

RE-EVALUATING THE VIEWS IN COMBATING CORRUPTION CRIMINAL OFFENSES UNDER MARTIAL LAW

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Abstrak: Penelitian ini membahas pemberantasan tindak pidana korupsi di bawah darurat militer di Ukraina, sebuah fenomena yang relevan karena korupsi menjadi ancaman signifikan terhadap stabilitas nasional dan demokrasi. Tujuan penelitian ini adalah mengevaluasi efektivitas undang-undang dan infrastruktur antikorupsi dalam konteks darurat militer. Metode penelitian menggunakan pendekatan analitis dan dogmatis, penelitian ini memadukan analisis hukum, data sekunder, dan wawancara semi-terstruktur dengan ahli hukum dan perwakilan masyarakat sipil, dan implementasi kebijakan antikorupsi. Hasil penelitian menunjukkan bahwa meskipun terdapat undang-undang dan strategi antikorupsi yang memadai, implementasinya terhambat oleh lemahnya koordinasi antar-lembaga, ketidaktransparanan, dan kurangnya pengawasan independen. Implikasi dari penelitian ini menekankan pentingnya pembaruan strategi antikorupsi dan penguatan kolaborasi antara lembaga negara dan masyarakat sipil untuk mengatasi korupsi secara komprehensif. Studi ini merekomendasikan pembaruan strategi antikorupsi melalui penerapan teknologi seperti OSINT (Open Source Intelligence), penegakan hukum yang lebih ketat, serta penguatan kolaborasi antara lembaga negara dan masyarakat sipil. Edukasi masyarakat untuk membangun budaya antikorupsi juga diidentifikasi sebagai langkah strategis.

Kata Kunci: *Penanggulangan Tindak Pidana, Korupsi, Tindak Pidana Korupsi, Undang-undang Antikorupsi.*

Abstract: This research addresses the fight against corruption under martial law in Ukraine, a relevant phenomenon as corruption poses a significant threat to national stability and democracy. The purpose of this study is to evaluate the effectiveness of anti-corruption legislation and infrastructure in the context of martial law. Using an analytical and dogmatic approach, the research combines legal analysis, secondary data, and semi-structured interviews with legal experts and civil society representatives, and the implementation of anti-corruption policies. The results show that while adequate anti-corruption laws and strategies exist, their implementation is hampered by weak inter-agency coordination, non-transparency, and lack of independent oversight. The implications of this study emphasize the importance of updating anti-corruption strategies and strengthening collaboration between state institutions and civil society to comprehensively address corruption. This study recommends updating anti-corruption strategies through the application of technology such as OSINT (Open Source Intelligence), stricter law enforcement, and strengthening collaboration between state institutions and civil society. Public education to build an anti-corruption culture is also identified as a strategic step.

Key words: Re-evaluating, Combatting, Corruption, Offences, Martial Law.



INTRODUCTION

Corruption is a global negative socio-political phenomenon, which can occur in any state in the world and derives from the state's system and ethos, development, politics, economy and culture. Corruption undermines the sense of justice in society, people's confidence in their public institutions and undermines checks and balances that should protect society. It threatens peace, creates conditions for illegal behaviour and promotes the flourishing of shadow relationships. Corruption affects how administration in all sectors functions and is a major barrier to economic growth and good governance.¹ Corruption as a phenomenon is one of the most widespread problems in the modern world, which negatively affects the normal development of the state. That is why any country that has chosen the path of democracy strives to eradicate corruption in all areas of the state apparatus and society as a whole.² The modern period of development of an independent, democratic, rule-of-law state is impossible without the creation of an integrated system of effective legal mechanisms for the protection of the rights, freedoms and legitimate interests of individuals. Today, one of the priority functions of the state, and at the same time an important task, is to combat criminal offenses. Of course, countering corruption-related criminal offenses is no exception, as corruption is perceived by society as a negative phenomenon that affects all aspects of the political and socio-economic development of the state, threatens the development of democracy, undermines social justice, and harms national security and interests.³ This situation undermines the foundations of the ideology of the rule of law, which is why it is important to introduce effective national legislation to combat corruption offenses. Moreover, in the light of European integration processes, the activities of state bodies should be based on such principles as the rule of law, legality, equality before the law and the court, respect for human dignity, ensuring the right to liberty and security of person, presumption of innocence and ensuring proof of guilt, freedom from self-incrimination and the right not to testify against oneself, close relatives and family members, prohibition of bringing a person to criminal liability twice for the same offense, ensuring the right to defense, adversarial parties, etc.⁴

At the current stage of the continuation of the reform of the national anti-corruption legislation of Ukraine, it is advisable to revise such views taking into account positive foreign practical experience and international legal standards. Of course, the legal validity of the current stage of development of our state requires radical changes in the field of combating corruption criminal offenses. Truly we do understand that there is no perfect society, and

¹ Teremetskyi, V., Duliba, Ye., Kroitor, V., Korchak, N., Makarenko, O. "Corruption and strengthening anti-corruption efforts in healthcare during the pandemic of Covid-19". *Medico-legal journal*, 89(1), (2021). 25–28. <https://doi.org/10.1177/0025817220971925>; Reznik, O. M., Shendryk, V., Zapototska, O., Popovich, E., Pochtovyi, M. "The features of e-declaration as an effective tool to prevent corruption". *Journal of Legal, Ethical and Regulatory*, 22 (SI 2), (2019). 6 p.

² Makarenko V. S. "General principles of anti-corruption in V4 visegrad countries: experience of Hungary". *Law and Safety*, 2(77), (2020). 126-132; Iasechko, S., Skomorovskyi, V., Andronov, I., Zaitsev, O., Bortnik, O. "Features of the subjective civil rights on patent". *Journal of Critical Reviews*, 7(13), (2020). 297-299. DOI: <https://doi.org/10.31838/jcr.07.13.50>; Bondarenko, I. M., Burdin, M. Y., Kaganovska, T. Y., Latkovska, T. A., Ponomarenko, Y. A., Nadobko, S. V. "Peculiarities of tax residency of individuals in modern conditions". *Journal of Advanced Research in Law and Economics*, 10(8), (2019). 2277-2281. DOI: [https://doi.org/10.14505/jarle.v10.8\(46\).06](https://doi.org/10.14505/jarle.v10.8(46).06); Tykhonova, O., Lytvyn, N., Ivantsov, V., Chyshko, K., Yarosh, A. (2019). Electronic banking as a prospective directive for the financial services market development. *Journal of Legal, Ethical and Regulatory*, 22 (SI 2), 6 p.

³ Ahmad Yani Anshori dan Landy Trisna Abdurrahman, "Constitutional Contestation of the Islamic State Concept in the Indonesian Parliament 1956-1959," *De Jure: Jurnal Hukum Dan Syaria* 16, no. 2 (17 Desember 2024): 278–316, <https://doi.org/10.18860/j-fsh.v16i2.29572>.

⁴ Yusna Zaidah, "Diskresi Peradilan dalam Penyelesaian Perkara Warisan: Menuju Keadilan Hukum Progresif di Indonesia," *Syaria: Jurnal Hukum dan Pemikiran* 24, no. 1 (26 Juni 2024): 136–47, <https://doi.org/10.18592/sjhp.v24i1.13012>.

these corrupted practices will always have a place in the society, but what we need to understand is all about the after effects or devastations this might cause in the society.⁵ The fact that the State of Ukraine has put in place credible laws and overlapping institutions in combatting this plague of corrupted offences which constitute a threat to the development of this State, there will always be that need in redressing and combatting this epidemic plaguing the State. One thing of huge interest is putting in place credible laws, the other is in ensuring the implementation of these laws, as there will always be a hindrance if not well combatted.

METHODS

This research uses a qualitative approach with a legal analysis method to evaluate the effectiveness of anti-corruption policies during martial law in Ukraine. The main focus of the research is to analyze the relationship between legal norms and their implementation in emergency situations. The main sources used were Ukrainian legislation, official reports, and international documents related to anti-corruption.

A dogmatic approach was applied to analyze the applicable legal regulations, including the Law “On Prevention of Corruption” and the Anticorruption Strategy 2021-2025. In addition, analytical methods were used to evaluate secondary data, such as reports from Transparency International, GRECO, as well as statistics on corruption cases during martial law. This research seeks to illustrate the extent to which existing policies have been able to reduce corruption.

Researchers also applied comparative methods to compare anti-corruption policies in Ukraine with best practices from other countries, such as Poland and Georgia, which have faced similar situations. This analysis aimed to identify weaknesses and potential improvements in Ukraine's anti-corruption policies.

In addition, the research involved semi-structured interviews with legal experts and representatives of civil society organizations that play a role in the fight against corruption. These interviews were used to complement secondary data and provide a more in-depth perspective on policy implementation challenges.

Data validation was conducted through triangulation by comparing interview results, legal document analysis, and relevant statistics. This research uses indicators such as the decline in corruption cases, the speed of legal proceedings, and public perceptions to evaluate policy effectiveness. With this method, the research provides a comprehensive analysis as well as relevant policy recommendations.

The article extensively reviews literature from free-access resources such as academic journals, National Library of Ukraine named after V. I. Vernadskyi, ResearchUA, Google Scholar, and scientific periodicals of Ukraine. The method of generalization helped to formulate conclusions that summarized the conducted research. The question is force in posing here is in questioning the adequacy and effectiveness of the methodology used here. We do understand that the documentary and periodical records including relevant literatures used, but the issue here is not in examining all these literature put in place, but rather question the adequacy of the literature. From all analysis and explanation, one can say the theory has never corresponded to practical, as we continue to experience increasing and rampant flow of this so called corrupted offences within the State of Ukraine, and the continue increase has really constituted a slow in development in country. The essence

⁵ Muhammad Juni Beddu dkk., “Fresh Flour As a Symbol Hope Perpetuate Marriage: Cultural Practices of Marriage in Riau Islands,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (29 Juni 2024): 16–27, <https://doi.org/10.30631/alrisalah.v24i1.1471>. Abdul Helim, “Hamka’s Legal Methodology on Hisab–Ru’yah in His Book ‘Saya Kembali Ke Ru’yah,’” *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (12 Juli 2024): 215–26, <https://doi.org/10.31958/juris.v23i2.11952>.

here are not just examining relevant texts, and other methods of understanding, the issue is in looking at the extend in which these offences of corruption has been handled in the country.

RESULT AND DISCUSSION

Today, Ukraine is witnessing the most destructive military conflict in Europe since the end of the Second World War. The acuteness of military aggression is difficult to overestimate, because it is accompanied by special cruelty on the part of the occupiers⁶. The imposition of martial law due to Russia's attack on Ukraine has changed the lives and activities of all segments of the country's population and institutions. During martial law, the rhythm of life is disrupted, and people's lives and health are threatened. The current situation in Ukraine is characterized by an aggravation of the political situation, economic and social crises. Against this background, there is an increase in crime. Crimes cause great damage to both individuals and society as a whole. In such conditions, there is a growing need to significantly increase the effectiveness of combating crime, improve the quality of law enforcement agencies' work aimed at preventing, detecting and stopping crimes in a timely manner, searching for the perpetrators, uncovering the causes and conditions that contribute to the commission of crimes, and preventing offenses. To prevent and suppress negative consequences, significant forces of executive authorities are involved, a special place among which is occupied by law enforcement agencies.⁷

State security, protection of territorial integrity and national interests have always been a priority of state policy, and in the context of martial law, they are of utmost importance, as Ukraine is the center of Russian military aggression and an outpost for the protection of European democratic values.⁸ In order to overcome the negative events facing our country, it is necessary to provide their theoretical justifications, formulate definitions of certain phenomena and their elements, clarify the conceptual problems of confronting the aggressor and ways to solve them, and plan measures for the gradual development of the country after the victory.⁹

Corruption remains a widespread phenomenon on an international scale. But it cannot be claimed that this phenomenon has been fully studied, even at the level of formation of the terminological apparatus. In scientific studies devoted to the problems of corruption, it is noted that if we talk about the legal qualification of corruption, it is necessary to recognize the presence

⁶ Ablamskyi, S., Denakpon, L. R. Tchobo, Romaniuk, V., Šimić, G., Ilchyshyn, N. "Assessing the Responsibilities of the International Criminal Court in the Investigation of War Crimes in Ukraine". *Novum Jus*, 17(2), (2023). 353-374. DOI: <https://doi.org/10.14718/NovumJus.2023.17.2.14>; Sokurenko, V., Morhunov, O., Ablamskyi, S. "Assessing the scope of legal immunity in modern legal science: the need for questioning under Ukrainian law". *Journal of Liberty and International Affairs*, 9(1), (2023). 265-276. DOI: <https://doi.org/10.47305/JLIA2391270s>

⁷ Danu Aris Setiyanto, Sekar Ayu Aryani, dan Sri Wahyuni, "ICRP Jakarta and Interfaith Marriage Assistance in Indonesia: Civil Rights, Legal Interpretation, and Advocacy for Interfaith Couples," *Journal of Islamic Law* 5, no. 2 (29 Juli 2024): 170–96, <https://doi.org/10.24260/jil.v5i2.2796>. Rahmin Talib Husain dkk., "Happiness Permissibility: Negotiating Hadith on Polygamy as Perfection of Worship in Wahdah Islamiyah Muslim Women," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (18 Oktober 2024): 329–55, <https://doi.org/10.19105/al-lhkam.v19i2.11352>.

⁸ Elfia Elfia dkk., "Institutionalizing Maqāsid Ḥifz Al-Naṣl within the Minangkabau Inheritance Framework," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (28 Desember 2024): 193–222, <https://doi.org/10.18326/ijtihad.v24i2.193-222>.

⁹ M. Fatchurrohman dkk., "Shari'a Stock Zakat: Alternative Financial Inclusion for Empowering Mustahiq MSMEs with Qarḍ al-Ḥasan Products," *Al-Ahkam* 34, no. 2 (31 Oktober 2024): 257–88, <https://doi.org/10.21580/ahkam.2024.34.2.21936>.

of many definitions of this phenomenon.¹⁰ The World Bank, UN experts and Transparency International define corruption as "abuse of state power for personal gain".¹¹

Corruption has become a factor that poses a real threat to national security, democratic development of the state and society, and the constitutional order, as it undermines the country's authority, harms the functioning of the state apparatus, restricts constitutional rights and freedoms of man and citizen, violates the rule of law, and destroys moral and social values.¹² Corruption crime negatively affects society and the state, destroying their livelihoods, discrediting the authority of the state apparatus, causing significant economic and political damage to the state, practically nullifying the potential effectiveness of any economic and social programs of the state, the effectiveness of management decisions.¹³

The Criminal Law Convention on Corruption defines the latter as active and passive bribery of national and foreign officials, judges, members of public and international organizations, parliamentary assemblies, trading in influence for personal gain, and bribery in the private sector.¹⁴ Truly there is a need to handle this concept of corruption, but it becomes a difficult nut to crack as it has already been a difficult and intense possession in the minds of many. Even the so called martial law or practices to an extent poses a problem, as the rate of these practices continue to be on the rise in Ukraine and this has really be worrisome as we continue to question the future of combatting this crime in Ukraine due to the repercussions and effects that it has caused in the society.¹⁵

Prevention of corruption is a part of the national anti-corruption policy, which is united by the national idea of overcoming this negative phenomenon, consists in preventing its occurrence and spread, taking effective measures to avert corruption, includes a strategy for the development of public-legal relations to eliminate, neutralize or limit the actions of persons, authorized to perform the functions of the state or local self-government (determinants) of corruption and targeted influence with the help of a set of measures to achieve the set goals for reducing corruption in Ukraine, reducing state budget and business losses due to corrupt activities, as well as improving Ukraine's position in international rankings, which assess the level of corruption.¹⁶

The problem of preventing and countering corruption is quite important for modern Ukrainian society. Corruption provokes and deepens social crisis phenomena, worsens the image of our state in the international arena, leaves a negative impression on economic processes, is an obstacle to communication and establishing a dialogue between the authorities and civil society, undermines the foundations of democracy and is a threat to the national security of Ukraine. It is precisely because of corruption that our mistrust of the authorities is deepening from year to year. Is this a purely Ukrainian problem? Of

¹⁰ Lesko N. "Typology of corruption events in police". *Bulletin of Lviv Polytechnic National University. Series: Legal Sciences*, 3(7), (2020). 147.

¹¹ The World Bank, *Helping Countries Combat Corruption: The Role of the World Bank / World Bank*. 1997. September. <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/corrptn.pdf>.

¹² Tyutyugin V. I., Kosinova K. S. "The concept and signs of the corruption crimes". *Herald of the Association of Criminal Law of Ukraine*, 1(4), (2015). 388–389.

¹³ Harashchuk V. M., Mukhataiev A. O. "Actual problems of combating corruption in Ukraine: a monograph". Kharkiv: Pravo, (2010).

¹⁴ Criminal Law Convention on Corruption (ETS 173): ratified with declaration by Law No. 252-V of 18.10.2006. URL: https://zakon.rada.gov.ua/laws/show/994_101#Text.

¹⁵ Dwi Aprilianto dkk., "The Controversy of Child Marriage Culture in The Perspective of Maqāṣid Al-Urah: A Case Study of The Authority of Lebe' in Brebes," *Al-Manahij: Jurnal Kajian Hukum Islam*, 7 Agustus 2024, 199–218, <https://doi.org/10.24090/mnh.v18i2.11554>.

¹⁶ Shatrava S. O. "Administrative and legal principles of preventing corruption within the National Police of Ukraine" [The thesis for a doctoral degree by the specialty 12.00.07 – administrative law and procedure; financial law; informational law]. Kharkiv National University of Internal Affairs. Kharkiv, (2017). 96.

course not. From time to time in European countries, especially after corruption scandals, trust in the authorities also decreases. That is precisely why the prevention and counteraction of corruption in Ukraine should be carried out on the basis of cooperation between state bodies and institutions of civil society, as it happens in civilized countries. We must be aware that the anti-corruption efforts of our authorities were and remain key in maintaining the partnership between the international community and Ukraine.¹⁷ Combating corruption is a long-term process that is, of course, aimed at reducing its manifestations.¹⁸ That is why actions to prevent and combat corruption should be complemented by measures to educate the population in the spirit of intolerance to corruption, as well as measures aimed at obtaining the support of citizens in the anti-corruption campaign conducted by public authorities. The strategic goal of the anti-corruption policy is to combat corruption at all levels by increasing transparency of the activities of state bodies, observance of rights and freedoms.¹⁹ We are really congratulating the State of Ukraine towards their responsibilities in combatting these corrupted offences in the country, but efforts need to be redoubled as this offence continue to a pandemic in the society with increased in its spread. The State of Ukraine really need to do something harder in handling this dreadful placement that continue to be menace and threat to the country.²⁰

M. V. Kornienko and V. M. Tertyshnyk emphasize that the problems of combating corruption should be solved systematically in a complex of integrative measures of state-political, socio-economic, national-cultural, informational, criminological, legal and moral and ethical nature.²¹ On the other hand, corruption as a legal phenomenon can be classified according to various criteria. The main ones are: territorial feature, form of commission, time of action, sphere of life, type of legal liability to which a person is brought for committing corruption. According to the territorial basis, a distinction should be made between domestic (national) and transnational corruption. Depending on the form of corruption, bribery, embezzlement (misappropriation) of public funds, clientelism, lobbying, favoritism, nepotism, and state capture should be distinguished. Depending on the specifics of the mechanism of corruption, the following types of corruption should be distinguished: acceptance of an undue advantage; acceptance of a promise/offer of an undue advantage.²² Depending on the duration of the act, corruption is divided into one-time (single act) and prolonged; depending on the sphere of life - into political, economic, managerial, social, legal; depending on the type of legal liability - into corruption for which the legislator provides for criminal, administrative, civil, disciplinary liability.²³ At the same time, from the standpoint of systemic and structural analysis, as specified by criminological science, corruption is perceived, comprehended, defined, and analyzed as an institutional

¹⁷ Sopilko I., Cherevatiuk V. "Mechanisms of anti-corruption manifestations in the transport sphere". *Law Journal «Air and Space Law»*, 3, (2020). 195.

¹⁸ Abdul Kadir dkk., "Women and Family Based Voter Education Strategy to Increase Community Participation in Elections in Buton, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (24 Agustus 2024): 1346–71, <https://doi.org/10.22373/sjkh.v8i3.24050>.

¹⁹ Novak A. M. "Tendencies of development of the national anti-corruption policy: public management aspect". *Public administration: theory and practice*, 2(16), (2016).

²⁰ Agus Suharsono, Nanik Prasetyoningsih, dan Sunyoto Usman, "Women's Inheritance Rights in Indonesia from the Perspective of the Triangular Concept of Legal Pluralism," *El-Mashlahah* 14, no. 2 (8 November 2024): 259–80, <https://doi.org/10.23971/el-mashlahah.v%0avi%oi.7657>.

²¹ Kornienko M. V., Tertyshnyk V. M. "Anti-corruption: strategy and practice". *Problems of Legality*, 152, (2021). 88.

²² Hukmiah Husain dkk., "Zakat and Empowerment of the Bajo Tribe Fishing Community in Bone, South Sulawesi: Collaboration between BAZNAS and the Ministry of Religion," *El-Ushrah: Jurnal Hukum Keluarga* 7, no. 2 (10 Oktober 2024): 462–79, <https://doi.org/10.22373/ujhk.v7i2.24961>.

²³ Kalienichenko L. I., Slynko D. V. "Concept, features and types of corruption". *Law and Safety*, 1(84), (2022). 45.

phenomenon embedded in the mechanisms of functioning of social institutions and systems. And it is this approach, in my opinion, that contains significant cognitive and practical transformative potential. After all, it is not so much important which corruption scheme was used by the perpetrator (most of them are identical) as the circumstance in which system or institution the corruption scheme is deployed.

It is no secret that corruption in the military and defense industry poses a direct threat to national security. After our victory over the Russian Federation, we are still waiting for high-profile exposés of top corrupt officials who, immediately before and during Russia's full-scale aggression, formed stable sectoral and cross-sectoral corruption mechanisms. It should be reminded that the idea of liquidating the State Concern UkrOboronProm and creating another structure with administration functions in the defense industry, which was not fully implemented due to the war, did not appear out of thin air. Another thing is that the disclosure of information about the scale and details of criminal corruption practices in this sector may pose a separate threat to national security. However, it should also be understood that corruption of this nature and scale is simply impossible without its functional support at the highest political level, which raises the issue of political corruption as one of the key problems for modern Ukrainian society and the state. The Law of Ukraine "On Preventing Threats to National Security Associated with the Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (oligarchs)" (on de-oligarchization) appeared not out of nowhere in 2021.

The task of legal science is to identify the causes, establish the preconditions and find the most effective measures to prevent and specify the means of combating corruption. Unlike corrupt acts, the types of behavior in the field of political corruption are not fully covered by legal liability. This is due to the absence of a legal definition of "political corruption" in the current legislation. However, within the framework of the regulatory framework of relations in the sphere of state funding of political parties, a legal mechanism for preventing certain manifestations of political corruption in Ukraine has been formed and is in place. At the same time, by establishing requirements and restrictions in the field of political party financing, introducing transparency and accountability of political parties and election campaigns, the legislator has launched the processes of state control over the finances of political parties represented by the National Agency on Corruption Prevention and mechanisms for bringing to administrative or criminal responsibility for relevant offenses. In view of this, attention is focused on the importance of understanding the legal aspects of political corruption, the problem of influencing a political party through finance, strengthening the financial discipline of political parties, improving the system of state control over the financing of the statutory activities of political parties, and ensuring the inevitability of liability for violations in the field of political financing.²⁴ But this is not enough. Political corruption is a phenomenon that permeates the entire political system. This is how it has historically developed. And it is obviously impossible to cope with it with a single law on political party financing. In addition, based on the same principle of historicism, we can confidently say that corruption in Ukraine is a unique phenomenon on a global scale. While retaining a number of common features inherent in corruption as such, Ukrainian corruption in general and political corruption in particular are distinguished by their affinity with the phenomenon of oligarchy and the functioning (albeit now in a limited form) of the so-called "deep state." Therefore, the possibilities of borrowing foreign experience are fundamentally limited. We have to develop our own unique anti-corruption policy based on a strategic approach to combating political crime in general. And we are capable of doing so. The Ukrainian people have overcome the inferiority complex, as the ongoing war shows. The aggressor itself has

²⁴ Korchak N., Korchak Y. "Legal aspects of preventing and combating political corruption". *Bulletin of Taras Shevchenko National University of Kyiv. Public Administration*, 13, (2020). 34.

pushed us to draw clear contours of our identity, dignity and originality. And all these features of our mentality, the potential that the national liberation struggle against the Russian invaders has laid down, should be fully utilized for innovations in the humanitarian, legal, security, criminological, and anti-corruption policies of our country.

In order to effectively combat corruption, relevant mechanisms are being introduced not only at the national but also at the international level. For example, today there is a special Pan-European EU body - the Group of States against Corruption (GRECO), whose member states include members of the Council of Europe (including Ukraine), the United States and Belarus. One of the priority tasks of GRECO is to monitor the implementation of international legal acts in the anti-corruption field. After analyzing international anti-corruption acts, GRECO identified a set of the most important principles of combating corruption: a high level of professionalism and patriotism of leaders at all levels; accountability and transparency of public authorities to society; protection and enforcement of legally acquired private property rights; inevitability of liability for corruption crimes (regardless of time and social status of the offender); control of the state and society over the activities of public authorities (public disclosure of financial declarations); observance of the necessary level of witness protection in criminal and administrative cases against corrupt officials; implementation of preventive measures to purposefully change the public perception of corruption as a negative and shameful phenomenon.²⁵

Despite the difficult situation in the country, one of the key steps was the development and adoption of the Anti-Corruption Strategy under martial law. The purpose of this strategy is to achieve significant progress in preventing and combating corruption, as well as to ensure coherence and systematic anti-corruption activities of all state authorities and local governments.²⁶ Thus, Ukraine demonstrates to the world not only its readiness for further changes, but also offers a holistic vision of the development and improvement of the Ukrainian system of preventing and combating corruption.²⁷

Identifying corruption as a key obstacle to sustainable economic growth and the development of effective and inclusive democratic institutions, the Anti-Corruption Strategy sets out the following key principles of anti-corruption policy for 2021-2025:

1. Optimization of the functions of the state and local self-government, through:
 - a. eliminating duplication of powers by different bodies;
 - b. temporary suspension of the exercise of ineffective powers accompanied by a high level of corruption until proper procedures are introduced to minimize the relevant corruption risks;
 - c. eliminating cases of exercising powers by the same body, the combination of which creates additional corruption risks;
2. Digital transformation of the exercise of powers by public authorities and local self-government bodies, transparency of their activities and openness of data as a basis for minimizing corruption risks in their activities;
3. Creation, in contrast to corrupt practices, of more convenient and legal ways of meeting the needs of individuals and legal entities;
4. Ensuring inevitable legal responsibility for corruption and corruption-related offenses;

²⁵ International experience in fighting corruption in the security sector: lessons for Ukraine. Analytical note. 2015. <https://niss.gov.ua/doslidzhennya/nacionalna-bezpeka/mizhnarodniy-dosvid-borotbi-z-korupciyu-v-sektori-bezpeki>

²⁶ On the Principles of State Anti-Corruption Policy for 2021-2025: Law of Ukraine of 20.06.2022 No. 2320-20. <https://zakon.rada.gov.ua/laws/show/2322-20#n552>

²⁷ Anti-Corruption Strategy for 2021-2025: What it is and why the country needs it today. <https://prosvita.nazk.gov.ua/blog/antykoruptsiyna-strategiya-na-2021-2025-roky-shho-tse-j-chomu-vona-potribna-ukrayini-sogodni>

5. Formation of public intolerance to corruption, establishment of a culture of integrity and respect for the rule of law.

It should be noted that similar anti-corruption legislation works effectively in many countries of the world, implementing their own approaches to fighting corruption. At the same time, some countries focus more on preventive measures, such as Sweden. Other countries emphasize the most vulnerable to corruption spheres of the state's life. Thus, the Anti-corruption Strategy of Great Britain singles out four areas with high corruption risks, namely: the defense sphere, the border sphere, the penitentiary system and the police.²⁸ At the same time, the scope of work in Ukraine is much larger. This has led to the prioritization of the following areas: the justice system, prosecution and law enforcement agencies, customs and taxation, state regulation of the economy, construction and land relations, defense, healthcare, education and science, and social protection. At the same time, a number of problems related to certain areas remain unresolved. In addition, it would be advisable to include the penitentiary system in the priority areas of fighting corruption. Although the criminal activity of the personnel of this body is much lower than among other segments of the population, and the absolute number of registered offenses is also relatively small, nevertheless, crimes of this group are characterized by increased danger due to the importance of the functions performed by the State Criminal Executive Service of Ukraine.²⁹ At the same time, offenses in this area are often systemic in nature. Fantastic and interesting of all these measures put in place in addressing the offences of corruption, but the problem here is not just putting in place the measures mentioned above, but by seeing that these measures put in place should be implemented to the fullest, as there will still be increase in such practices if care is not taking. As always stated, one thing is on putting in place measures, the other is implementing the measures. Combatting Corrupted offences is not just a one day event, it takes lots of enforcement mechanisms, strategies, methods of implementation, if not it will continue to be a nightmare in the confines of the society. The society will continue to be affected by this dangerous threats posing a problem of combatting

Application of OSINT technology in combating corruption criminal offenses

One of the important stages in the development of technologies for combating criminal offenses was that by the mid-1950s, two circumstances significantly affected the practical and scientific understanding of technology. Firstly, the difference between search and research activities in relation to traces of a criminal offense was deepening. Previously, search and research activities were considered as one and the same. Subsequently, the equipment and methods of expert analysis of material evidence not only differed from the technical means of searching for traces of a criminal offense in terms of their application, but also became more complex for law enforcement officers. Secondly, the expansion of the range of expert research has led to the emergence of "non-traditional" forensic and other forensic examinations that did not find a place in forensic technology.³⁰ Really it is a glamouring and wonderful initiative in putting in place this technological measure, but as we always put it, how effective is this measure when the rate of corrupted offences continue to be in the rise. We are not in any way say that this measure put in place has not been effective or has not contributed immensely in combating the offences in question, our worry here is at the level of presence of these offences irrespective of the measure put

²⁸ Anti-Corruption Strategy: "big stokers" of foreign countries. https://lb.ua/blog/olena_moshenets/520660_antikoruptsiyna_strategiya_veliki.html

²⁹ Orel Yu. V. "Criminal liability for crimes against the normal activities of bodies and institutions of the penitentiary service of Ukraine: a monograph". Kharkiv: LLC "V spravi", (2016). 169.

³⁰ Shcherbakovsky M. "Correlation and structure of a forensic technique and forensic science". *Theory and Practice of Forensic Science and Criminalistics*, 21, (2020). 137.

in place. There is really a need in intensifying the above measure if we really want to see these offences as an issue of the past.

The modern world is open, because anyone can find the information they need on the Internet, where scientists also share the latest developments, and states report on the benefits of using new methods and technologies in combating crime. In the context of law enforcement agencies' counteraction to corruption offenses, there are two main types of information collection, which include:

1. Passive. In this case, you do not give away yourself or what you are looking for. The search is limited to the content on the website of the object of study, archived or cached information, unprotected files.
2. Active. This method is much less commonly used for Internet research. To obtain information, you explore the company's IT infrastructure, actively interact with computers and machines.

Advanced techniques are used to gain access to open ports, scan for vulnerabilities, and server-side web applications. In this case, your intelligence can be easily recognized. Social engineering is also included here. In the context of the above, it is necessary to pay attention to the use of OSINT technologies in combating corruption-related criminal offenses. The importance of this issue is due to the fact that legal knowledge alone is not enough to effectively counter criminal offenses, it is necessary to use the achievements of technical sciences. In particular, the use of the latest technologies makes it possible to find traces of the offense and identify the person who committed it. Given that criminals are becoming more sophisticated and aware of ways to hide traces of criminal offenses, law enforcement agencies should increasingly use the latest technologies, including OSINT (Open Source Intelligence). OSINT technology is the collection, analysis, and processing of publicly available data, but this data is always specific, i.e. collected and structured in a special way to answer a specific question.³¹

Today, interest in the possible use of OSINT technology is growing not only among journalists, private company analysts and ordinary citizens, but also among analysts of law enforcement information services, as OSINT has certain advantages over the collection, processing and analysis of restricted information. It does not require special access to information, which means it saves time for the user, does not require special skills, and does not require significant resources. The use of OSINT makes it possible to prevent criminal offenses in some cases, as the phrase "it is better to prevent a criminal offense than to punish" is becoming increasingly important. OSINT is the collection, analysis and processing of publicly available data. However, this data is always specific, meaning that it is collected and structured in a specific way to answer a particular question.

In their study O. V. Mynko, A. Yu. Iohov, V. T. Olenchenko, K.V. Vlasov noted that if we talk about the current application and use of OSINT technologies in Ukraine, it is worth noting that they are actively used during the Russian-Ukrainian war in certain areas of Donetsk and Luhansk regions. For example, one of the sources of information about the effectiveness of terrorists' artillery fire in Donetsk region is the discussion of these events by the city's residents on the Internet, and photos of military equipment taken by local residents are sometimes much more effective than OSCE observations³². This way, you can get unique information that no one will ever give you for free: the pages to which a certain person is subscribed, their likes under posts, under photos and videos, their circle of acquaintances and social connections with certain media personalities, opinion leaders,

³¹ Servatovskiy A. V., Onishchenko Yu. M., Makarenko P. V. "International experience in the use of OSINT. Topical issues of combating cybercrime and human trafficking": conference materials. Kharkiv, (2018). <https://univd.edu.ua/science-issue/issue/3329>

³² Mynko O. V., Iohov A. Yu., Olenchenko V. T., Vlasov K. V. "Using of OSINT technologies for intelligence". *Control, Navigation and Communication Systems*, 4, (2016). 83.

groups of people who are at risk for the company. Or to understand a company in order to assess the risk of a deal to buy a company, to formulate a negotiation strategy with owners and managers - all this is possible with OSINT.

Based on the assessments of the National Police bodies and units that either apply criminal analysis or use its results in their daily activities, it can be undoubtedly stated that OSINT technologies, as a structural element of criminal analysis, are an effective tool in combating crime. When countering corruption criminal offenses, the main task is to conduct an analytical study of the information available to it, as well as to create analytical products based on the results of such analysis that are informative and recommendatory in nature and create the basis for solving operational and tactical tasks when documenting the commission of a corruption offense by a person. It is through analytical research that the necessary information is collected and analyzed to timely counteract the commission of a corruption offense. In this regard, it should be noted that in order to search for information in open sources presented on the Internet, various search engines can be used, which are divided into universal and specialized ones used to obtain multimedia content (photographs, illustrations, drawings, video and audio files, etc.). It is worth remembering that in order to effectively use OSINT technologies, it is necessary to follow certain rules for searching for information, which include the correct analysis of the information received, comparing the facts obtained during the search, etc. This is a kind of algorithm, the observance of which will increase the efficiency of analytical work, and taking into account the peculiarities existing in this process (primarily organizational and tactical) will increase the level of counteraction by law enforcement agencies to corruption criminal offenses.

CONCLUSIONS

This study concludes that the fight against corruption during martial law in Ukraine still faces various challenges, despite significant efforts through the implementation of anti-corruption laws and strategies. The analysis shows that although the existing legal norms are adequate, their effective implementation is hampered by a lack of inter-agency coordination, weaknesses in law enforcement, and challenges arising from the emergency situation.

In the context of martial law, corruption not only threatens national stability but also hinders democratization and economic development efforts. The research found that one of the main weaknesses is the lack of transparency and accountability in the implementation of anti-corruption policies, which is exacerbated by the lack of independent oversight of state institutions.

Through comparisons with other countries facing similar situations, the research emphasizes the importance of applying technology-based approaches, such as OSINT (Open Source Intelligence), to improve corruption detection and prevention. In addition, strengthening the capacity of law enforcement agencies and collaboration with civil society are key in improving the effectiveness of anti-corruption policies.

This research recommends an updated anti-corruption strategy that includes strengthening implementation mechanisms, stricter law enforcement, and active involvement of civil society in monitoring. In addition, the establishment of a culture of intolerance towards corruption through education and raising public awareness should also be prioritized.

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