

CUSTOMS AND LEGAL ASPECTS OF INTERNATIONAL HUMAN RIGHTS PROTECTION DURING ARMED CONFLICTS

Purpose. The purpose of the article is to provide a comprehensive study of the mechanisms of customs legal regulation in the context of international human rights protection during armed conflicts. The work is aimed at theoretical understanding of the role of customs in the human rights protection system, identification of gaps between the regulatory framework and the practice of customs authorities in crisis conditions, and also at formulating doctrinal guidelines for improving the relevant legal mechanism.

Methods. In the course of the study, an interdisciplinary approach was applied, in particular, the methods of system analysis, comparative legal method, method of formal legal interpretation, and elements of forecasting. The author analyzes the existing doctrinal developments, classical interpretations of the basic terminology, modern scientific concepts, international conventions, the practice of the customs service functioning in times of war, and the relevant legal provisions of humanitarian and customs law.

Results. The study identifies the relevance of the topic at the intersection of customs regulation and human rights protection, and outlines the lack of scientific literature that would comprehensively reveal the interconnection of these areas in crisis conditions. The essence of key concepts such as “customs regulation”, “human rights” and “armed conflict” is revealed. The author compares the approaches of legal schools to human rights in the context of customs regulation. The limits of legal influence of customs and its place in the overall human rights mechanism are characterized. The author identifies the peculiarities of the practical functioning of customs authorities during military operations, analyzes the gap between theoretical standards and the actual exercise of customs powers, and reveals the lack of adaptation of customs legislation to the conditions of war, unclear procedures, insufficient interagency coordination and poor consistency of norms with humanitarian standards. The author proposes a model of “adaptive humanitarian customs law” as a theoretical basis for updating the legal regulation of customs activities in the context of armed conflict. It consists in establishing a special customs control regime, developing a coordinated interagency position, introducing mechanisms for external supervision and harmonizing national legislation with international obligations, in particular, with regard to liability for restricting humanitarian access in accordance with the Rome Statute. The article also substantiates the possibilities of using artificial intelligence in the field of customs control to increase efficiency, reduce the human factor, speed up procedures and transparent monitoring.

Conclusions. As a result of the analysis, it is concluded that there is an urgent need for a doctrinal update of customs law, taking into account the challenges of armed conflicts, the scale of humanitarian crises and the transformation of the international legal order. The approaches developed in this article demonstrate the potential of comprehensive reform of customs regulation through the integration of the humanitarian component, digital technologies, algorithmic solutions, and new methods of interagency coordination and rapid response in emergency situations.

Key words: humanitarian law, customs control, armed aggression, international legal standards, customs regulation, human rights, artificial intelligence.

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Introduction. The modern world is experiencing a period of profound geopolitical upheaval, among which armed conflicts of a new type, accompanied by large-scale humanitarian crises, occupy a special place. The full-scale war in Ukraine, which has been going on since 2022, has become not only a challenge to national security, but also a test of the effectiveness of international legal mechanisms for the protection of human rights, including their functioning in the border, customs, and economic dimensions.

In such circumstances, customs authorities acquire a dual role – on the one hand, as security institutions that control the movement of goods and people, and on the other hand, as a potential element of the humanitarian protection mechanism that provides access to vital assistance, evacuation of civilians and protection of the rights

of vulnerable groups. All this poses a difficult but extremely important task for legal science: to theoretically comprehend the functioning of customs and legal instruments in the context of international human rights protection in armed conflict.

Despite the existence of numerous studies in the fields of international humanitarian law and customs regulation, their combination into a single legal paradigm is still insufficiently developed. The absence of a clear doctrinal approach to the role of customs in wartime leads to legal uncertainty, conflicts and potential human rights violations, both at the national and international levels.

The relevance of this study is due to the need for a theoretical understanding of the role of customs law as a tool for implementing international humanitarian principles, identifying gaps in the legal regulation of customs authorities' actions in conflict situations, and formulating conceptual approaches to improving legislation in the context of new challenges of war.

Thus, this research work is aimed at theoretical and legal analysis of the customs and legal aspects of human rights protection during armed conflicts, which will allow to expand the understanding of legal mechanisms of security, humanitarian response and interstate cooperation in crisis conditions.

Literature review. The issue of customs and legal support for human rights in armed conflicts is a complex interdisciplinary issue that lies at the intersection of international law, customs regulation and human rights mechanisms. At the same time, current global challenges, in particular the war in Ukraine, highlight the need for an in-depth analysis of the role of customs authorities in the system of ensuring human security. In view of this, the topic has been reflected in the works of both domestic and foreign scholars. A significant contribution to the study of the impact of armed conflict on customs policy was made by such Ukrainian scholars as Borodenko T. M. and Levchenko K. M., who analyzed the peculiarities of the functioning of customs policy under martial law (Borodenko and Levchenko, 2023). Their works reveal the dynamics of Ukraine's foreign trade at the initial stage of the full-scale invasion and investigate changes in the volume of customs payments to the state budget. Mykulyak O. considers the transformation of Ukraine's customs relations with international partners in the context of war, paying attention to both operational aspects and institutional changes in the customs environment (Mykulyak, 2022). In turn, Dziuban O. and Teraz R. focused on the peculiarities of customs regulation of the domestic market during the crisis period, in particular in the field of trade and the smooth functioning of critical infrastructure (Dziuban, Teraz, 2023). Timoshenko N. M., Didyk O. O. and Smoliar L. V. in their works systematically analyze the challenges faced by the customs service in the context of war, and offer practical recommendations for overcoming them at the legislative and organizational levels (Timoshenko, Didyk, Smoliar, 2024). Makarova also proposed effective mechanisms for strengthening public administration in the field of customs, in particular, optimizing control procedures and strengthening coordination between security structures (Makarova, 2021). Particular attention should be paid to the works of such researchers as Sali E., Sali O., Matveeva Y., Hlyvenko V., Dyha M., Taraniuk O., Matviiishyn M., Shnyrkov O., Filipenko A., Polishchuk L., Alekseev S., Zalizna L., Hrytsak H., who also covered the issues of the foreign policy influence of the customs service on foreign economic activity, although mostly in peacetime.

In general, the Ukrainian scientific literature demonstrates an active interest in the transformation of customs policy in wartime, but a systematic study of the relationship between customs activities and the realization of human rights is still limited.

At the international level, the issue of functioning of customs services in crisis conditions is also of interest to researchers. Widdowson V. and Pryimachenko D. analyze the Ukrainian case as an example of challenges for customs administrations during the armed conflict, as well as study the consequences of the war for the long-term reform of the customs system (Widdowson, Pryimachenko, 2023). Azael P., Tadatsugu M., Gilles M. and others in their book "Strengthening Customs Administration in a Changing World" raise the issue of modernizing international customs institutions, considering them as part of the human rights infrastructure on a global scale (Azael, Tadatsugu, Gilles, Janos, James, 2022). Petersone M., Krastins A. and Ketners K. pay special attention to the organization of the in-service training system in customs administrations (Petersone, Krastins, Ketners, 2019). At the same time, Strinkov A., Budunsky R., Budz O., Perstneva N., Kautz A., Karklina S., Severs A. and others have studied various aspects of the activities of customs administrations in conflict situations. However, among them, only a few works are devoted to a comprehensive analysis of the impact of customs on human rights in the context of armed conflict.

In general, the English-language academic literature is conceptual and interdisciplinary, but the direct link between customs activities and human rights in the context of war remains insufficiently explored.

The analysis allows us to conclude that in both Ukrainian and foreign scientific traditions, there is a serious lack of research that would systematically cover the impact of the customs service on the protection and realization of human rights in the context of armed conflict. This constitutes a significant gap in legal scholarship, as customs actually serves as the primary contact mechanism between the state and displaced persons, humanitarian missions, international cargo, and even civil-military cooperation. The customs service has an impact on the realization of such rights as the right to life, security, freedom of movement, access to medical care and food. Its decisions affect the timely delivery of humanitarian goods, the possibility of evacuating the population, the protection of children and women at the borders, etc.

In this context, further scientific research into the relationship between customs and legal mechanisms and international human rights standards is not only relevant, but also necessary for the formation of a comprehensive security and humanitarian strategy of the state in times of war.

The doctrine of international customs law. The issue of ensuring human rights in the context of armed conflict is a complex interdisciplinary phenomenon that attracts the attention of representatives of different legal schools. The natural law school of law is dominated by the approach that human rights are of a pre-state nature and cannot be restricted even in crisis circumstances. Representatives of this school emphasize the inalienability of human dignity as the basis of legal regulation, insisting on the absolute nature of certain rights even in times of war. According to the positivist approach, human rights are a construct derived from the state will, and therefore may be subject to certain restrictions in a state of emergency or martial law, in particular when it comes to public order, national security or defense interests (Baryska, Popovych, Kohut, 2018). Instead, the modern concept of the so-called integrative law seeks to combine the moral nature of human rights with the need for their effective legal support, even in times of crisis, and considers the customs service as one of the factors in the implementation of the state's security function while preserving the human dimension of law.

In this context, it is important to clarify the theoretical essence of key concepts. Thus, the concept of "customs and legal regulation" covers the system of legal norms and means that determine the procedure for the movement of goods, vehicles and persons across the customs border of the state, as well as the mechanisms of control, accounting, and customs duties aimed at ensuring the legality of foreign economic activity. This regulation is cross-sectoral in nature, including elements of administrative, financial, criminal and international law, especially in the context of armed conflict.

"Human rights" are a set of fundamental freedoms and legal guarantees that belong to every person from birth and are recognized by both national and international legal systems. In the context of the armed conflict, these rights are of particular relevance, as a significant part of the population finds itself in a vulnerable position, requiring additional protection from state and international institutions. Particular attention is paid to the observance of such rights as the right to life, freedom of movement, protection from torture, humanitarian assistance, etc.

"Armed conflict" is a legal category that covers both international and non-international situations of armed confrontation that reaches an intensity that obliges the application of international humanitarian law. The legal significance of the concept lies in the activation of special legal regimes: temporary restrictions on the exercise of certain rights, obligations of the parties regarding the treatment of civilians, prisoners of war and other categories of persons, as well as the introduction of crisis management institutions, including the customs service.

Customs regulation in the context of conflict occupies an important place in the structure of the legal mechanism for the protection of human rights, as it ensures control over the movement of humanitarian aid, regulates access to essential goods, medicines, hygiene items, etc. Customs acts as a "filter" and guarantor of the legality of the import or export of goods, while preventing smuggling, the supply of prohibited items, weapons or dual-use goods (Hrebelyk, Sahaidak, Chorna, Borsa, 2023). This is why customs policy can directly affect both the economic security of the state and the realization of the socio-economic rights of citizens in the conflict zone.

Clarifying the boundaries of the legal influence of customs in a conflict situation is related to the definition of its competence in terms of implementing international standards. Customs activities in international law are regulated by the provisions of the International Convention on the Simplification and Harmonization of Customs Procedures, 1973 (Kyoto Convention), which is one of the main international documents in the field of customs regulation. More than 80 countries have joined the Convention, including Ukraine, the EU, the United States, China, Canada, and Japan. It establishes common principles of customs policy

aimed at simplifying procedures, ensuring transparency and increasing the efficiency of customs control. The peculiarity of this document is the combination of mandatory norms with the possibility of adaptation to national needs, which allows states to implement customs policy flexibly, but within internationally recognized standards (Denysenko, 2023). Customs authorities must also comply with other norms of international humanitarian law, in particular the Geneva Conventions (Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949), (Customs Convention on Containers, 1972), as well as decisions of institutions such as WHO, UN or WTO, in terms of facilitating humanitarian access and minimizing harm to civilians. Their legal influence is limited to the framework of legality and proportionality, as well as accountability to the controlling state authorities. However, it is during this period that there is a threat of excessive administrative arbitrariness or delayed procedures, which may violate the rights of individuals to access humanitarian resources. Therefore, the customs service is obliged to act not only within the law, but also in accordance with generally recognized human rights principles, including non-discrimination, humanity and efficiency.

Thus, the scientific understanding of the role of customs in the context of armed conflict shows that this institution is not only a fiscal and security tool of the state, but also an important element of human rights protection. Its legal burden should be reconsidered through the prism of a humanitarian approach that takes into account both security and socio-legal aspects.

Practical principles of customs and legal regulation. The functioning of the customs service in the context of armed conflict involves the implementation of a set of legal, administrative and organizational measures aimed at ensuring control over the movement of goods, vehicles and persons across the state border, as well as maintaining a balance between national security interests and human rights. The practical activities of the customs authorities during this period are characterized by the strengthening of risk-oriented procedures, as well as a shift in emphasis from the fiscal to the humanitarian and legal vector.

In times of armed conflict, customs must operate under an emergency legal regime, which necessitates the adaptation of procedures in accordance with international humanitarian law and international conventions. In particular, the Geneva Conventions of 1949 and their Additional Protocols (Protocol Additional to the Geneva Conventions, 1949) establish the obligation of the parties to the conflict to facilitate the unimpeded passage of humanitarian aid and not to create artificial barriers to its delivery to the civilian population. In this context, the customs service plays the role of a guarantor of the legality of humanitarian transit and ensuring its priority.

In practice, customs regulation should be implemented through specially adapted mechanisms of simplified customs control. This includes the introduction of simplified declaration procedures for humanitarian goods, reduction or elimination of customs duties for essential goods, and the organization of “green corridors” for the transportation of aid. In addition, special attention should be paid to the digitalization of customs processes, which minimizes contact, speeds up information processing, and increases transparency in cooperation with international donors.

Under martial law, the customs service should function in close coordination with the military, border guards, civilian administrations, Red Cross organizations, UN humanitarian missions, WHO and other entities operating in the temporarily occupied or frontline territories. This requires the establishment of clear interagency response algorithms, transparent document flow and the ability to make prompt decisions based on internationally recognized principles of humanitarian access.

One of the key practical aspects is to ensure a non-discriminatory approach to customs control. This means that customs authorities should not obstruct or delay aid based on the political position, ethnicity or religion of the recipients, as well as other considerations that contradict humanitarian neutrality. The issue of personal control is gaining special attention: when checking people leaving the combat zone or importing goods into the temporarily occupied territories, the standards of privacy, dignity and humane treatment stemming from the European Convention on Human Rights (European Convention on Human Rights, 2021) should be observed.

At the same time, the practice of customs regulation in the context of conflict requires enhanced professional training of customs officials on international humanitarian law, in particular in terms of knowledge of the status of protected persons, the specifics of working with medical goods, special cargo, and the interpretation of risky situations without violating basic rights. There is also a need for a clear guideline framework that unifies approaches to control in a rapidly changing operational situation.

In cases of human rights violations by customs authorities related to illegal confiscation of property, detention of goods or unreasonable restriction of freedom of movement, it is necessary to focus on the development, improvement and creation of new effective mechanisms of legal protection, including regulatory ones. It is important to ensure unhindered and transparent access to appealing decisions and actions of customs officials both in the internal administrative procedure and in courts, as well as to ensure the possibility of involving international institutions in case of systematic violations or lack of effective national protection. Implementation of the proposed law will contribute to the creation of a fair accountability system that will guarantee the rights of citizens in their interaction with customs authorities.

Thus, the practical principles of customs legal regulation in wartime should be based on the principles of humanity, legal certainty, efficiency, proportionality and coordination with international standards. In such conditions, the Customs Service performs not only traditional control functions, but also transforms into an important entity of the human rights infrastructure responsible for maintaining minimum conditions of human existence, preserving dignity and realizing fundamental human rights even in the most difficult circumstances.

Current challenges and problems. The current practice of the customs authorities in the context of the armed conflict demonstrates a number of deep contradictions between the proclaimed regulatory principles and the actual mechanisms for implementing customs and legal regulation. Despite the existence of declaratively enshrined international and national standards for the protection of human rights, in particular in terms of ensuring unimpeded access to humanitarian aid, in practice, there is considerable fragmentation and instability in the approaches of customs services to such tasks.

One of the key challenges is the lack of a systemic customs law doctrine adapted to the conditions of armed conflict. Most national customs legislation, including the Ukrainian one, was developed mainly for peacetime and with a dominant focus on fiscal functions, which leads to a limited ability of the customs system to respond effectively to the humanitarian challenges of war. As a result, we have a situation where the existing legal procedures governing the cross-border movement of goods are too bureaucratic, rigid, or simply unsuitable for a quick response in the face of constant danger, the mobility of hostilities, and the instability of logistics routes.

In practice, there is also a significant dependence of customs decisions on the political and security situation. This is manifested, for example, in a selective approach to the classification of goods as humanitarian, delays in clearance procedures, a formal approach to documentary support, etc. In some places, there are situations where cargoes with identical characteristics are allowed to pass through without hindrance at one checkpoint, while at another they are blocked or subjected to repeated checks. Such situations indicate that there is room for subjectivity, administrative arbitrariness, and even corrupt practices, which directly contradicts the principles of legal certainty, equality before the law, and humanitarian neutrality.

The issue of the unregulated status of displaced persons and the belongings accompanying them deserves special scientific attention. For example, customs authorities do not always have clear instructions on how to process personal belongings of refugees or evacuees, which leads to delays, confiscations or excessive control. This is contrary to international standards for the protection of persons fleeing a war zone, including the principle of minimal interference with privacy and the need to prioritize humane treatment.

Another problem is the limited technical and human resources of the customs service. The workload at customs points is increasing, but the system does not always have time to adapt. There is often a lack of proper technical support, and the staff does not receive specialized training in international humanitarian law or crisis management. This results in superficial performance of formal functions without a deeper understanding of their human rights context.

Insufficient interagency coordination remains a significant factor. Although the regulatory framework declares that customs should cooperate with the military, humanitarian structures, the Ministry of Internal Affairs, the Border Guard Service, etc., in practice this coordination is often fragmented, unstable and often conflicting. This leads to duplication of functions, loss of time and resources, and risks to the efficiency of the entire humanitarian aid logistics.

It is also worth emphasizing the lack of a consistent practice of assessing the compliance of customs authorities with human rights standards. In most cases, there is no monitoring of human rights observance in the process of customs control, no procedures for collecting feedback from affected individuals or NGOs,

and no effective legal mechanisms for internal review of decisions. This contradicts generally recognized democratic standards of transparency and accountability of public authorities (Karklina-Admine, Cevers, Kovalenko, Auzins, 2024).

Thus, the practical implementation of customs regulation in the context of armed conflict is currently characterized by a number of significant challenges caused by both regulatory imperfections and institutional instability. The theoretical principles of humanism, legal certainty, rule of law, and the priority of protecting human dignity are often left out of actual customs procedures. This requires not only updating the legal framework to take into account the specifics of armed conflicts, but also a deeper theoretical development of customs law as a component of human rights protection in emergency situations.

Empirical results. Given the challenges of modern customs practice in the context of armed conflict, the need for a doctrinal rethinking of the legal mechanism of customs regulation is of particular relevance. The theoretical reconstruction of customs law should be based on the principle of humanitarian priority, according to which customs activities in crisis circumstances should not only serve as a tool for controlling and regulating the movement of goods, but also become an organic component of the mechanism for protecting human rights by the State, which operates even in war.

In this context, it is advisable to propose a conceptual model of “adaptive humanitarian customs law” – a regulatory complex that combines the functions of an international trade regulator, a security watchdog, and an active guarantor of human rights. The key ideas of this model are flexibility of regulation, priority of humanitarian cargo, legal predictability of procedures, transparency and independent control over their implementation. According to this model, customs should perform not only accounting and control functions, but also preventive, coordinating and human rights protection functions.

The systemic improvement of customs legislation within this model is as follows: consolidation of a special legal regime of customs regulation in the conditions of armed conflict, which should provide for simplification of procedures for humanitarian cargo, introduction of the principle of customs integrity and priority of protection of human dignity; development of a unified interagency doctrine of interaction between customs, border, humanitarian and security structures with a clear division of functions and mandatory inclusion of international humanitarian law; regulatory construction of mechanisms for regular external monitoring by independent.

A particularly promising area of reform could be the use of artificial intelligence (AI) technologies in customs regulation. The idea is to create a “humanitarian-oriented” AI module in the customs service system that would automatically identify humanitarian cargo, analyze risks based on large amounts of data, detect anomalies in the movement of goods, and increase the transparency of customs decisions.

AI systems can:

- optimize document processing by checking data compliance in real time;
- minimize subjectivity and corruption risks in decision-making by introducing transparent algorithms, which, in turn, should be based on legally enshrined criteria;
- integrate international databases to speed up the verification of cargo and its origin;
- serve as a remote monitoring tool for independent human rights organizations.

In the future, it would be advisable to create a “single window” for humanitarian logistics that would combine an AI platform, analytical resources, automated accounting of permits and supporting documents, and a harmonized regulatory framework with partner countries. This approach would not only increase the efficiency of customs control, but also bring the practice closer to the value standards of modern humanitarian law.

Therefore, the theoretical improvement of the customs legal mechanism requires going beyond the fiscal paradigm and moving to a human rights and humanitarian concept capable of functioning effectively in a conflict situation. In this case, the integration of the latest intelligent technologies can become not only an optimization tool, but also a factor in strengthening confidence in the customs service as a body acting in the interests of the people.

Conclusions. As a result of the study, the author proves the validity and high relevance of the chosen topic, which is due to both the growing role of the customs service in the context of international crises and the need to ensure respect for human rights in such circumstances. In the course of analyzing the available scientific literature, it was found that despite a significant amount of work on customs law and human rights issues, there is a significant lack of comprehensive studies that would systematically combine the human rights approach with customs regulation in the context of armed conflicts.

As part of the theoretical understanding of the issue, the author analyzes the main legal schools of thought on the conceptualization of human rights and their protection in wartime, and also examines how these approaches understand the role of customs authorities. The author defines the key concepts such as “customs legal regulation”, “human rights” and “armed conflict”, which serve as the basis for further scientific theoretical and legal conclusions. Particular attention is paid to determining the place of customs regulation in the system of human rights mechanisms and outlining the limits of legal influence of customs in the context of armed conflict.

The article examines the practical aspects of the functioning of the customs service in crisis situations, clarifies the principles of legal regulation of its activities and outlines the appropriate legal approach to the implementation of customs control during wartime, taking into account the requirements of international law and humanitarian conventions. The author identifies a number of practical problems, including the discrepancy between actual practice and theoretical principles, legal uncertainty in terms of humanitarian procedures, limited adaptation of the current customs legislation to the conditions of armed conflict, and insufficient interagency coordination.

With a view to overcoming these shortcomings, the author proposes areas of doctrinal improvement, which include the development of the concept of “adaptive humanitarian customs law”. This model is based on a combination of security, control and human rights protection functions and provides for flexible legal regulation with a priority for humanitarian needs. The author also proposes to introduce artificial intelligence tools into customs practice. It is noted that AI can significantly contribute to improving the efficiency of control, minimizing corruption risks, automating data processing, monitoring humanitarian cargo, and generally enhancing the transparency of customs activities.

Therefore, the study not only revealed the disparities between theoretical foundations and their practical implementation, but also suggested real and effective ways to eliminate them. This is critically important and crucial for the development of a modern humanitarian-oriented approach to customs regulation in the context of armed conflicts.

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МИТНО-ПРАВОВІ АСПЕКТИ МІЖНАРОДНОГО ЗАХИСТУ ПРАВ ЛЮДИНИ ПІД ЧАС ЗБРОЙНИХ КОНФЛІКТІВ

Світлана КРАВЧУК,

старший викладач закладу вищої освіти

кафедри теорії права та конституціоналізму

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Мета. Метою статті є комплексне дослідження механізмів митно-правового регулювання у контексті міжнародного захисту прав людини під час збройних конфліктів. Робота спрямована на теоретичне осмислення ролі митниці в системі правозахисту, виявлення прогалин між нормативними засадами й практикою функціонування митних органів у кризових умовах, а також на формування доктринальних орієнтирів для удосконалення відповідного правового механізму.

Методи. У процесі дослідження застосовано міждисциплінарний підхід, зокрема методи системного аналізу, порівняльно-правовий метод, метод формально-юридичного тлумачення, а також елементи прогнозування. Проаналізовано існуючі доктринальні напрацювання, класичні трактування основної термінології, сучасні наукові концепції, міжнародні конвенції, практику функціонування митної служби в умовах війни та відповідні правоположення гуманітарного й митного права.

Результати. У ході дослідження визначено актуальність теми на перетині митного регулювання та захисту прав людини, окреслено дефіцит наукової літератури, яка б цілісно розкривала взаємозв'язок цих сфер у кризових умовах. Розкрито зміст ключових понять – «митно-правове регулювання», «права людини» та «збройний конфлікт». Проведено порівняння правових шкіл щодо підходів до прав людини та митного регулювання. Охарактеризовано межі правового впливу митниці та її місце в загальному правозахисному механізмі. Визначено особливості практичного функціонування митних органів під час воєнних дій, проаналізовано розрив між теоретичними стандартами й фактичною реалізацією митних повноважень, виявлено брак адаптації митного законодавства до умов війни, нечіткість процедур, недостатність міжвідомчої координації та слабку узгодженість норм із гуманітарними стандартами. Запропоновано модель «адаптивного гуманітарного митного права» як теоретичну основу для оновлення правового регулювання митної діяльності в умовах збройного конфлікту. Її зміст полягає у встановленні спеціального режиму митного контролю, розробленні узгодженої міжвідомчої позиції, запровадженні механізмів зовнішнього нагляду та гармонізації національного законодавства з міжнародними зобов'язаннями, зокрема щодо відповідальності за обмеження гуманітарного доступу відповідно до Римського статуту. Також

обґрунтовано можливості використання штучного інтелекту у сфері митного контролю для підвищення ефективності, зниження людського фактора, прискорення процедур та прозорого моніторингу.

Висновки. У результаті проведеного аналізу зроблено висновок про нагальну потребу доктринального оновлення митного права з урахуванням викликів збройних конфліктів, масштабів гуманітарних криз та трансформації міжнародного правопорядку. Розроблені у статті підходи демонструють потенціал комплексного реформування митного регулювання через інтеграцію гуманітарного компоненту, цифрових технологій, алгоритмічних рішень, а також нових методів міжвідомчої координації та оперативного реагування в умовах надзвичайних ситуацій.

Ключові слова: гуманітарне право, митний контроль, збройна агресія, міжнародно-правові стандарти, митно-правове регулювання, права людини, штучний інтелект.