

**ADMINISTRATIVE AND LEGAL MECHANISMS  
OF INTERACTION BETWEEN LAW ENFORCEMENT  
AUTHORITIES WITH OTHER PUBLIC AUTHORITY BODIES  
IN COMBATING DOMESTIC VIOLENCE  
AND GENDER-BASED VIOLENCE**

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**INTRODUCTION**

Historically, freedom, dignity, and honor have held exceptional significance for Ukrainian society. Throughout Ukraine's history, numerous examples illustrate that, when faced with the choice between life and the preservation of freedom, dignity, or honor, individuals often prioritized the latter without hesitation. According to official statistics, crimes outlined in Section III, "Crimes Against Personal Liberty, Honor, and Dignity" of the Criminal Code of Ukraine, constitute a minor share of overall criminal offenses (no more than 0.2%). However, recent years, particularly in the context of armed conflict, have witnessed a concerning rise in the incidence of such offenses.

Addressing negative phenomena related to domestic violence and gender-based violence remains a key priority for Ukrainian law enforcement agencies. Children, as the least protected participants in social relations, are especially vulnerable. Official sources indicate that one in five children in Ukraine falls victim to sexual violence, highlighting the hidden nature of this crime. According to studies by international organizations conducted across 96 countries, approximately one billion minors –over half of all children aged 2 to 17 – experience emotional, physical, or sexual violence each year. Despite the prevalence of these issues, many cases of domestic violence, particularly against children, often go unreported or unnoticed. Analysis reveals that the actual number of sexual violence cases reported by children is thirty times higher, and cases of physical violence are seventy-five times higher than the figures reflected in official reports.

In this context, there is an urgent need to improve the administrative and legal mechanisms of interaction between law enforcement agencies and other public authorities in combating domestic violence and gender-based violence. Strengthening interagency cooperation, harmonizing procedures, and enhancing the coordination of preventive and response measures are essential steps towards creating an effective national system for protecting human rights and ensuring public safety under the rule of law.

The above indicates the urgent need to find new ways to combat domestic violence and gender-based violence that occurs during armed conflict, including by studying foreign experience in this regard and implementing its positive developments in the law enforcement practice of Ukraine. This is what Ukrainian jurists emphasize in their scientific works, in particular: Nalyvayko L.R.<sup>1</sup>, Myronyuk R.V.<sup>2</sup>, Yunin O.S.<sup>3</sup>, Levchenko K.B.<sup>4</sup> and other scholars<sup>5</sup>.

## 1. Current state of counteraction to domestic violence and gender-based violence during the legal regime of martial law in Ukraine

In Ukraine, combating domestic violence and gender-based violence remains one of the primary focuses of law enforcement activities. Particular attention is directed towards protecting children, who are among the most vulnerable groups within social relations. According to official statistics, every fifth child in Ukraine experiences sexual violence, highlighting the hidden, often unreported nature of this type of crime. Despite legislative

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<sup>1</sup> Наливайко Л. Р. Домашнє насильство як перешкода становленню громадянського суспільства: сучасні тенденції та перспективи подолання в Україні. *Проблеми формування громадянського суспільства в Україні: виклики та колізії* : матеріали Всеукр. наук.-практ. конф. (м. Дніпро, 15 травня 2020 р.). Дніпро : ДДУВС, 2020. С. 21–25.

<sup>2</sup> Мироноук Р. В. Домашнє насильство та булінг: особливості кваліфікації та ефективність відповідальності / Р. В. Мироноук, М. І. Репан. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2020. № 4. С.187–192.

<sup>3</sup> Юнін О. Державна політика України у сфері запобігання домашньому насильству: сучасний стан та перспективи вдосконалення. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2021. № 4(114). С. 15–21.

<sup>4</sup> Левченко К. Б. Терміновий заборонний та обмежувальний приписи як спеціальні форми реагування на випадки домашнього насильства: міжнародний досвід і національна практика / К. Б. Левченко, М. М. Легенька. *Право і Безпека*. 2018. № 4. С. 60–65.

<sup>5</sup> Собакарь А. О., Нестерцова-Собакарь О. В. Інституційні (адміністративно-правові) механізми протидії домашньому насильству й насильству за ознакою статі під час збройного конфлікту. *Науковий вісник ДДУВС*. 2022. Спеціальний випуск № 2. С. 83–88 ; Собакарь А. О., Бочковий О. В. Відокремлення насильства за ознакою статі (гендерно-обумовлене насильство) як окремого виду адміністративного правопорушення. *Чесність і Закон*, 2022. Том. 1. Випуск 80. С. 58–65 ; Собко Г. М., Пацалова О. О. Досвід європейських країн у сфері протидії домашньому насильству. *Науковий вісник публічного та приватного права*. 2019. Вип. 1. Т. 2. С. 184–187 ; Барко В. В. Напрями та засоби протидії домашньому насильству (за результатами вивчення зарубіжного досвіду). 2021. URL: <https://www.naiu.kiev.ua/images/news/img/2021/06/pr11.pdf#page=19> ; Гурковська К.А. Протидія домашньому насильству: міжнародний досвід. *Альманах міжнародного права*. 2020. № 24. С. 97–104. <https://dspace.lvduvs.edu.ua/bitstream/1234567890/3995/1/%d0%b3%d1%83%d1%80%d0%ba%d0%be%d0%b2%d1%81%d1%8c%d0%ba%d0%b0.pdf>; Гороховська О.В. Європейський досвід у боротьбі з домашнім насильством Організаційно-правові засади запобігання домашньому насильству: реалії та перспективи: матеріали круглого столу, 31 травня 2019 р. / за ред. О. П. Рябчинської. Запоріжжя : КПУ, 2019. С. 43–46 ; Галай А. О., Галай В. О., Головка Л. О., Муранова В. В. Міжнародний досвід попередження та протидії домашньому насильству : монографія. К. : КНТ, 2014. 160 с. ; Зінсу О. І. Міжнародно-правові стандарти та зарубіжний досвід у сфері запобігання, протидії домашньому насильству. *Науковий вісник Національної академії внутрішніх справ*. 2021. № 1 (118). С. 31–40.

improvements and the increased focus of law enforcement and social services, the issue of underreporting remains critical, limiting the real assessment of the scale of violence against minors.

International studies conducted across 96 countries confirm the alarming global trend: approximately one billion minors, accounting for more than half of all children aged between 2 and 17, suffer emotional, physical, or sexual abuse every year. This data underscores that violence against children is a widespread but frequently latent phenomenon, often concealed within families and institutions, making detection and intervention difficult. In Ukraine, despite existing mechanisms, the gap between reported and actual cases remains significant. Research indicates that the real number of incidents of sexual violence against children is approximately thirty times higher than the figures reflected in official statistics, while cases of physical abuse are seventy-five times more frequent than officially documented<sup>6</sup>.

In response to this situation, Ukraine has intensified its efforts to create a more effective system for preventing and combating domestic violence, especially against children. Reforms include enhancing victim protection programs, increasing the number of specialized shelters, launching public awareness campaigns, and strengthening cooperation between law enforcement, social services, and educational institutions. Additionally, Ukraine's ratification of the Istanbul Convention and ongoing alignment of national legislation with European standards mark significant steps forward.

In 2024, 2,777 criminal proceedings for domestic violence were recorded. This is 5% more than in 2023 and 17% more than in 2021, according to the Opendatabot study. In 2022, the level of domestic violence fell, presumably due to the beginning of a full-scale invasion. Then, 1.5 thousand cases were opened under the article on domestic violence. But since then, the number of cases has begun to grow, the study says. In 2024, the largest number of applications was in January: 435 cases were opened then. On average, 250 cases were opened per month. In 85% of all cases opened in 2024, suspicions have already been filed, and 80% of the proceedings have been transferred to court. This year, 76% of victims of domestic violence are women. However, the number of cases where men seek help is increasing. Among men, the most common are elderly people who face violence from their adult children, mainly due to financial motives. The level of domestic violence against the elderly has been gradually increasing since 2021. In the first nine months of 2024, the hotline received 9.8 thousand calls from people over 60 years old. In general, every third call comes from the elderly. This is more than in the whole of 2021:

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<sup>6</sup> Нікітіна-Дудікова Г. Ю. Правовий статус дитини, потерпілої від злочину проти статевий свободи та статевий недоторканості. *Юридична психологія*. 2020. № 2 (27). С. 87–94.

then there were 9.3 thousand calls. Among the most common causes of domestic violence are the increase in the level of aggression due to the war, excessive alcohol consumption and worsening financial situation, says Alena Kryvulyak, Director of the Department of National Hotlines and Social Assistance at La Strada-Ukraine<sup>7</sup>.

Last year, 103 united territorial communities received UAH 200 million to purchase cars for mobile teams that help victims of domestic violence. In particular, the Ministry of Social Policy proposes to introduce such amendments to the current legislation that will allow combating domestic violence and gender-based violence. First, it is proposed to enshrine a legislative norm according to which a victimized woman with a child is no longer obliged to be married until the child is one year old. Secondly, the assessment of risks in the family must now be carried out not only by law enforcement officers, but also by representatives of social services. It was previously reported that since the beginning of the full-scale Russian invasion, the number of crisis rooms for people affected by violence has been growing in Ukraine. In addition, the work of mobile field teams has been streamlined, with international partners assisting Ukraine. Recall that, according to the Prosecutor General's Office, 2,777 criminal proceedings were opened for domestic violence in the first 11 months of 2024. The number of cases has been growing year by year since the beginning of the Great War<sup>8</sup>.

However, challenges persist. Limited financial resources, insufficient numbers of trained specialists, lack of interagency coordination, and the impact of the ongoing armed conflict exacerbate the vulnerability of victims and complicate the provision of timely assistance. These factors emphasize the urgent need to [strengthen administrative and legal mechanisms for interagency cooperation] to ensure comprehensive prevention, prompt identification, and effective response to all forms of domestic and gender-based violence.

## **2. Gender-based violence (gender-based violence) and its separation a separate type of administrative offence**

One of the growing concerns for both society and the state in recent years has been the violation of the lawful rights, interests, and freedoms of individuals through acts of gender-based and domestic violence.

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<sup>7</sup> За 2024 рік відкрили 2,7 тисячі проваджень про домашнє насильство. Це на 5% більше, ніж у 2023-му URL: <https://www.village.com.ua/village/life/edu-news/358287-za-2024-rik-vidkrili-nbsp-2-7-nbsp-tisyachi-nbsp-provazhen-pro-domashne-nasilstvo-tse-na-nbsp-5-bilshe-nizh-u-2023-mu#:~:text=%D0%B2%2020%3A57-,%D0%97%>.

<sup>8</sup> В Україні почастішали випадки домашнього насильства: цифри шокують URL: <https://glavcom.ua/country/criminal/v-ukrajini-pochastishali-vipadki-domashnoho-nasilstva-tsifri-shokujut-1042334.html>

These forms of violence exert a profoundly destructive impact-not only on the broader system of legal and social relations-but also on individual families, which are most often the immediate context in which such violence occurs. In doing so, they destabilize the family's role as the "fundamental unit of society."

The issue of differentiating social distinctions rooted in biological sex remains a contentious and complex topic within the scientific study of human behavior. Its complexity arises from the need for an interdisciplinary approach-drawing upon insights not only from various branches of legal science but also from psychology, medicine, physiology, sociology, and cultural studies. A nuanced understanding is especially critical when analyzing behavioral differences and, in particular, violent criminal actions influenced by sex-based factors. These phenomena require distinct and well-grounded theoretical justification, as they represent an intersection of biological determinants and socially constructed norms.

For a long time, society operated within a univocal mindset that prioritized the interests of the state above all else. This ideological framework significantly shaped the development of scientific approaches to human behavior, particularly in how behavioral differences based on sex were perceived and studied. Today, with scientific methodology increasingly freed from ideological constraints, researchers are better equipped to objectively explore the intrinsic and social factors that influence human behavior-including the interplay between biological sex and the social environment.

Gender-based violence is a global issue in today's unstable world. It transcends geographical, social, age, ethnic, and economic boundaries. Unfortunately, society's insensitivity to this problem stems from two key factors. First, modern culture often frames gender-based violence merely as a psychological issue, ignoring its deeper gendered dimensions. Second, state-level social policies typically fail to adequately address or combat the problem.

In social relations, gender-based violence is most often interpreted as male-perpetrated coercion or abuse against women. However, this phenomenon must be understood as deeply embedded in the sociocultural fabric of contemporary life. It is a complex, multidimensional social phenomenon that predates modern civilization. Public perception frequently reduces "gender-based violence" to the stereotype of physical abuse by men against women. Yet, this narrow view obscures its broader sociocultural nature, rooted in motivations and outcomes that reflect systemic gender hierarchies.

Gender-based violence has a universal character and manifests across all domains of life-political, economic, spiritual, and domestic.

In interdisciplinary research, the term "gender-based violence" should be distinguished from related concepts such as domestic violence, intimate partner violence, family violence, spousal abuse, and violence against women.

The closest approximation to the concept of gender-based violence is the definition of "violence against women" found in the 1993 United Nations Declaration on the Elimination of Violence against Women. According to the Declaration, such violence includes "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life"<sup>9</sup>.

The legal definition of the term is the most comprehensive in its formal scope, yet it fails to capture all the essential dimensions that can be revealed through a sociocultural perspective. Legal discourse, by its very nature, tends to focus predominantly on the most extreme manifestations of gender-based violence – such as criminal acts against women, deviant behaviors directed at individuals of the opposite sex, or instances of sexual harassment. However, this approach does not account for the more nuanced, systemic, and normalized forms of violence embedded in everyday life.

The term "spousal violence" specifically denotes violence perpetrated against individuals of the opposite sex within the context of marriage. However, this definition excludes acts of violence occurring within the broader household context. It disregards the experiences of children, parents, siblings, and other family members who may also be victims of domestic violence. Additionally, it omits instances of gender-based violence involving individuals who are not related through marriage or familial ties but still share social or domestic proximity. A more accurate conceptualization requires moving beyond rigid legal categories to embrace a holistic framework that reflects the full range of gendered power dynamics and patterns of violence operating across diverse relational and social contexts<sup>10</sup>.

The concept of "family violence" is closely related to that of "spousal violence", but it encompasses a broader group of individuals within familial relationships. Both terms recognize that victims of violence can include not only women but also men. A thorough analysis of these concepts requires

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<sup>9</sup> Декларація про викорінення насильства щодо жінок. Проголошено резолюцією 48/104 Генеральної Асамблеї від 20 грудня 1993 року URL: [https://zakon.rada.gov.ua/laws/show/995\\_506#Text](https://zakon.rada.gov.ua/laws/show/995_506#Text)

<sup>10</sup> Дудоров О. О., Хавронюк М. І. Відповідальність за домашнє насильство і насильство за ознакою статі (науково-практичний коментар новел Кримінального кодексу України) / за ред. М. І. Хавронюка. К. : Баїте, 2019. 288 с.

an understanding of the contemporary challenges facing marriage and family as social institutions.

The term “domestic violence” describes an even wider spectrum of actors and victims involved in coercive and aggressive behaviors. It includes all forms of violence that occur in daily life within the sphere of interpersonal relationships at the household level. However, this term does not extend to more systemic or institutionalized manifestations of violence, such as gender-based discrimination or gender-related abuse through media and information channels.

A comprehensive analysis and classification of these terms – taking into account both sociocultural and legal dimensions – supports the recognition of “gender-based violence” (violence motivated by sex or gender) as a distinct element within the broader framework of legal protection for individual rights and freedoms. This classification is essential for developing effective mechanisms of accountability and prevention.

The necessity of preventing gender-based violence is affirmed by multiple binding international instruments, which are also applicable in Ukraine. These include: The Universal Declaration of Human Rights (1948), adopted by UN General Assembly Resolution 217 A (III), which affirms the principle of non-discrimination and states that all people are born free and equal in dignity and rights, entitled to all declared freedoms without distinction of any kind, including sex; The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), ratified by the Presidium of the Supreme Soviet of the USSR in 1980; The Optional Protocol to CEDAW, ratified by Ukraine on June 5, 2003 (Law No. 946-IV); The Convention on the Rights of the Child (1989), ratified by Ukraine on February 27, 1991 (Law No. 789-XII); The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), joined by the Ukrainian SSR in 1954 with reservations to Article 22; The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, ratified by Ukraine on February 4, 2004 (Law No. 1433-IV). The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, ratified by Ukraine on April 3, 2003 (Law No. 716-IV); The Declaration on the Elimination of Violence against Women (1993), adopted by UN General Assembly Resolution 48/104; The Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974), adopted by UN General Assembly Resolution 3318. National legislation reinforces these commitments. The Law of Ukraine “On Ensuring Equal Rights and Opportunities for Women and Men” (2005)

defines gender discrimination as a situation in which an individual or group is restricted in the recognition, realization, or enjoyment of their rights and freedoms due to actual or perceived sex-related attributes. Similarly, the Law "On the Principles of Preventing and Combating Discrimination in Ukraine" (2012) provides a legal framework for identifying and addressing such violations-except in cases where differential treatment is legitimately justified and proportionate to a lawful aim.

According to Article 24 of the Law on Equal Rights and Opportunities and Article 29 of the Law on Prevention and Counteraction of Domestic Violence, individuals who violate these provisions – including perpetrators of domestic violence and those who fail to comply with protective legal measures – are subject to civil, administrative, or criminal liability under Ukrainian law<sup>11</sup>.

Under current Ukrainian legislation, domestic violence is defined as any act or omission involving physical, sexual, psychological, or economic abuse committed within the family or household context. This includes violence perpetrated between relatives, current or former spouses, or other individuals who are or were cohabiting as a family unit-even if they are not related by blood or marriage. The legal definition applies regardless of whether the perpetrator currently resides or previously resided with the victim. It also encompasses threats to commit such acts, thereby acknowledging the broader psychological and coercive environment in which domestic violence often occurs.

This comprehensive approach reflects a modern understanding of domestic violence as a multifaceted phenomenon that transcends traditional family boundaries. It recognizes that harmful behavior can persist in both legally defined and socially recognized domestic relationships, extending protection to individuals in non-marital and non-biological family structures<sup>12</sup>.

The enactment of legislation addressing the prevention and response to domestic violence has led to the integration of specific indicators into national statistical frameworks. This enhancement has enabled more accurate tracking of the prevalence and dynamics of domestic violence incidents, providing an empirical basis for assessing the effectiveness of preventive measures and informing necessary policy adjustments. A clear institutional affirmation of this approach is found in Presidential Decree No. 398/2020, issued on September 21, 2020, titled "On Urgent Measures to Prevent and Combat Domestic Violence, Gender-Based Violence,

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<sup>11</sup> Про забезпечення рівних прав та можливостей жінок і чоловіків: Закон України 2866-IV від 08.09.2005 URL: <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

<sup>12</sup> Про запобігання та протидію домашньому насильству: Закон України від 7 грудня 2017 року № 2229-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2229-19#Text>



and to Protect the Rights of Victims of Such Violence." The decree highlights the state's recognition of the urgency and systemic nature of the problem, and mandates immediate action to strengthen institutional mechanisms for protection and accountability. This formal alignment between legislative reform and data-driven governance represents a pivotal shift toward more evidence-based social policy and reflects growing national commitment to international human rights standards<sup>13</sup>.

According to official statistics from the Office of the Prosecutor General of Ukraine, a total of 8,900 criminal offenses related to domestic violence were recorded in 2024. This figure represents a 30.8% increase compared to 2023, when 6,805 such offenses were registered. Correspondingly, the number of cases submitted to court in 2024 reached 7,884, which is 30.4% higher than the 6,047 cases submitted in 2023. Focusing specifically on Article 126-1 of the Criminal Code of Ukraine, which addresses "Domestic Violence" as a distinct criminal offense, 2,810 criminal cases were registered under this statute in 2024 – marking a 3.9% increase compared to 2,705 cases in 2023. In the same period, 2,386 cases under Article 126-1 were submitted to court, showing a 6.4% rise from 2,243 cases in the previous year. These upward trends in registration and prosecution reflect both the intensification of legal responses and, potentially, growing public and institutional awareness of domestic violence as a prosecutable offense. The data also underscores the increasing application of specialized legal instruments to address this form of violence and the need for continuous monitoring and preventive action<sup>14</sup>.

Current Ukrainian legislation also provides a legal definition of gender-based violence, describing it as any act committed against an individual specifically because of their sex. This includes behaviors rooted in or perpetuating societal customs, norms, or traditions that promote stereotypical views about the roles, status, and responsibilities of women and men. It also includes actions that primarily affect individuals of a particular sex or disproportionately impact them. Gender-based violence

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<sup>13</sup> Про невідкладні заходи із запобігання та протидії домашньому насильству, насильству за ознакою статі, захисту прав осіб, які постраждали від такого насильства: Указ Президента України № 398/2020 від 21 вересня 2020 року URL: <https://zakon.rada.gov.ua/laws/show/398/2020#Text>

<sup>14</sup> Домашнє насильство: у 2024 році зареєстровано на 31% більше кримінальних проваджень URL: <https://skilky-skilky.info/domashnie-nasylstvo-u-2024-rotsi-zareiestrovano-na-31-bilshe-kryminalnykh-provazhen/#:~:text=%D0%A3%202024%D1%80%D0%BE%D1%86%D1%96%20%D0%B7%D0%B0%D1%80%D0%B5%D1%94%D1%81%D1%82%D1%80%D0%BE%D0%B2%D0%B0%D0%BD%D0%BE%208900,7884%20%D1%81%D0%BF%D1%80%D0%B0%D0%B2%D0%B8%20%D1%89%D0%BE%D0%B4%D0%BE%20%D0%B7%D0%B0%D0%B7%D0%BD%D0%B0%D1%87%D0%B5%D0%BD%D0%B8%D1%85%20%D0%BF%D1%80%D0%B0%D0%B2%D0%BE%D0%BF%D0%BE%D1%80%D1%83%D1%88%D0%B5%D0%BD%D1%8C>

encompasses physical, sexual, psychological, or economic harm or suffering, including threats of such acts, regardless of whether they occur in public or private settings. The definition recognizes that violence may arise not only from intentional personal acts but also from broader systemic patterns and cultural norms that institutionalize inequality and create conditions for harm. This legislative clarity reflects an evolving understanding of gendered power dynamics and aligns with international human rights standards, which emphasize that gender-based violence is not limited to isolated incidents but is a structural issue deeply embedded in social institutions and everyday practices<sup>15</sup>.

In light of the aforementioned considerations, it would be reasonable to propose amendments to Article 173-2 of the Code of Ukraine on Administrative Offenses, specifically to establish gender-based violence as a distinct category of administrative offense<sup>16</sup>.

A critical review of the current legislation indicates that both domestic violence and gender-based violence are treated under the same provision – Article 173-2. This article addresses intentional actions or omissions of a physical, psychological, or economic nature that do not result in bodily harm but nevertheless cause damage or suffering. These include acts such as threats, insults, stalking, deprivation of housing, food, clothing, or access to material resources to which the victim has a legal right. It also covers failure to comply with urgent restraining orders or failure to inform the police about one's temporary residence in case such an order has been issued.

The object of this administrative offense is the protection of individual rights and freedoms in the context of family and domestic relations. Its objective element lies in the intentional nature of the harmful act – whether active or passive – which violates legal norms and affects the victim's physical or mental health. The subject is a mentally competent individual aged 16 or older, and the subjective element is characterized by intentionality.

While gender-based violence is also covered under Article 173-2, its objective features differ significantly. It includes deliberate actions targeted at individuals because of their sex, rooted in prevailing social customs or stereotypes concerning gender roles and responsibilities. Such actions may cause disproportionate harm to one sex and result in physical,

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<sup>15</sup> Про забезпечення рівних прав та можливостей жінок і чоловіків: Закон України № 2866-IV від 08.09.2005 URL: <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

<sup>16</sup> Кодекс України про адміністративні правопорушення: Закон України від 7 грудня 1984 року № 8073-X. Відомості Верховної Ради Української РСР.1984. Додаток до № 51. Ст. 1122. URL: <https://zakon.rada.gov.ua/laws/show/80731-10>

sexual, psychological, or economic suffering – whether in public or private spheres.

Although both domestic and gender-based violence share certain characteristics-such as intentional harm, assertion of dominance, and threats of repeated aggression-their underlying motivations and manifestations differ. This necessitates a delictological distinction between the two for accurate legal qualification and appropriate assignment of liability.

Key distinguishing elements: domestic violence involves intentional unlawful acts that occur in the context of shared living or family ties; it presumes prior cohabitation, shared responsibilities, and the systematic nature of abuse; victims may include not only family members but also cohabitants with mutual obligations and rights.

Gender-based violence, in contrast, is ideologically and culturally driven. It involves intentional behavior aimed at asserting dominance based on gender stereotypes, often grounded in societal beliefs about the “appropriate” roles and capacities of men and women. The perpetrator’s actions serve not only to harm but also to affirm social superiority.

Shared features:

- The intent to dominate or assert control over another;
- Deliberate infliction of emotional or physical suffering;
- An underlying dynamic of repeated or continuing aggression;

Given these nuances, it is both practical and necessary to treat gender-based violence as a separate administrative offense. This distinction aligns with national policies promoting gender equality and combating discrimination based on sex, as articulated in Ukraine’s legal commitments and policy frameworks.

Such a move would reinforce efforts to:

- ensure equal rights and opportunities for women and men;
- prevent and combat all forms of violence against women;
- promote shared participation in decision-making and family responsibilities;
- foster responsible motherhood and fatherhood;
- support families and build a culture of gender equality in Ukrainian society;
- shield the public from discriminatory narratives in media and public discourse.

In parallel, state policy on domestic violence prevention focuses primarily on protecting victims’ rights within the private sphere. It seeks to ensure safety, legal recourse, and access to support services for those affected by intimate or familial violence.

Summarizing the above, it can be concluded that domestic violence and gender-based violence are different concepts and different types of offenses,

which necessitates the inclusion of a separate article in the Code of Ukraine on Administrative Offenses, which would provide for legal liability for violent acts against a person based on gender. In this regard, we propose to supplement the Code of Administrative Offenses with an article with the following content:

**«Article 173-5. Gender-based violence**

*The commission of gender-based violence, i.e. the intentional commission of any acts directed against persons because of their gender, or common customs or traditions in society (stereotypical ideas about the social functions (position, duties, etc.) of women and men), or acts that concern mainly persons of a certain gender or affect them disproportionately, which cause physical, psychological or economic harm or suffering, including threats of such acts, in public or private life, –*

*shall be punishable by community service for a term of forty to sixty hours or administrative arrest for a term of five to fifteen days».*

The analysis of current legislation and the practice of its implementation regarding the peculiarities of proceedings in cases of administrative offenses committed on the basis of gender in Ukraine showed that this issue requires serious procedural modernization, filling existing gaps, bringing procedural mechanisms into line with the requirements of practice, as well as further creating certain recommendations for further prevention and administrative and legal counteraction to the occurrence of cases of domestic violence in general and gender-based violence in Ukraine in particular.

### **3. Forms and methods of interaction between law enforcement agencies and other state authorities in combating domestic and gender-based violence**

The need to take measures and respond promptly by law enforcement institutions to cases of domestic violence is due to the spread of the tendency to commit such negative phenomena in today's realities of life, which during the war can only worsen and remain invisible. Despite the urgency of the outlined problem, even in the conditions of war in Ukraine, domestic violence has not disappeared, has not become less important, and the problems associated with it have remained the same as they were in peacetime. The importance of solving the mentioned problem is also added by international law documents, as evidenced by the entry into force in Ukraine of the Istanbul Convention, aimed directly at protecting, preventing and combating violence against women and domestic violence.

The Istanbul Convention was a logical continuation of a number of international legal instruments aimed at preventing and combating domestic violence and gender-based violence, including the Declaration on

the Elimination of Violence against Women, proclaimed by UN General Assembly Resolution No. 48/104 of December 20, 1993; the Declaration on the Protection of Women and Children in Emergency Situations and in Armed Conflict, proclaimed by UN General Assembly Resolution No. 3318 of December 14, 1974, and others. The Universal Declaration of Human Rights of December 10, 1948, in particular, reaffirms the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including on the basis of sex. The concept of discrimination on the basis of sex is also provided by the Law of Ukraine dated 08.09.2005 “On Ensuring Equal Rights and Opportunities of Women and Men”, which is proposed to be understood as a situation in which a person and/or a group of persons on the basis of sex, which were, are and may be actual or assumed, are subject to restrictions in the recognition, exercise or enjoyment of rights and freedoms or privileges in any form established by the Law of Ukraine dated 06.09.2012 No. 5207-VI “On the Principles of Preventing and Counteracting Discrimination in Ukraine”, except in cases where such restrictions or privileges have a legitimate objectively justified goal, the methods of achieving which are appropriate and necessary.

According to Article 24 of the Law of Ukraine “On Ensuring Equal Rights and Opportunities of Women and Men” and Article 29 of the Law of Ukraine “On Preventing and Combating Domestic Violence”, persons guilty of violating the requirements of the legislation on ensuring equal rights and opportunities of women and men, as well as the perpetrator who violated the requirements of special measures to combat domestic violence, bear civil, administrative and criminal liability in accordance with the law<sup>17</sup>.

According to current legislation, domestic violence is an act (action or inaction) of physical, sexual, psychological or economic violence committed within the family or within the place of residence or between relatives, or between former or current spouses, or between other persons who live (lived) together as one family, but are not (were not) in a family relationship or marriage to each other, regardless of whether the person who committed domestic violence lives (lived) in the same place as the victim, as well as threats to commit such acts.<sup>18</sup>

The entry into force of legislation on combating domestic violence has supplemented the relevant statistics with separate indicators, which made it possible to track the dynamics of the indicated facts to assess the

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<sup>17</sup> Про забезпечення рівних прав та можливостей жінок і чоловіків: Закон України № 2866-IV від 08.09.2005 URL: <https://zakon.rada.gov.ua/laws/show/2866-15#Text>

<sup>18</sup> Про запобігання та протидію домашньому насильству: Закон України від 7 грудня 2017 року № 2229-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2229-19#Text>

effectiveness of preventive activities and make necessary adjustments, as confirmed by the Decree of the President of Ukraine No. 398/2020 of September 21, 2020 «On urgent measures to prevent and combat domestic violence, gender-based violence, and protect the rights of persons affected by such violence»<sup>19</sup>.

To ensure a coordinated, prompt and effective response to cases of domestic violence, including against children, and for interagency interaction at various levels, the Law of Ukraine “On Preventing and Combating Domestic Violence”, taking into account the requirements of the Council of Europe Convention “On Preventing and Combating Violence against Women and Domestic Violence”, has provided for a fairly wide range of entities that carry out measures to prevent and combat domestic violence, dividing them into four categories<sup>20</sup>.

Currently, the National Police and the Prosecutor’s Office are the first line of response to victims’ complaints, and the quality of their work determines whether administrative proceedings or legal prosecution will be initiated and whether the perpetrators will be held accountable. In addition, through coordinated actions with other institutions (e.g. crisis centers), these bodies can prevent further acts of violence and ensure the safety of victims. Currently, the low quality of the response, on the contrary, deprives victims of the desire and determination to report crimes, which potentially increases the risk of further acts of sexual violence. According to NGOs, victims most often do not contact law enforcement agencies for fear that they will not be believed or taken seriously enough, or because of distrust in the justice system.

The issue of interagency cooperation in cases of domestic violence and gender-based violence (gender-based violence) is regulated by the Resolution of the Cabinet of Ministers of Ukraine dated August 22, 2018 No. 658 “On Approval of the Procedure for Cooperation between Entities Implementing Measures in the Field of Prevention and Counteraction to Domestic Violence and Gender-Based Violence.” The coordination of cooperation between all entities, in accordance with this Procedure, is carried out by: at the national level – the Ministry of Social Policy, which also includes the Expert Group on Combating Human Trafficking, Domestic Violence and Gender Equality. It was the Ministry of Social

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<sup>19</sup> Про невідкладні заходи із запобігання та протидії домашньому насильству, насильству за ознакою статі, захисту прав осіб, які постраждали від такого насильства: Указ Президента України № 398/2020 від 21 вересня 2020 року URL: <https://zakon.rada.gov.ua/laws/show/398/2020#Text>

<sup>20</sup> Про затвердження Порядку взаємодії суб’єктів, що здійснюють заходи у сфері запобігання та протидії домашньому насильству і насильству за ознакою статі: постановою Кабінету Міністрів України від 22.08.2018 № 658 URL: <https://zakon.rada.gov.ua/laws/show/658-2018-%D0%BF#Text>

Policy that was once designated as the main executor of the OSCE Project Coordinator in Ukraine's project "Responding to Threats to Social Security Due to the Conflict"<sup>21</sup>. The Ministry of Social Policy also coordinates the interaction of all entities implementing measures in the field of preventing and combating domestic violence and gender-based violence at the national level;

at the regional level – the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations. Thus, coordination functions at the regional level are assigned to the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations;

on the territory of the relevant administrative-territorial unit – district, district in the city of Kyiv and Sevastopol state administrations and executive bodies of village, settlement, city, district in cities (in case of their formation) councils, including united territorial communities.

The Consultative and Advisory Body on Family, Gender Equality, Demographic Development, Prevention and Combating Domestic Violence and Combating Human Trafficking also functions under the Cabinet of Ministers of Ukraine. In addition to the central advisory body, similar advisory councils were established at the regional, district, and city levels. Multilevel and interdisciplinary approach to resolving issues related to combating and preventing domestic violence are equally important both in the decision-making mechanism and in the mechanism of their implementation. One of the forms of ensuring inter-subject cooperation at the regional level is the work of regional coordination councils, which include authorized representatives of children's services, authorized units of the National Police, education management bodies, structural units on health care of local state administrations, centers for providing free secondary legal aid, prosecutor's offices and courts, public associations, religious organizations, international organizations and foreign non-governmental organizations (upon consent), at the local level – local coordination councils, which include authorized representatives of local executive authorities and local self-government bodies, prosecutor's offices and courts, public associations, religious organizations, international and foreign non-governmental organizations (upon consent). The mechanisms of interaction of subjects are based on common principles defined at the legislative level. In particular, the principles of the activities of subjects aimed at preventing and combating violence are defined in paragraph three

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<sup>21</sup> Війна без правил: гендерно-обумовлене насильство, пов'язане зі збройним конфліктом на сході України / А. Альохін, С. Кириченко, А. Кориневич та ін. ; за заг. ред. В. Щербаченка, Г. Янової // ГО «Східноукраїнський центр громадських ініціатив». К., 2017. С. 104.

of the aforementioned Resolution No. 658. Among them is the guarantee of the right of victims to a fair trial and legal aid, taking into account the practice of the European Court of Human Rights. The court, administering justice on the basis of the rule of law, ensures everyone the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine, as well as international treaties, the consent to which has been given by the Verkhovna Rada of Ukraine<sup>22</sup>.

It should be noted that Article 10 of the Law of Ukraine “On Prevention and Counteraction to Domestic Violence” clearly defines the powers of the authorized units of the National Police of Ukraine regarding acts of domestic violence. However, there is still no special procedure for documenting and investigating acts of sexual violence related to the conflict in Ukrainian legislation.

In general, before the start of the full-scale war on the territory of Ukraine, acts of sexual violence took place both in the uncontrolled territories of Donetsk and Luhansk regions and in the territories controlled by the government of Ukraine, but statistics that would adequately reflect the real state of affairs were not kept.

In view of this problem, one of the tasks enshrined in the National Human Rights Strategy for 2021-2023 is to «ensure effective investigation of criminal offenses related to gender-based violence, in particular those committed in the temporarily occupied territory of Ukraine, in areas of anti-terrorist operation, implementation of measures to ensure national security and defense, and repelling and deterring armed aggression of the Russian Federation in Donetsk and Luhansk regions»<sup>23</sup>.

Currently, the bodies responsible for preventing, responding to and responding to gender-based violence are not always effective, and their work does not meet the needs of victims of violence. The beginning of Russia’s full-scale armed aggression against Ukraine has only exacerbated this problem. The lack of funding, organizational and human resources leads to practical problems that hinder the provision of necessary services to victims of violence. The various institutions that provide assistance to victims and implement measures to combat conflict-related sexual violence at the national and local levels do not sufficiently coordinate their activities. These and other problems hinder an objective assessment of the scale of such crimes and the development of response programs.

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<sup>22</sup> Король Н. П. Механізми взаємодії суб’єктів у сфері запобігання та протидії домашньому насильству на регіональному та місцевому рівні. *Теорія та практика державного управління*. 2022. Вип. 1(74). С. 50–62. <http://doi.org/10.26565/1727-66672022-1-04>

<sup>23</sup> Про Національну стратегію у сфері прав людини: Указ Президента України від 24 березня 2021 року URL: <https://zakon.rada.gov.ua/laws/show/119/2021#Text>



## CONCLUSION

Summarizing the above, it can be concluded that the improvement of institutional mechanisms for combating domestic violence and gender-based violence is seen through:

- ensuring a prompt response by authorized units of the National Police to cases of domestic violence;

- paying close attention to reports of sexual violence even during military operations;

- conducting a comprehensive risk assessment by authorized units of the National Police after receiving a report and responding accordingly, adhering to a prosecution policy in cases where there are sufficient grounds to believe that a crime has occurred; implementing cooperation and coordination of activities with other services, especially with victim support services, using agreed protocols and procedures for communication and information exchange. Specialized police and prosecutorial units trained and equipped to respond to all forms of gender-based violence are also considered effective, as they allow for the accumulation of experience and skills in responding to such violence, increase the number of cases investigated and positively impact the experience of victims with law enforcement. However, specialized police units should be seen as a mechanism that complements, rather than replaces, the appropriate response measures taken by all police and prosecutorial units. This is why it is necessary to ensure comprehensive training for all police and prosecutorial officers, as well as additional training and resources for specialized units;

- ensure that law enforcement and judicial authorities comply with international standards and best practices, including the development and implementation of codes of conduct for police and prosecutorial officers on responding to conflict-related sexual violence. The resolution of this issue has become particularly acute in connection with the beginning of the full-scale military aggression of the Russian Federation against Ukraine;

- creation, taking into account positive foreign experience, of specialized centers for providing legal assistance and considering cases of sexual violence at least in the largest administrative-territorial units of the state, which will ensure a more gender-oriented and sensitive approach to considering relevant cases, especially in the context of war, and will also help to accelerate their consideration and bring the perpetrators to justice;

- ensuring effective intersectoral coordination of state bodies in combating sexual violence, which will provide for the coordinated

provision of medical services, protection, psychosocial support and access to justice for victims;

- bringing the judicial system of Ukraine in line with international standards, ensuring compliance of legal measures to ensure timely and expeditious proceedings, rules of evidence, judicial procedures and obligations imposed on prosecutors with the standards of best foreign practices, etc.

## **SUMMARY**

This chapter of the monograph provides a comprehensive analysis of the administrative and legal mechanisms for interaction between law enforcement agencies and other public authorities in Ukraine in the field of preventing and combating domestic and gender-based violence. Against the backdrop of intensified social challenges caused by the full-scale war, the authors substantiate the urgent need to improve enforcement procedures and interagency coordination mechanisms in response to these forms of violence. Special attention is devoted to vulnerable population groups, particularly women, children, and the elderly, who are most often victims of systematic abuse within the domestic environment.

The chapter outlines the legal nature of domestic and gender-based violence, offers a comparative legal classification of both within administrative and criminal jurisdictions, and proposes the formal recognition of gender-based violence as a separate category of administrative offense in the Code of Ukraine on Administrative Offenses. The authors emphasize the inadequacy of combining different types of violence under a single legal definition, as each has a distinct motivation, form, object of protection, and social impact.

The chapter also examines the practice of interagency cooperation, identifying four levels of institutional actors – from national to local – and exploring their communication protocols, division of responsibilities, accountability mechanisms, and regulatory frameworks. Particular attention is given to the implementation of the Istanbul Convention into Ukrainian legislation and the assessment of its practical effectiveness during wartime.

A separate section of the study presents recommendations for improving administrative and legal procedures for identifying, documenting, preventing, and responding to cases of violence. These include the creation of specialized police units, strengthening mobile crisis response teams, ensuring robust cross-sectoral coordination, and legally codifying new forms of liability for gender-motivated violence.

In conclusion, the authors argue for a systemic renewal of Ukraine's regulatory and organizational infrastructure for protecting citizens' rights

and freedoms amid modern challenges, including war, social inequality, and gender discrimination.

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