor, and dignity, fail to fully address the unique challenges posed by wartime circumstances. The study highlights that while these legal instruments are foundational, they need substantial improvements to enhance investigative effectiveness and victim protection. This gap is particularly evident in the context of martial law, which exacerbates existing challenges, such as limited access to crime scenes, and creates additional barriers to collecting evidence and prosecuting offenders. The practical implication here is clear: reforms should not only refine existing legal norms but also introduce new provisions tailored to the realities of conflict and societal instability, including more specific protections for victims in wartime situations (Pletenets, 2020; Eurojust, 2018).

The recommendation for practical measures to enhance law enforcement capabilities is aligned with calls from international bodies like Eurojust (2018), which emphasize that effective legal frameworks must be supported by capacity-building initiatives within investigative agencies. Training law enforcement officials on specialized investigative techniques and ensuring closer cooperation between different institutions, including police, social services, and medical institutions, will be key in improving the effectiveness of investigations. Further, aligning domestic procedures with international standards, such as the Rome Statute (1998) and Geneva Conventions (1949), can enhance the consistency and fairness of investigations, particularly in cases of war crimes (United Nations, 1998).

Theoretical Foundations and Praxeological Approaches

The second task, based on empirical research, stresses the importance of integrating theoretical knowledge with practical methodologies to address the complexities of crimes against dignity. The study reveals that many of these crimes remain unresolved, largely due to difficulties in proving intent, especially when dealing with crimes that involve psychological harm and humiliation. This observation supports the views of Alieva (2021), who argues that while legal frameworks provide essential guidance, practical and psychological approaches must be incorporated to ensure that the nuances of dignity violations are fully understood and addressed in investigations.

Additionally, the research highlights the significant role of praxeological approaches, which emphasize resource optimization and the application of effective, real-world investigative strategies. The study's conclusion that specialization is crucial within law enforcement agencies directly reflects the findings of Pletenets (2020), who discusses how investigators in conflict zones require not only knowledge of the law but also technical skills and psychological expertise. By integrating theoretical foundations with practical approaches, investigators can more effectively address the multifaceted challenges involved in such cases.

Legal Ambiguities and Technological Challenges

One of the most significant findings of the study is the difficulty in proving intent, particularly in cases that involve psychological trauma or violations of dignity. As evidenced by both case law and scholarly research (Pchelina & Nevyadovsky, 2023), legal ambiguity – such as inconsistent interpretations of "humiliation" or "psychological harm"—can lead to variations in how cases are handled. The lack of modern evidence-gathering methods, such as digital forensics for online crimes, also complicates investigations, particularly as crimes involving social media and messaging services become more prevalent (Eurojust, 2018).

Under martial law, these challenges are magnified as societal instability makes it harder to ensure consistency in legal interpretations. The increase in war crimes during such times often involves violations of personal dignity that are both severe and complex, requiring specialized investigative methods and tools. The research indicates that incorporating modern technologies like drones and satellite imagery can play a pivotal role in collecting evidence in conflict zones, thereby improving the quality of investigations (Eurojust, 2018).

Challenges Under Martial Law

Martial law, as discussed in the study, has a multiplier effect on the difficulties faced by law enforcement in investigating these offenses. The compounded challenges—such as resource scarcity, emotional and psychological strain on investigators, and heightened societal tensions—necessitate new approaches to investigative procedures. The use of modern technologies for evidence collection in combat zones and the integration of international cooperation, as noted by Eurojust (2018), will be essential to navigating the complex environment that martial law creates. Such strategies could include increasing the capacity for cross-border investigations and ensuring that international human rights standards are upheld in domestic proceedings.

Directions for Future Research

Building on the insights from this study, future research should focus on the specific challenges that arise during the investigation of crimes against dignity under martial law. Investigating the interaction between legal interpretations, technological innovations, and victim protection strategies will be crucial for refining investigative practices. Further studies could explore how Ukraine's law enforcement agencies can better adapt to the evolving nature of these crimes, particularly as they intersect with new technologies and digital platforms.

Moreover, comprehensive research into international cooperation on war crimes investigations, including the role of entities like the International Criminal Court and Eurojust, will provide valuable insights into how cross-border legal frameworks can be more effectively applied to local contexts during wartime. This direction not only promises to enhance practical investigative approaches but also contributes to the broader field of international criminal law.

The study's findings underscore the urgent need for legislative reforms, practical enhancements in law enforcement training, and integration of modern investigative technologies to improve the investigation of crimes against personal dignity in Ukraine. The challenges posed by martial law and the increasing complexity of such crimes require a multi-faceted response, including theoretical and practical adjustments. By addressing these gaps, Ukraine can strengthen its justice system, enhance the protection of victims, and ensure that investigations align with international human rights standards, particularly in times of war.

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