

Recommended for publication by the Academic Council of the Private Higher Educational Institution "Dnipro Humanitarian University" (protocol dated 10/27/2023 No. 2).

LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?:

Summaries of the papers of the International Scientific and Practice Conference (Dnipro, London, October 11th, 2023) held by Dnipro Humanitarian University, University of Roehampton and the University of Westminster with the assistance of St. Mary's University, Twickenham.

The conference collection contains a summary of the proceedings of the International scientific and practical conference "LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?" (October 11th, 2023), which was attended by representatives of higher education institutions, scientific institutions, law enforcement agencies and courts, non-governmental institutions of Ukraine and foreign countries.

Editorial Board

ISBN 978-1-5262-1000-5

© DHU, 2024
© St. Mary's University, 2024
© Westminster University, 2024
© Authors, 2024

law, are the object of the study. The divorce restrictions related to wife's pregnancy and childbirth have been found to be unique to post-Soviet states. At the same time, such a restriction is not typical of other European countries that were under the influence of the USSR; such a restriction was neither accepted by them under Soviet law nor developed on their own legal substratum, despite the high religiosity of some such countries. Hence, the restrictions in question are genetically derived from the Soviet legal system.

All post-Soviet countries, except Latvia, Lithuania and Estonia, have retained the restrictions in question in their family law. This circumstance is especially indicative, as it testifies to the uncharacteristic nature of this restriction to developed civilized societies, to its civilizational incompatibility with the Euro-Atlantic path of development. The further development of these restrictions in most post-Soviet countries is ambiguous, characterized by both authoritarian and liberal tendencies (for example, the ban is extended, but exceptions are introduced). Most countries have introduced the possibility of lifting the restriction with the wife's consent. The situation in Belarus is remarkable, where authoritarian tendencies of this restriction development prevail.

The Ukrainian version of this restriction is of concern, as it still does not provide the possibility of removing the restriction with the consent of the wife. In other Eastern European countries, the restriction in question is absent, although in many of them, particularly in Poland, Latvia, Lithuania and Estonia, the freedom to divorce is significantly restricted in other ways. Thus, the study found that the divorce restrictions related to wife's pregnancy and childbirth originated in Soviet law and are not specific to Eastern European legal systems.

LYTVYNOV Valerii (Candidate of Law, Associate Professor of the Department of Law of Dnipro Humanitarian University, Ukraine)

Judicial review as a form of justice

Under the provisions of the Ukrainian Constitution and the Criminal Procedure Code of Ukraine provisions there are three name functions of criminal proceedings in accordance with it usually carries out: 1) prosecution, 2) defense, 3) justice. However, the function of the prosecution is the main at the stage of the pre-trial investigation. The reason for this is that the prosecution (the inquirer or investigator under the procedural guidance of the prosecutor) carries out most of the procedural actions at this stage. The procedure for conducting many procedural actions at the stage of pre-trial investigation provides for the possibility of limiting the constitutional rights and freedoms of a person. Such restrictions are foreseen in the case of using measures to ensure criminal proceedings, preventive measures, conducting individual investigative (search) actions, and covert investigative (search) actions. The Criminal Procedure Code of Ukraine regulates the procedure

for judicial review to guarantee the observance of human rights and freedoms during the mentioned procedural actions. It is carried out by an investigating judge, who takes part in criminal proceedings only at the stage of pre-trial investigation. According to the specificity of the investigating judge's activity, there is a discussion regarding the definition of his function in the science of the criminal process.

The investigative judge and his judicial review have become the objects of many scientific studies, in particular, regarding his function. The scientists' points of view are divided. Some believe that the judicial review, carried out by the investigating judge, is a separate function of the court, which includes the following types: 1) the function of ensuring the legality and restriction of the rights justification and legal freedoms of participants in criminal proceedings and other persons; 2) judicial review; 3) the function of conducting investigative (search) actions.

Other scientists came to the conclusion that judicial control is a type of function of justice. This opinion is justified by the fact that the investigating judge is a kind of judge, and justice in Ukraine is administered only by courts, according to the constitution of Ukraine. We believe that such a view should be supported, since judicial control is a means of resolving a criminal-procedural conflict that arises between the prosecution and the defense in a pre-trial investigation. Judicial review fulfills the requirements of the competitiveness principle of pre-trial investigation. Under this principle, the prosecution and the defense have the right to independently defend their legal positions, rights, freedoms, and legitimate interests by the means provided for by law. In turn, the court maintaining objectivity and impartiality creates the necessary conditions to implement the legal rights and execution of the procedural duties for the parties.

Bringing judicial review by the competition principle, the investigating judge resolves the criminal-procedural conflict between the prosecution and defense parties. Such a conflict arises in the following cases: 1) in the case of the need to apply restrictions on human rights by measures to ensure criminal proceedings; 2) resolving the issue of conducting investigative (search) actions that involve restrictions on human rights and freedoms or have a specific procedure for conducting them; 3) disagreement of the defense party with procedural actions and decisions in cases provided for by law; 4) consideration of other issues provided for by law, which can be resolved only by a party that is impartial and disinterested in the pre-trial investigation.

MAHAPATRA, Dr. Sohini (Assistant Professor of Law at National Law University Odisha (NLUO), Cuttack (India))

Animals as 'Beasts of Burden' or 'Workers': Need for a Shift Towards Interspecies Approach

Are animals used as labour? If so, do we recognize them as 'workers'? Labour legislations globally, including India, are mostly anthropocentric because the labour force is in fact vulnerable and exploited. However, it cannot be denied that in several