

ПРАВОВА ОСВІТА

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HIGHER EDUCATION IN TERMS OF WAR IN UKRAINE: LEGAL AND SOCIAL DIMENSIONS

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The article aims to summarize the main challenges faced by higher education in Ukraine in the context of the full-scale invasion of Ukraine by the Russian Federation and conduct a comprehensive theoretical study of the legal framework for security threats, the devastation of universities, compelled digital transformation, quality assurance under martial law, financial obstacles, and international assistance. Some universities were forced to relocate due to the hostilities; their buildings were damaged or destroyed, and the educational infrastructure has undergone significant changes, especially in the East and South of Ukraine. The research theme is extremely relevant in the context of Ukrainian society, as the education sphere is one of the most affected by the war in Ukraine, which has faced new challenges. Research methods: the main methods used in writing this article are content analysis (research using content analysis by MAXQDA24, Python, and Internet resources), comparative analysis, and a questionnaire survey (online survey using Google Forms). Results: the task is to conduct a comprehensive analysis, identify needs and trends, develop effective programs to support the system of higher education, and restore higher education institutions. Conducting sociological research is important for understanding the depth of social transformations, as sociological analysis is an important tool for making informed management decisions aimed at supporting Ukrainian society in the context of war and rebuilding the state. Discussion: this article examines the repercussions of Russia's extensive military aggression against Ukraine on the higher education system from 2022 to 2025. Additionally, the article offers pragmatic recommendations for universities and public policy both during wartime and in the context of post-war recovery.

Key words: Higher Education; War; Martial Law; Humanitarian Crisis; Socio-Economic Crisis.

Problem statement and its relevance. The full-scale Russian military invasion of Ukraine, initiated on 24 February 2022, dramatically altered the course of governance processes across all sectors in Ukraine, including higher education. Public policy responses in this domain aimed to reduce the harmful impacts of the ongoing military aggression. On the day the invasion commenced, the official website of the Ukrainian government published a brief statement from the Ministry of Education and Science outlining the operational guidelines for educational institutions under the legal framework of

martial law. Subsequently, on 25 February 2022, all educational establishments were advised to suspend regular academic activities. Furthermore, the government promptly ordered the accelerated certification and graduation of students enrolled in higher military education programs, in direct response to the outbreak of the full-scale invasion.

It should be noted that research on the socio-economic and humanitarian consequences of war is essential for informed decision-making, effective post-war reconstruction, and the prevention of future wars. This research highlights the multifaceted

impact of war on individuals, communities, and nations, emphasizing the profound consequences for the well-being, stability, and development of societies and, first of all, on the system of higher education. Therefore, considering war as a social phenomenon, the socio-economic and humanitarian consequences caused by it should be described. According to it, the humanitarian crisis in society, the problem of internally displaced people and refugees, and changes in the higher education system in the context of war are discussed.

The legal foundations for higher education during wartime in Ukraine are vital for ensuring the protection of educational rights, the continuity of learning, and the preservation of academic integrity. By establishing a robust legal framework that encompasses constitutional guarantees, legislative measures, and international obligations, Ukraine can navigate the complexities of providing education in the face of conflict, ultimately fostering resilience and recovery in its higher education sector.

This article aims to analyze changes in Higher education in Ukraine in terms of war.

Analysis of recent research and publications.

It is worth noting that the sociological analysis of war is carried out in the works of S. Montesquieu, A. Smith, J. Alexander, and N. Angel, as well as classical sociological approaches to understanding the phenomenon of war by M. Weber, E. Durkheim, G. Spencer, P. Sorokin, W. Sumner, Charles Tilly, Michael Mann, Anthony Giddens, Gaetano Mosca, Wilfredo Pareto, Randall Collins and others. War is examined through the prism of globalization in the theories of Z. Bauman [3], P. Bourdieu [4], M. Kaldor, F. Oppenheimer, and A. Rastow.

The impact of the war on higher education is studied in the works of Ukrainian scientists E. Holovakha, S. Makeev, S. Khobta, etc. [21].

Understanding the socio-economic consequences of war is essential for developing effective policies and strategies for post-war recovery and reconstruction. War destroys important social and economic assets, with catastrophic consequences for affected communities. Studying these consequences provides valuable information on the extent of the damage, which in turn informs the allocation of re-

sources to rebuild infrastructure, revitalize local economies, and restore social services [18].

The humanitarian dimension of war requires careful study, as it provides an opportunity to examine the needs of victims, internally displaced people, and human rights violations during the war. The study of the impact of war on the humanitarian situation of the population contributes to a deeper understanding of the plight of the war-affected population, providing insight into the immediate and long-term needs of refugees, internally displaced people, and other socially vulnerable groups. This knowledge is crucial for humanitarian organizations to provide targeted assistance and ensure the protection of human rights [20].

It is appropriate to use the experience of the Croatian-Bosnian War and draw comparisons with the Russian-Ukrainian War. The study of the socio-economic and humanitarian consequences of the war in Ukraine, based on the experience of the Croatian-Bosnian wars, is important for a broader understanding based on the known mechanisms and actions that were taken in the process of overcoming the post-war crisis and its consequences. The results of this activity will help prevent deliberately ineffective or harmful decisions in Ukrainian society [18].

The return of refugees and the "rebuilding" of countries devastated by war are important political goals for a growing number of donor governments, international organizations, and NGOs working in the areas of development and humanitarian action. The events in Kosovo, for example, provide a vivid illustration of both the speed with which concerns about reconstruction can develop and the extent to which this is linked to refugee return in public policy. However, Kosovo is not the first or only situation to highlight the link between refugee return and post-conflict reconstruction. From Cambodia and Namibia in the early 1990s to Mozambique, Rwanda, and Guatemala in the middle of the decade, policymakers have grappled with these twin challenges as fundamental components of international humanitarian policy. Nowhere was the international commitment to refugee return and reconstruction more evident than in the Balkans. In Bosnia in particular, the 1992-1995 armed conflict shocked the world. When the war ended, Western

countries hoped to use Bosnia as a demonstration of their ability to lead the country from war to sustainable economic and social development. The task was a daunting one. More than half of the country's roughly 3.5 million people were either living outside the country as refugees or internally displaced within its borders. The country's economy has been devastated, and its political system has been drastically altered not only as a result of the conflict but also because of the need to establish new forms of government following the collapse of the federal socialist system.

When analyzing the operations involving international partners in nation-building and reconstruction, we have to ask ourselves the following questions: What did the international community do right? What should it have done differently? In other words, is Bosnia a model to follow or a warning to avoid? The Bosnian case is both, and its successes and failures provide a timely test of the effectiveness of Western state-building efforts.

In less than a decade, Bosnia has been rebuilt and transformed in many ways. The struggle that gripped the country in 1992-1995 and led to ethnic cleansing campaigns, concentration camps, and more than 200,000 victims has been replaced by a semblance of normalcy [12].

Peace has been established, and there is a strong sense of increased security across the country [5].

The physical reconstruction of the country was even more successful; in early 2000, the European Stability Initiative declared that the uneven reconstruction effort had been "extremely successful". Even refugees began to return home; minority returns in 2002 increased by 40 percent compared to 2001.

However, critics of the international mission argue that this so-called progress is temporary and superficial. The peace is temporary because the only thing that prevents violence is the presence of international troops. The years of international involvement have not helped the economic recovery much. Ten years after the end of the war, the gross domestic product is less than half of its pre-war level, and the only engine of growth has been international aid. The transformation is superficial, as the consociational democracy envisaged by the international community has not emerged. Bosnia is

divided into two political entities dominated by three nationalist parties, and major issues related to borders and identity have not yet been resolved.

The debate on what to do next has generated a lot of opinions, as well as a lack of clear answers on how the international community should act. The reason for this is the lack of systematic research on the impact of international involvement in Bosnia. Only a few studies have dealt with post-Dayton Bosnia, and even fewer with the consequences of international intervention. Think tanks based in Bosnia have produced timely analyses, but these reports are often quite dense and narrowly focused. Nevertheless, the lack of additional assessments of the international community's role in the country's transformation is surprising, given that the international community has provided some nine billion dollars in aid to rebuild this small country since late 1995. Understanding the impact of these investments is essential to a proper understanding of the country's recovery from post-war ruin. Failed strategies require a reassessment of goals, means, and resources, but both sets of problems point to the need for flexibility and the need for contextualized strategies.

Presentation of the main material of the research. It should be noted that Article 53 of the Constitution of Ukraine guarantees the right to education, establishing that every citizen has access to education regardless of the circumstances, including times of war. This constitutional right forms the bedrock for legal protections and responsibilities regarding education. The Law of Ukraine on Higher Education outlines the governance of higher education institutions, defining their operational mandates, rights, and duties. It provides mechanisms for adapting educational services during crises, allowing institutions to modify curricula and operational protocols in response to war-related challenges. Following the Martial Law Legislation in Ukraine, several legislative measures were enacted: suspension of Regular Academic Activities (educational institutions suspend traditional classes to ensure the safety of students and staff); relocation of education institutions (Government facilitates the relocation of HEIs from conflict zones to safer areas, ensuring continuity in educational services).

Ukraine is a signatory to various international treaties, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR). It emphasizes the right to education and requires states to ensure that education is accessible to all, particularly during emergencies. The Convention on the Rights of the Child claims about the protection of children's right to education, obligating states to take all appropriate measures to ensure continuity of education even in conflict situations.

National Emergency and Civil Defense Laws provide a framework for protective measures, including:

Provision of Educational Services, such as mechanisms for ensuring that educational services continue even during emergencies, such as online education and temporary relocations;

Access to Resources. Legal norms that facilitate access to essential resources for educational institutions during crises.

Ukrainian laws aimed at promoting gender equality and inclusivity must be upheld in the educational context, particularly during wartime. This includes ensuring equitable access to education for all individuals, regardless of gender or socio-economic status.

Legal frameworks allowing for collaboration with international organizations (e.g., UNESCO, UNHCR) enhance the support provided to Ukrainian higher education institutions, particularly concerning funding, resource sharing, and best practices in crisis education management.

The main methods used in writing this thesis are content analysis (research using content analysis by MAXQDA24, Python, and Internet resources), comparative analysis, and a questionnaire survey (online survey using Google Forms). For the secondary data analysis, analytical reports of the World Health Organization; analytical reports of the International Organization for Migration on internal displacement in Ukraine; analytical reports of the Office of the United Nations High Commissioner for Human Rights; reports of the Organisation for Economic Cooperation and Development; Gradus research, Info Sapiens research [11], Democratic Initiatives Foundation research, 7-15 May 2022; CEDOS researches are used [1; 2; 6; 8; 9].

The empirical basis of the study is the results of the authors' empirical research, obtained through interviews with 1400 respondents (including 770 men and 630 women). The sample was stratified by five characteristics: sex, age, ethnicity, region, and gender identity.

The geography of the project is the territory of Ukraine (except for the temporarily occupied Donetsk, Luhansk, Kherson, and Zaporizhzhia regions).

The design of the project is one stage.

Research Methods are: a) questionnaires; b) semi-structured in-depth interviews.

The sample size is 1400 respondents.

Sampling error is 2%.

The study aims to analyze changes in Higher Education in Ukraine.

It's important to note that the full-scale invasion of Russia in early 2022 made it impossible for educational institutions to operate within the legal framework of Ukraine in the newly occupied territories and territories where active hostilities are taking place. As a result, the Ukrainian authorities made a tough decision that to continue their activities, professional higher education institutions should move from the regions affected by war and occupation to the territory controlled by Ukraine. Before their relocation, these educational institutions had their banking services temporarily suspended (meaning they could not carry out financial transactions and payments), and access to the USES was denied (meaning they could not change information about their employees and students in this database, including the issuance of diplomas to graduates). To restore access to the bases and treasury services, HEIs had to move to the non-occupied regions of Ukraine, which they did in February 2022. There is no single most popular region of relocation for educational institutions from the temporarily occupied territories: they relocated to different regions of Ukraine. In total, 131 vocational pre-university and higher education institutions with 91,000 students (6.7% of the total number of students in Ukraine) and more than 11,000 teachers were relocated in 2022 [10].

Thus, many Ukrainian and European universities have offered students who have left particularly dangerous regions of Ukraine to take certain cours-

es free of charge at their current place of residence, which is a form of academic mobility. Although, according to our earlier survey, only a small number of students took advantage of this opportunity, potentially some of them decided to fully transfer to a new university, which created the conditions for obtaining a presumably higher quality education in an offline format. For the displaced educational institutions, this circumstance became a risk of losing some students.

The participation in the educational process of those students and teachers who remained in the temporarily occupied territory is a difficult issue. Such people face not only unstable or non-existent Internet connections but also security risks if the occupation authorities become aware that a person is continuing their education remotely in a Ukrainian institution. The administration of the displaced educational institutions also faced the problem of responding to cases of collaboration.

Following Ukraine's victory, the temporarily displaced educational institutions, as carriers of Ukrainian values, should play a significant role in the reintegration of the temporarily occupied territories into the Ukrainian educational and cultural landscape. Socialization of young people, professional development and retraining of teachers who have been forced to work under Russian educational programs since 2014, promotion of awareness of Ukraine's history, restoration of the Ukrainian language as the state language in the de-occupied territories, and implementation of local humanitarian projects are crucial areas for these educational institutions to focus on in the future.

The Council of Europe Action Plan for Ukraine, Resilience, Recovery and Reconstruction 2023–2026 formulates a related task as follows: "To develop the capacity of educators to implement democratic, diverse and inclusive history education programs, including the teaching and learning of the complex history of democracy in line with Council of Europe standards, and to create a safe educational environment in which dialogue, inclusiveness and cohesion are supported and potentially sensitive and controversial issues are discussed" [7].

However, such a task for universities and other types of educational institutions is not currently explicitly stated in the main official documents on the reintegration of the de-occupied territories and post-war reconstruction of Ukraine [14]. The development of an appropriate policy and the provision of financial, human, and intellectual resources for its implementation should be prioritized immediately to ensure the successful reintegration of these territories [14].

According to the authors' empirical research, the following results:

1. Only 15.74% of students indicated that their plans for the future remained unchanged after the war. This indicates that a significant number of students have felt the impact of the war on their plans.

2. More than half of the respondents (50%) claim that they were forced to change their plans because of the war. This is primarily due to the unstable situation in the country, limited opportunities, or general stress caused by the conflict.

3. A significant number of students (32, 4%) said that they had to postpone their plans because of the war. This indicates that students feel unstable and uncertain about their future in the context of the conflict.

These data indicate the serious impact of the war on students' plans and prospects and highlight the need for psychological and social support for this population.

The survey results revealed the following:

1. 37% of students have not decided on their plans to go abroad after the war, which may indicate their uncertainty about the future and indicates a certain degree of instability in the country.

2. 30 percent of respondents expressed their intention to move abroad after the conflict ends. This is primarily due to the desire to find more favorable conditions for study, work, or life in general.

3. Only 32,4% of students believe that Ukraine will win the war. This may influence their decisions about plans and travelling abroad. Uncertainty about the future and low belief in the country's victory affect students' decisions about their future, including the possibility of going abroad.

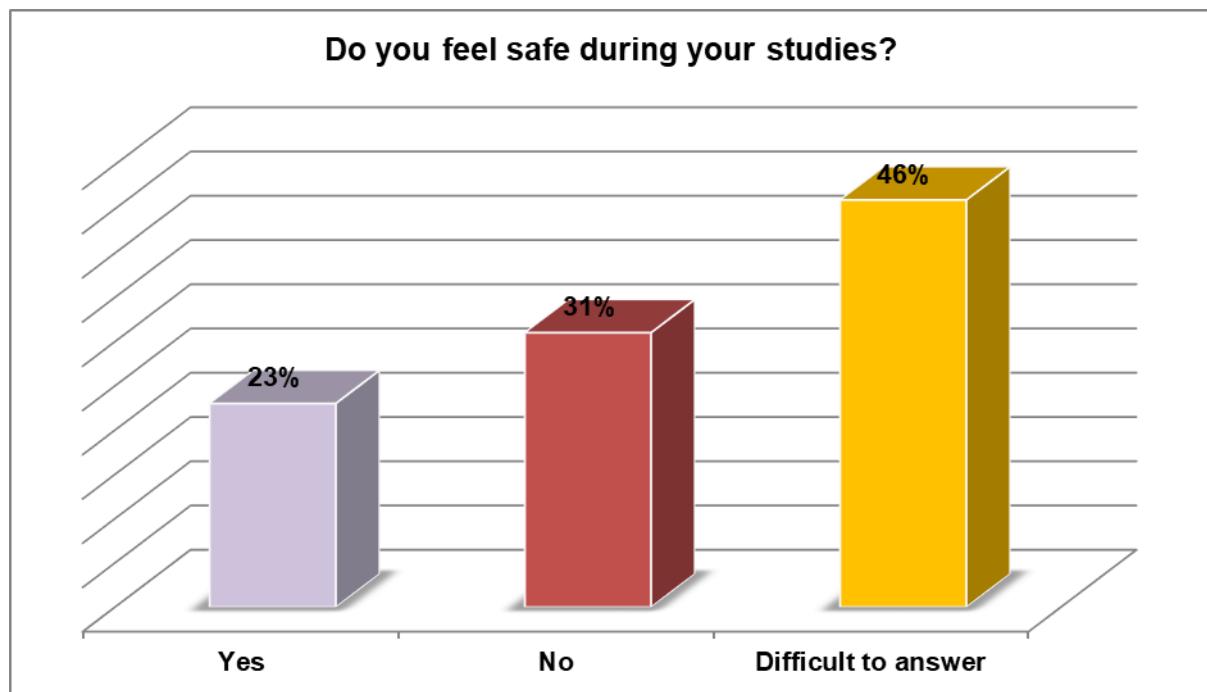


Figure 1: Safety during studies (according to respondents' answers).

Moreover, the survey results have shown:

1. Psychological difficulties: more than half of the students (54,6%) experience psychological difficulties caused by war. This includes stress, anxiety, depression and other psychological problems.

2. Difficulties with access to resources: about 21,3% of students have problems with access to necessary resources, such as the Internet and other means of communication. This, in turn, limits their ability to access the necessary information for their studies and research.

3. Financial difficulties: approximately 24% of respondents report financial difficulties, which include problems with paying for tuition, accommodation and other expenses.

4. General safety during studies: 23% of students feel safe while studying. However, 31% of students feel unsure of their safety, indicating a widespread fear and uncertainty among them.

5. Psychological difficulties: 14% of students reported psychological difficulties after the full-scale invasion of Russia, which arose as a result of the war and the unstable situation in the country.

6. Deterioration of academic performance: 46% of students reported a deterioration in their academ-

ic performance after the invasion. This, in turn, is a consequence of psychological stress, limited access to resources, and distraction from studying due to security concerns or other factors related to the military conflict.

7. Willingness to share personal experiences of the impact of war on life and learning: about 10% of students expressed a desire to share their experiences of the effects of war on their lives and learning. This indicates the need for psychological support and the ability to express their feelings and thoughts for health and adaptation.

8. The presence of anxiety or other psychological consequences due to the war: 9% of students experience anxiety or other psychological consequences. This emphasizes the importance of psychological support and assistance in dealing with psychological problems arising from military conflict.

9. Did the respondents visit psychologists? The majority of students (90,7%) did not consult a psychologist. This may indicate a lack of access to psychological support and insufficient awareness of the importance of seeking help in difficult times.

Do you have absolutely equal opportunities for your self-realization in the education sphere in Ukraine as before February 2022 (rate from 1 to 5, where 5 -strongly agree, 1 - strongly disagree)?

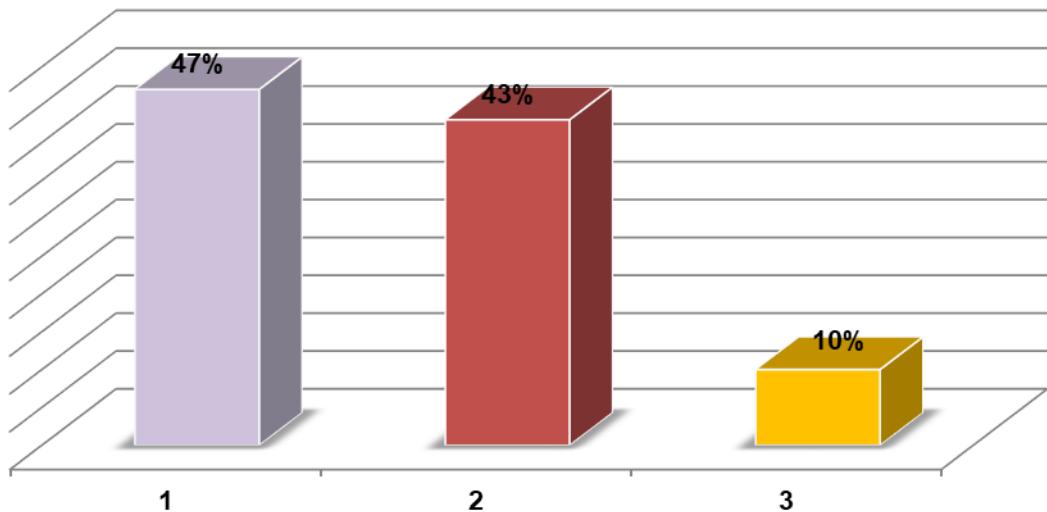


Figure 2: Dynamics of equal opportunities for self-realization depending on war

Most respondents considered that they had lost opportunities for self-realization or they had changed compared to the period before February 2022.

The full-scale invasion of the Russian Federation is a factor that determines all processes and dynamics of all types of relations in Ukraine, including those related to gender equality, women's empowerment, and women's rights.

The full-scale invasion of the Russian Federation has had an ambivalent impact on the gender equality situation in Ukraine. It has also created new challenges for gender equality and women's rights [16].

At the same time, as the Ukrainians and the state have responded to these challenges, women's groups, the Government, and women's rights or-

ganizations are gradually becoming stronger, and society is increasingly recognizing the need to involve everyone - regardless of gender, age, and other factors - in responding to Russia's aggression and its aftermath. Another important aspect of the full-scale invasion of the Russian Federation's impact on gender equality is the lack of up-to-date official statistics on many issues, starting with demographics. There is no accurate estimate of the current size of the Ukrainian population, let alone its age and gender structure. Available estimates vary between 28 and 34 million people, depending on estimates of migration flows. The lack of statistical data is a major limitation for gender equality policy-making and programming by the government and international partners [16].

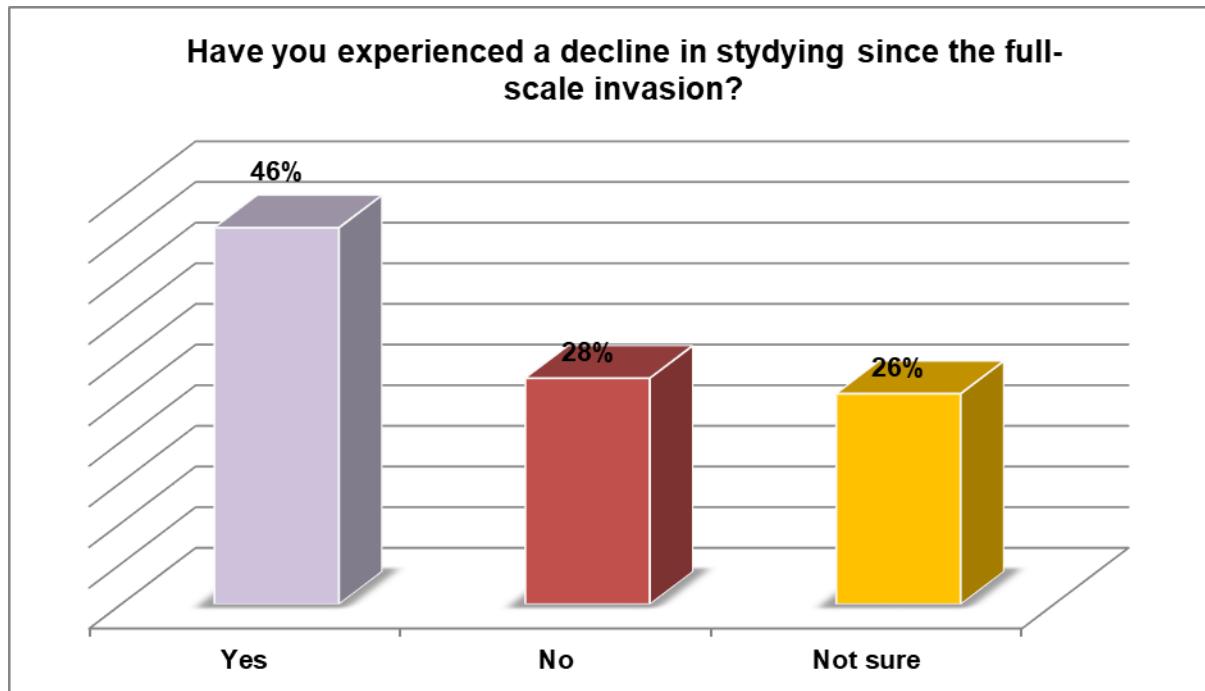


Figure 3: A deterioration in academic performance

Conclusions. Thus, the study of the socio-economic and humanitarian consequences of war is imperative for informed decision-making, effective post-war reconstruction, and the prevention of future conflicts. This study highlights the multifaceted impact of armed conflict on individuals, communities, and nations, highlighting the profound implications for the well-being, stability, and development of societies. By delving into the complex web of consequences of war, this study seeks to emphasize the moral, political and practical imperative of a comprehensive understanding of these consequences to inform policy-making, conflict prevention, and post-war reconstruction efforts.

So, despite the complex challenges, when, according to President of Ukraine Volodymyr Zelenskyy, "The occupiers have identified culture, education and humanity as their enemies. Ukraine, which seeks to be competitive in the modern world, must define education and science as its strategic areas". To achieve this goal in the context of the post-war reconstruction of Ukraine, the Ministry of Education and Science of Ukraine has recognized the following long-term priorities for the development of higher education in Ukraine: the personal development and decent employment; unity and support of democratic values; training of specialists and scien-

tists in demand; trust in the educational, scientific and expert activities of higher education institutions; optimization of the network of higher education institutions and creation of a modern educational space; ensuring the autonomy of higher education institutions; internationalization of higher education in Ukraine; continuous education as a mainstream of modernity; synergy of education and business [13].

The legal foundations for higher education during wartime in Ukraine are vital for ensuring the protection of educational rights, the continuity of learning, and the preservation of academic integrity. Ukrainian higher education has demonstrated resilience. By establishing a robust legal framework that encompasses constitutional guarantees, legislative measures, and international obligations, Ukraine can navigate the complexities of providing education in the face of conflict, ultimately fostering resilience and recovery in its higher education sector.

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ВІЩА ОСВІТА В УМОВАХ ВІЙНИ В УКРАЇНІ: ПРАВОВІ ТА СОЦІАЛЬНІ АСПЕКТИ

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Метою статті є узагальнення основних викликів, з якими зіштовхнулася вища освіта в Україні в умовах повномасштабного вторгнення РФ в Україну; проведення комплексного теоретичного дослідження правових засад загроз безпеці, руйнування університетів, вимушеної цифрової трансформації, забезпечення якості освіти в умовах воєнного стану, фінансових перешкод та міжнародної допомоги. Деякі університети були змушені переїхати через військові дії; їхні будівлі були пошкоджені або зруйновані, а освітня інфраструктура зазнала значних змін, особливо на сході та півдні України. Тема дослідження є надзвичайно актуальну в контексті українського суспільства, оскільки сфера освіти є однією з найбільш постраждалих від війни в Україні, яка зіткнулася з новими викликами. **Методи дослідження:** основними методами, використаними при написанні цієї статті, є контент-аналіз (дослідження з використанням контент-аналізу за допомогою MAXQDA24, Python та інтернет-ресурсів), порівняльний аналіз та анкетне опитування (онлайн-опитування за допомогою Google Forms). **Результати:** завдання полягає у проведенні комплексного аналізу, виявленні потреб і тенденцій, розробці ефективних програм підтримки системи вищої освіти та відновленні закладів вищої освіти. Проведення соціологічних досліджень є важливим для розуміння глибини соціальних трансформацій, оскільки соціологічний аналіз є важливим інструментом для прийняття обґрунтованих управлінських рішень, спрямованих на підтримку українського суспільства в умовах війни та відбудови держави. **Обговорення:** у статті розглядаються наслідки повномасштабної військової агресії Росії проти України для системи вищої освіти у 2022–2025 роках. Крім того, у статті наводяться прагматичні рекомендації для університетів та державної політики як у воєнний час, так і в контексті післявоєнного відновлення.

Ключові слова: вища освіта; війна; воєнний стан; гуманітарна криза; соціально-економічна криза.

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