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Edited by Ganna Sobko



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Monument to Yaroslav The Wise, Grand Prince of Kyiv (978-1054) In the Yaroslav Mudryi National Law University, 61024, 77, Hryhorii Skovorody Street, Kharkiv, Ukraine Photo Tala Tamila (2015) CC SA 4.0 (Wikimedia Commons)

Global challenges in the regulation of international flights: analysis of Ukrainian criminal law in the context of international security and cooperation

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ABSTRACT. In today's world, where international flights are an integral part of international travel, it is extremely important to coordinate international relations in this area and regulate flight safety. Working together to create international standards and regulations is essential to ensure the efficiency and safety of international flights. Examining Ukrainian criminal law in the context of global security reveals opportunities and risks for preserving airspace security and cooperating with other countries in this area. Systemic and structural analysis, special legal approach and dialectical method were used to study global issues of international flight regulation. These methods made it possible to systematize certain components of aviation security legislation and develop tactics to improve its effectiveness. The goal of the research is to examine Ukraine's criminal legislation in terms of current international aviation security issues. This is aimed at developing effective strategies for managing counter-terrorism and ensuring flight safety. The analysis of legislation will determine its readiness to respond to these challenges.

KEYWORDS: TRANSPORT, INTERNATIONAL FLIGHTS, SECURITY, INTERNATIONAL LAW, COOPERATION, LEGISLATION.

Introduction

he topic of international flights is particularly significant at this point in the development of transport links since it may be possible to travel large distances rapidly with their assistance. Their importance has led

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to the need for special international legal regulations to guarantee flight safety. Given the great importance of international flights in the world, it can be noted that their role is also important for Ukraine as a subject of international law and a participant in international relations. The developed rules of international air law have also influenced the development of national legislation in this area, including in Ukraine. Given the great importance of international flights, it is necessary to examine the specifics of their regulation by Ukrainian legislation.

The regulation of international flights is a complex and multifaceted process that faces various global challenges. One of the most significant issues is ensuring the safety of international flights. This includes preventing terrorist threats, protecting against hostile acts that may threaten airspace, and ensuring the safety of passengers and crews. Effective regulation of airlines, flight safety, and service standards are necessary due to the quick advancement of aviation technology and the increase in passenger traffic.

The global nature of the aviation industry requires states to cooperate to develop international standards, rules and procedures for international flights and to combat common problems such as terrorism and cross-border crime. Protecting the rights of individual passengers and consumers is another important challenge in regulating international flights. This includes the rights to safety, affordability and adequate service during international travel. These and other global challenges require an integrated approach and cooperation between governments, international organizations, airlines and other stakeholders to ensure the safety, efficiency, environmental sustainability and protection of passenger rights in international flights.

It should not be forgotten that crimes in the field of international flight safety remain relevant not only due to the specifics of the aviation sector (enhanced customs control, qualification requirements for employees, etc.) but also due to the difficult geopolitical situation in which Ukraine finds itself when strengthening the air border is one of the priorities in preserving the national security of the state.

Given the universality of safety standards, an analysis of Ukraine's criminal legislation in the area of aviation safety in the context of international security and cooperation is especially important. International standards reflect the generally accepted principles of fighting crime. Analysis of legislation helps to identify

compliance or gaps that may affect international security.

Many scholars have studied aviation and flight regulations. Vysotska (2023) examined the theoretical foundations of the strategic development of air transport by analyzing contemporary scientific literature, the aviation industry's development, and trends in the global market for air transport services. The main goal was to find the most effective ways to strategically develop and optimize the interaction between airlines and airports. The analysis identified a set of paradigms to maximize the industry's aggregate potential and enhance its development in the face of global challenges. Polishchuk and Hurin (2023) identified sustainable development goals in aviation safety at the international and national levels. Using various research methods, they found that aviation safety is linked to economic and technological development, infrastructure, and environmental aspects. The results point to the need for continuous improvement of the regulatory environment to ensure aviation safety.

The current status of aviation security and strategies for improvement were examined by Filik (2020). The study was conducted using various methods, such as analytical, comparative legal, systemic, and others. It is concluded that in order to guarantee the safety of civil aviation in high-risk countries, it is important to enhance the systems for handling emergencies and to start the process of establishing an international aviation regulator. Banchuk-Petrosova (2020) analyses the problems in international air passenger transportation and suggests ways to improve legislation. In particular, the author points out the need to improve crisis response and amend the Criminal Code of Ukraine regarding air transport safety. The author emphasizes the importance of adopting the Aviation Transport Strategy until 2030 to ensure safety in air transport. Polyanskaya (2021a) completed research on how the government regulates aviation and formulates development plans for the industry. As a result, it was discovered that the legal system plays a crucial administrative role in the advancement of air travel. The discussion focuses on the importance of state policy in this area for achieving strategic goals.

The study's goal is to analyze Ukrainian criminal law in light of global cooperation and security concerns, with an emphasis on the difficulties in enforcing international aviation regulations. The study is aimed at identifying effective strategies for managing these challenges, in particular in terms of counter-terrorism, ensuring security on board aircraft and preventing crime in the aviation sector. An analysis of Ukrainian criminal law in this context will help to understand how it adequately addresses these global challenges and to what extent it can respond to them.

Materials and Methods

The author employed a number of general scientific and specialized research techniques that are inherent in legal science in order to accomplish the goal and meet the study's objectives. In analyzing global issues of international flight regulation, the dialectical method allows us to consider these issues as a complex system of interacting components.

The complex internal structure of the system of criminal law provisions on liability for crimes against flight safety was made possible by the application of structural and systemic analysis. This approach makes it possible to study not only individual legislative acts but also their interaction and overall impact on the totality of legal provisions. Such analysis helps to identify gaps and contradictions in legislation and suggest ways to resolve them.

The application of the dogmatic method made it possible to thoroughly examine the provisions governing liability for crimes against aviation security contained in the current Criminal Code, as well as to consider amendments to it from the perspective of aviation security. The use of this method allowed us to identify any gaps or inconsistencies in the legislation, as well as to reflect current developments and trends in the field of legal standards of aviation security. It was also possible to conduct a comparative analysis and take into account international norms and recommendations for improving national legislation in this area as a result of studying international aviation security legislation.

The application of the logical and semantic method and the method of "from the abstract to the concrete" helped to formulate and comprehend the terminology used in the field of aviation law. These methods allowed for the formation of derivative terms such as "international flight" and "international air crime", as well as for their clear definitions. As a result of the research, the use of these methods helped to understand some important aspects of aviation law and how it is applied in world practice.

In analyzing certain legal provisions in the field of aviation law, the formal

logical and special legal approaches were used primarily. These methods help to identify and systematize legal provisions and establish their logical sequence. The application of formal logical and special legal analysis has resulted in greater clarity and precision in the interpretation of regulations within aviation law.

The system-functional and system-structural approaches were applied to better understand the fundamentals of flight safety and to create practical solutions to global problems of international flight regulation. These methodologies made it possible to analyze the aviation regulatory system as a whole, with clearly defined functions and interrelationships between its components. The results of this study helped to identify important components of flight safety, as well as to define tactics aimed at improving the efficiency and safety of international transport.

Results

Today, there is no need to prove the importance of aviation in the modern world, as well as the importance of Ukraine's participation in international aviation cooperation. In total, Ukraine is already party to 70 bilateral international air services agreements. It joined the European Civil Aviation Conference (ECAC) in 1999, the International Civil Aviation Organization (ICAO) in 1992, and the European Organization for the Safety of Air Navigation (Eurocontrol) in 2004. In addition, it is a party to the Open Skies Agreement and the Common Aviation Area (CAA) agreement. An agreement on a Common Aviation Area was signed by Ukraine and the EU on October 12, 2021, during the 23rd EU-Ukraine Summit.

This agreement is also known as the Open Skies Agreement, which provides for the opening of the air transport market, new opportunities for consumers and operators, promotion of trade, tourism, investment in Ukrainian aviation, and cheaper tickets. This agreement created an "Air Visa Waiver", which provided for the establishment of close cooperation between Ukrainian airlines and EU airlines and a common aviation area with the EU. This agreement provided for the regulation of Ukrainian aviation law to avoid conflicts with EU aviation law, and obliged Ukraine to bring its aviation legislation in line with EU aviation law (Pagallo & Bassi, 2020).

It is worth noting that before the conclusion of this agreement, the State Aviation Administration of Ukraine, together with Ukrainian legislators, according to the 2020 Aviation Safety Report of the State Aviation Administration of Ukraine,

cooperated with the International Civil Aviation Organization (ICAO) to bring Ukraine's aviation safety legislation in line with international standards. Such cooperation is defined in Section 6, paragraph 46 of the State Program on Civil Aviation Security. There have been times when aviation law reform was carried out with mistakes that cost lives.

First of all, let us note how Ukrainian legislation defines the concept of "international flight". An international flight is defined as a flight that consists of one or more international flight stages, per the Order of the State Service of Ukraine for Supervision of Aviation Safety of the Ministry of Defense of Ukraine "On Approval of the Rules for Granting Operators Permits for Departure from and Arrival at Airports of Ukraine" No 897/703 of 2005.

A similar definition can be found in the State Aviation Administration of Ukraine's Order No. 1001 of 2019, "On Approval of the Aviation Rules of Ukraine "Technical Requirements and Administrative Procedures for Monitoring Emissions by Civil Aircraft Operators," which states that a flight qualifies as international if it includes one or more international flight stages.

However, it should be noted that Ukrainian legislation contains other definitions of international flight. For instance, an international flight is defined as one in which an aircraft crosses a state border between Ukraine and another state or one that is conducted in the airspace of another state, per the Order "On Approval of the Rules for Navigational Support of Flights of the State Aviation of Ukraine" (Ministry of Defense of Ukraine, 2016). Thus, even though similar definitions are enshrined in two different legal acts, we still observe a lack of certainty in the understanding of the concept of "international flight", which may be perceived as a legislative imperfection in the relevant issue. It is advisable to include the term under study in the provisions of the Air Code of Ukraine, the primary legislative act in the field of aviation law, in order to systematize legal approaches to its definition, unify approaches to its interpretation, and prevent future contradictions when thinking about issues related to international flights (Bilousov, 2017).

Having analyzed the above definitions, we believe that the most accurate definition is the one set out in the Order of the Ministry of Defence of Ukraine No. 100 of 2016, as it most fully discloses the essence of international flights. In particular, it takes into account the fact that an aircraft crosses the state border of any state, including Ukraine. Therefore, we consider it appropriate to use this

definition for further research.

The concept of maintaining flight safety is the foundation of air law, as it is an essential requirement for aviation. Strict adherence by all states to the principle of safety is an important condition for the further development of international air services, which nowadays play a significant role in strengthening political, economic, cultural and other ties between countries and peoples. One of the aspects of this principle is the prohibition of unlawful interference or criminal encroachment in the field of flight safety. Such crimes are not uncommon in the modern world, often closely intertwined with terrorist acts or international war crimes.

The Tokyo Convention on Offences and Certain Other Acts on Board Aircraft of 1963, the Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 1970, and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971 are three international conventions that were developed in the 1970s on the initiative and under the auspices of ICAO to organize and develop cooperation between states to combat unlawful interference with civil aviation. In 1988, the Protocol to the Montreal Convention of 1971 was adopted, which is aimed at combating unlawful acts of violence at airports serving international flights. Annex 17 of the 1944 Chicago Convention "Safety. Protection of International Civil Aviation against Acts of Unlawful Interference".

These international documents include the following acts: sabotage of air transport, hijacking of aircraft, blackmail, violent behaviour on board, damage to aircraft equipment, etc. In comparison to the Hague Convention, the Montreal Convention has made it clearer and included more violations that could jeopardize civil aviation safety. These violations include violence against passengers aboard an aircraft while it is in flight, damaging or destroying an aircraft while it is in service, interfering with the operation of ground-based air navigation equipment, and disseminating intentionally false information that could jeopardize aircraft safety. States parties to these conventions are obliged to apply severe penalties to all such crimes (Prushkivska et al., 2023).

Nonetheless, there has been a tendency up until now to mainly analyze these crimes in terms of guaranteeing the security of civil aviation. A whole segment of flights operated by military aircraft remains outside the scope of international legal regulation. Therefore, it is necessary to talk about "ensuring the safety of

flights in the airspace over the high seas", which takes into account the interconnection of all subjects of international aviation legal relations, including military aircraft. We should agree with this opinion since military aircraft can also be used by criminals for purposes dangerous to society and the state.

It is also necessary to define an international crime in the field of air law: these are crimes, the criminal punishment of which is provided for by acts of national legislation and international legal acts, intentionally or negligently committed by individuals or heads of organizations or states acting as their subjects, which encroach on the safety of aviation or, through it, on the interests of interstate communication, several states or the entire international community.

In an international crime, similar to a domestic crime, there is a corpus delicti of an international nature, which is a set of objective and subjective features based on which persons are brought to criminal liability. It should be noted that the elements of an international crime do not always coincide with the elements of a crime in domestic criminal law. The elements of an international crime include:

- the object of an international crime, i.e., the benefits of a material or non-material nature, which are encroached upon by an international criminal offence (international law and order, social relations, human rights and freedoms, etc.);
- the objective side of an international crime is manifested in the form of a socially dangerous, unlawful, guilty act committed by a criminal against the object of the crime, which is regulated by international criminal law;
- a person's perspective on the act they performed afterwards reflects the subjective aspect of an international crime;
- the subject of an international crime is a natural person of sound mind who has reached a certain age of criminal responsibility at the time of the crime. The age of criminal responsibility in Ukraine is 16 years old in general and 14 years old in some cases, a comprehensive list of which is given in part 2 of Article 22 of the Criminal Code of Ukraine (CC) (Verkhovna Rada of Ukraine, 2001). However, in foreign countries, the age of criminal responsibility is defined differently (Vysotskaya, 2023).

Aviation security is defined by Ukrainian law as the safeguarding of civil aviation from acts of unlawful interference, achieved via the use of a series of

procedures including both human and material resources. The concept of an act of unlawful interference with civil aviation serves as the definition of aviation security. A threat to the safety of civil aviation is defined as an act of unlawful interference in Chapter 1 of Annex 17 "Security: Protection of International Civil Aviation from Acts of Unlawful Interference" to the Convention on International Civil Aviation (International Civil Aviation Organization, 1944).

This includes the following actions or attempts to act in this way: 1) forcible entry onto an aircraft, airport, or location of an air navigation facility or service; 2) unlawful seizure of aircraft; 3) destruction of an aircraft while it is in operation; 4) taking hostages on board an aircraft or at aerodromes; 5) placing weapons, dangerous devices, or material intended to achieve criminal purposes on board an aircraft or at an airport. The act of using an aircraft while it is in operation with the intent to cause harm, other health damages, death, or major property or environmental damage; 7) purposeful dissemination of false information that jeopardizes the safety of an aircraft while it is in flight or on the ground, as well as the safety of passengers, crew members, ground staff, and other individuals at the airport or at the location of civil aviation facilities or units.

It should be noted that the Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation adds attempts, threats, organizations, and assistance (complicity) in the commission of unlawful acts against international civil aviation to the list of such acts. National legislation regulates relationships about acts of unlawful interference with civil aviation. Specifically, the definition of an act of unlawful interference is found in Article 86 of the Air Code of Ukraine (Verkhovna Rada of Ukraine, 2011a) and subparagraph 6 of paragraph 2 of Section II of the State Program of Aviation Security of Civil Aviation of March 21, 2017, and includes the same actions as those listed in Annex 17 of the 1944 Convention on International Civil Aviation. Criminal law measures are crucial when it comes to ensuring aviation security against acts of unauthorized interference with civil aviation. There is no relevant part in the Ukrainian Criminal Code that lists any crimes against aviation security. (Polishchuk & Hurin, 2023).

The generalized results of the systematic analysis of the current CC allow us to identify an independent subsystem of criminal law support for the protection of aviation security from illegal interference with aircraft operations. Therefore, criminal responsibility for acts of unlawful interference with civil aviation is es-

tablished by the following articles of the Criminal Code of Ukraine (Verkhovna Rada of Ukraine, 2001):

- Article 278 of the Criminal Code, which states, "Hijacking or seizure of rail-way rolling stock, aircraft, sea or river vessel" (unlawful seizure of aircraft), based on the elements of the criminal actions;
- Article 147 of the Criminal Code "Hostage-taking" (hostage-taking on board aircraft or at airfields);
- Articles 296 and 257 of the Criminal Code "Hooliganism" and "Banditry" (forcible entry on board an aircraft, into an airport, or into the location of an air navigation facility or service);
- Article 277 of the Criminal Code "Damage to means of communication and vehicles" (destruction of an aircraft in operation);
- Articles 263 of the Criminal Code "Illegal handling of weapons, ammunition
 or explosives", 265 "Illegal handling of radioactive materials", 267 "Violation of the rules for handling explosives, flammable and caustic substances or
 radioactive materials", 269 "Illegal transportation of explosives or flammable
 substances on an aircraft," prohibits bringing weapons, dangerous devices, or
 materials meant to be used for illegal purposes onto an aircraft or at an airport);
- Article 258 of the Criminal Code "Terrorist act" (usage of an aircraft while it's in operation with the intent to harm someone, injure, or cause other health problems, death, or serious property or environmental damage);
- Articles 195 of the Criminal Code "Threat of destruction of property", 259 "Knowingly false report of a threat to the safety of citizens, destruction or damage to property" (providing willfully false information that jeopardizes an aircraft's safety in flight or on the ground, as well as the security of travelers, crew members, ground personnel, and the general public at airports or other locations housing civil aviation facilities or units), etc.

Since there is a special theme in the corpus delicti of these crimes, the legislators in the Ukrainian SSR of 1960 chose to consign crimes against traffic safety and transport operation to the chapter "Official crimes" rather than classifying them separately. In contrast, the Special Part of the current Criminal Code of Ukraine, which consists of 18 articles that establish responsibility for crimes

related to transportation, has a distinct Section XI titled "Crimes against traffic safety and operation of transport. It is important to note that the Criminal Code of Ukraine's Articles 276, 277, 278, 279, 280, and 291 establish liability for breaking traffic safety laws and operating different kinds of transportation (such as motor vehicles, railroads, water, or air transportation), each of which carries a distinct level of liability. Only persons with additional features, i.e. special subjects, can be held liable for criminal offences under Articles 276, 276-1, 281, 282, 284, 285, 287, 288 of the Criminal Code of Ukraine.

This group of crimes also includes the criminal offence under Art. 269 of the CC of Ukraine (illegal transportation of explosives or flammable substances by aircraft). It is interesting to compare Art. 269 of the CC of Ukraine with the version of the Criminal Code of the Ukrainian SSR of 1960. Both provide for liability for the illegal transportation of explosives or flammable substances by aircraft. The disposition of the article of the Criminal Code as amended in 1960 defines the subject of the crime as a passenger. That is, only a special subject could be held liable for committing this offence. Since the subject of the crime is not specified in Article 269 of the CC of Ukraine, any natural person of sound mind who has reached the age of criminal responsibility - that is, a broad subject of the crime - may be held accountable for committing such a crime (Herman, 2023).

Criminal law support for aviation security is established by the articles of the Special Part of the Criminal Code of Ukraine, which are located in different sections depending on the generic object. The Draft Law of Ukraine "On Amendments to the Criminal Code of Ukraine (regarding the improvement of the effectiveness of ensuring the safety of traffic and operation of transport)" was developed taking into account the provisions of the Convention on International Civil Aviation, documents of the International Civil Aviation Organization (ICAO), the Model Criminal Code, as well as the positive foreign experience of the post-Soviet countries (Baltic States), highly developed European countries (Bulgaria, the Netherlands, Denmark, Sweden, Switzerland).

The draft law aimed to align Ukrainian laws regarding criminal responsibility for traffic safety and transportation operations with globally recognized norms, international legal principles, and international standards, to increase the effectiveness of preventing and combating criminal violations of traffic safety or operation of railway, water or air transport, taking into account the positive foreign

experience of post-Soviet countries and highly developed European countries.

The proposed law states that only true, negligent harm to a person's life or health shall be subject to criminal liability under Article 276 of the Criminal Code of Ukraine. After all, practically every violation of traffic safety regulations and transportation operations (as a source of increased danger) theoretically poses a risk to human life or other serious consequences, as they can cause an accident or catastrophe, according to the current version of the disposition of Part 1 of Article 276 of the Criminal Code of Ukraine (Rye, 2023).

Moreover, significant changes were made to Article 416 of the Ukrainian Criminal Code in 2023, which lays out the consequences for breaking flight regulations or failing to prepare for them. From now on, violation of flight rules or preparation for them, as well as violation of aircraft operation rules, are criminal offences not only if these actions caused a disaster or other serious consequences, but also if these actions caused serious bodily harm or material damage on a large scale. Article 417 of the Criminal Code of Ukraine on violation of the rules of navigation was amended in the same way.

The Criminal Code of Ukraine's Article 334 defines the criminal offense of flying into or out of Ukraine without a permit, as well as the consequences of not adhering to the routes, landing sites, air routes, corridors, or echelons that are specified in the permit. These details should be given more consideration in the study. The literature notes that the prohibition of crossing the borderline without the permission of the competent authorities or outside the established rules is a component of the inviolability of state borders. Both general and specific regulations are established by Ukrainian legislation for crossing state borders, with the latter relating to aircraft crossings.

This article is important for international security and cooperation for two reasons. Firstly, it regulates the flights of aircraft across the state border of Ukraine, and violation of these rules can create a threat to airspace security, which can have serious consequences for international security. Adherence to the established routes and other rules ensures flight safety and prevents possible incidents that could disrupt international stability. Secondly, this article establishes procedures for obtaining permits for flights across state borders, which facilitates cooperation between countries in airspace regulation. Effective cooperation in this area contributes to ensuring safety and equality in international flights, which in

turn contributes to strengthening international relations and cooperation between countries (Filik, 2020).

In particular, Art. 9 of the Law of Ukraine "On the State Border" states that crossing the state border of Ukraine must be done by the established procedure. As for aircraft, they must cross the state border of Ukraine on specially designated air traffic routes (Article 32(1) of the Air Code of Ukraine). According to Article 32 (2) of the Air Code of Ukraine, the authorized civil aviation authority discusses with the General Staff of the Armed Forces of Ukraine and the Administration of the State Border Guard Service of Ukraine before approving the list of air traffic routes for crossing the country's state border. Regarding this, it should be mentioned that aviation regulations set forth the protocol for the operation of state and commercial aircraft and are applicable to all persons and organizations operating in the aviation industry and utilizing Ukrainian airspace, irrespective of ownership or departmental subordination. The safety of aircraft is the primary and main risk that arises from noncompliance with aviation regulations.

Thus, the content of the direct object of the criminal offence under Art. 334 of the CC of Ukraine directly derives from the nature of the act - encroachment on two objects. Firstly, the public relations of inviolability of state borders by aircraft. Secondly, it affects public relations in the field of aircraft safety, which are violated as a result of non-fulfilment or improper fulfilment of aircraft flight rules: failure to comply with the routes, landing sites, air routes, corridors or echelons specified in the permit. Since the primary direct object is a component of the generic object, social relations in the context of the inviolability of the state border of Ukraine should be regarded as the primary direct object of the criminal offense under Art. 334 of the Criminal Code of Ukraine, "Violation of International Flight Rules," which prevents crossing the state border of Ukraine by aircraft without authorization from permitted civil aviation authorities or in violation of the established procedure (rules) for crossing the state border of Ukraine by such aircraft. (Dobrovolsky, 2023).

An additional direct object of this criminal offence is public relations in the field of flight safety of aircraft, which are violated as a result of non-fulfilment or improper fulfilment of flight rules, along with the main direct object - public relations in the field of inviolability of the state border of Ukraine. Article 334 "Violation of international flight rules" of the Criminal Code of Ukraine (CCU)

provides for liability for flying into or out of Ukraine without a permit, as well as for failure to comply with the routes, landing sites, air routes, corridors or echelons specified in the permit. Illegal entry into or departure from Ukraine represents one of the objective aspects of this criminal offense.

The Contracting States recognize that each State has complete and exclusive sovereignty over the airspace above its territory under the terms of the Convention on International Civil Aviation. (Article 1). No State aircraft belonging to a Contracting State may fly over or land on another State's territory unless permitted by a particular agreement or under its terms. (Article 2(c). International treaties, standards, recommended practices of the International Civil Aviation Organization, documents of the European Organization for the Safety of Air Navigation, and EU legislation are used to regulate and legitimize the use of airspace in international airspace.

The procedure for issuing permits to Ukrainian and foreign operators for international scheduled flights departing (arriving) from Ukraine (to Ukraine) is established by the Rules for Issuing Permits to Operators for Departure from and Arrival at Ukrainian Airports (Rules). In particular, the procedure for Ukrainian operators to obtain a permit for departure from and arrival at Ukrainian airports when operating international non-scheduled flights is set out in Section 3 of these Rules. Section 4 of these Rules specifies the process for obtaining a permit for a foreign operator to operate international non-scheduled flights into and out of Ukrainian airports. In addition, for foreign operators, the Rules provide for the procedure for obtaining permits for international scheduled transit flights without landing and with a technical landing at Ukrainian airports (clause 5) and the procedure for obtaining permits for international non-scheduled transit flights without landing and with a technical landing at Ukrainian airports (clause 6) (Banchuk-Petrosova, 2020).

By the Law of Ukraine "On the State Border", the state border of Ukraine is crossed on the routes of communication across the state border in compliance with the established procedure. This Law, additional legislative acts, as well as regulations made by authorized government agencies in Ukraine and published by the specified method, all permit aircraft to cross the state border of Ukraine in specifically designated air corridors. Only with authorization from the approved state bodies of Ukraine it is permitted to fly over the country's state boundary out-

side designated air corridors. (Article 9). Airports (aerodromes) that are available to international flights are where aircraft from both Ukraine and other countries depart and land. These airports also include customs offices and border patrol posts. Additional procedures for aircraft takeoff and landing are only permitted with authorization from Ukraine's relevant authorities. (Article 10) (Dobrovolsky, 2023).

Part Three of Article 29 of the Air Code of Ukraine (Verkhovna Rada of Ukraine, 2011a) states that aircraft departures and arrivals into Ukraine are permitted through international airports housing the country's customs and state border protection agencies. In exceptional circumstances, with the approval of the Ukrainian Cabinet of Ministers, or in the event of an aircraft's forced landing, departure of an aircraft or arrival of an aircraft through other airports and beyond the location of customs and state border protection authorities of Ukraine are permitted.

According to Article 32 of the Tax Code (Verkhovna Rada of Ukraine, 2011b), aircraft must follow the protocol set forth in the Regulation on the Use of the Airspace of Ukraine in order to cross state borders. These procedures apply to specifically defined air traffic routes, the details of which are provided in papers containing air navigation information. Clause 51 of the Regulation on the Use of the Airspace of Ukraine states that aircraft are not allowed to cross state borders outside of specifically established air traffic routes, unless the Air Code of Ukraine provides otherwise (clause 52).

According to Article 2 of the Constitution of Ukraine, the territory of Ukraine within its existing borders is integral and inviolable. The inviolability of the border includes two components: 1) the inviolability of the border line itself on the territory marked by border (boundary) signs; 2) the prohibition of crossing the borderline without the permission of the competent authorities or outside the established rules (Gutsal et al., 2020).

Article 9 of the Law of Ukraine "On the State Border" declares that aircraft and other aircraft that have crossed the state border of Ukraine without proper permission from the competent authorities of Ukraine or have committed other violations of the rules of flight across the state border of Ukraine are violators of the procedure for crossing the state border of Ukraine in airspace (violators of the state border of Ukraine). The regulations governing the crossing of Ukraine's

state boundary are not considered to have been broken by aircraft entering the country under duress or in other exceptional situations. In the event of significant accidents, natural disasters, or other emergencies, emergency rescue teams enter Ukraine through its state borders in order to locate and eradicate these situations in accordance with the protocol established by the Cabinet of Ministers of Ukraine through international treaties.

Emergency rescue and disaster recovery units may cross the state border of Ukraine in accordance with the conditions set by the UkSATSE in consultation with the Ministry of Foreign Affairs in order to carry out international treaties on aiding other states in the event of emergencies caused by major accidents, catastrophes, and natural disasters. This request may be made by the Ministry of Emergency Situations (Likhitchenko, 2020).

Discussion

The regulation of international flights is a complex, multifaceted process that addresses numerous global issues. Ensuring the safety of international flights is an important aspect of maintaining global airspace security and involves several factors that require careful consideration and in-depth research.

One of the top priorities is to stop terrorist attacks in airspace. Terrorist organizations may attempt to carry out terrorist acts, such as hijacking or bombing aircraft, using aviation as a tool. Developing and implementing security plans is crucial. Some of these include tightening passenger control, updating airport security equipment and increasing cooperation between security services.

Hostile acts such as a military attack, missile strike or other act of violence can also pose a threat to airspace. Several key tactics to ensure airspace protection include the establishment and use of early warning, defence and incident response systems, as well as improved coordination among international security agencies.

In addition, the safety of passengers and crew members requires special attention. This includes protecting them during transport and responding to any incidents, theft or threats. Existing regulatory and supervisory systems are under threat due to the growing number of flights and passengers. It is crucial to develop and implement new approaches and protocols that meet modern requirements and guarantee a high level of security.

Cybersecurity is becoming increasingly important as the aviation sector becomes more and more dependent on digital technologies. The safety of aircraft, passengers and crews can be seriously compromised by hacker attacks on air transport systems. It is important to develop and implement effective cyber defence plans and tools. To ensure their safety and compliance, new technologies such as drones, automation systems and autopilots must be constantly monitored and regulated (Mendala & Tokarska, 2021). Increased competition between airlines may also force them to cut costs and increase productivity, which could negatively impact safety. It is crucial to ensure that savings do not compromise service quality and safety. Airlines, government agencies, aviation associations and other stakeholders should actively cooperate to address these issues. To guarantee the efficiency and safety of international flights, it is crucial to continuously improve the regulatory framework and standards.

As the aviation industry is international, cooperation between states is necessary on many fronts to ensure the sustainability, efficiency and safety of this vital industry. First and foremost, cooperation between states is crucial for the establishment of global norms, policies and guidelines governing international aviation. This includes air traffic control protocols, safety regulations, aircraft technical specifications and cooperation between sovereign airspaces. Secondly, states must work together to address common challenges, such as terrorism and cross-border crime, which can jeopardize aviation security. Coordinating airport and airspace security measures, developing joint tactics to combat terrorism in airspace, and sharing information on suspicious persons or activities are some examples of what such cooperation might include.

The establishment of international cooperation institutions, such as the International Civil Aviation Organization (ICAO), which serves as a platform for the discussion and adoption of standards and recommendations for aviation efficiency and safety, is essential to ensure successful cooperation between states. The interests of all parties, including airlines, airports, international organizations, and other stakeholders, must be taken into consideration while developing and putting into practice international standards and safety measures in the aviation industry (Abeyratne, 2023). In the context of globalization and increasing international travel, the protection of the rights of individual passengers and consumers in the aviation sector is becoming increasingly important. To guarantee the rights of passengers to safety, affordability and an adequate level of service when

travelling internationally, states must cooperate to set and enforce standards.

First, international standards, rules and procedures for aviation safety need to be developed to ensure the safety of every passenger while on board. This includes personnel qualifications, aircraft maintenance standards, safety protocols and regular inspections to ensure that standards are met. Secondly, protecting their rights also means ensuring that passengers are properly served and accessible. This includes ensuring a comfortable stay and onboard services such as food, communication and other amenities, in addition to the availability of tickets and seats on different routes. Setting service quality standards and taking measures to ensure that they are met is crucial to this end.

States should work together internationally to create and enforce appropriate laws and controls to ensure that the rights of every passenger and consumer are effectively protected when travelling internationally. In addition, to ensure that the requirements of individual passengers are taken into account when setting international standards, it is essential to involve airlines and the general public in the policy-making process. As air travel expands and hazardous material emissions increase, it is crucial to reduce the environmental impact of aviation. New standards and technologies need to be created and implemented for the sustainable development of the aviation sector. First and foremost, it is critical to continue developing more environmentally friendly aviation fuels and engine technologies. The use of biofuels and electric or hybrid engines that produce less CO2 and other air pollutants are examples of this. Second, measures need to be taken to reduce noise pollution caused by aircraft engines and flights. This may involve developing acoustically efficient aircraft materials, improving take-off and landing protocols, and using quieter and more efficient technologies.

In addition, it is crucial to encourage the aviation business to take energy-saving and emission-reduction initiatives and to maintain transparency and oversight of the environmental activities of air carriers. Reducing the environmental impact of aviation will require significant international coordination and cooperation. This involves the commercial sector, international organizations, and nations actively participating in the creation and execution of aviation-related environmental strategies and programs.

To guarantee the security, efficiency, environmental sustainability and protection of the rights of passengers of international flights, governments, internation-

al organizations, airlines and other stakeholders must work together to address these global challenges in a comprehensive manner (Polishchuk & Pasko, 2020). The effective fight against crime and the maintenance of civil aviation security depends on the extent to which national criminal law is in line with international standards in the field of international aviation security. The severity of criminal penalties should be sufficiently high to deter the commission of aviation security offences. This may include harsher penalties for acts of aviation terrorism and other risks. Cooperation between countries is crucial in the fight against transnational crimes that threaten aviation security. Information exchange, joint investigations, and extradition of suspects or convicted persons are some examples.

To guarantee the same level of security and fight against crime, countries can cooperate to harmonize their aviation-related criminal codes. Supporting victims and their families is just as important as preventing crime. This may include other services such as psychological assistance and compensation plans. The country's commitment to international cooperation and aviation security is reflected in its efforts to bring national legislation into line with international norms. This promotes international standardization of laws and practices, which reduces the likelihood of criminal acts and increases flight safety.

With the development of globalization and Ukraine's integration into international aviation structures, the relevance of implementing the European Aviation Safety Agency (EASA) standards into the national legal system is becoming an integral part of ensuring the safety of aviation space and maintaining high standards in aviation security. In addition, the martial law that is currently in place in Ukraine presents unexpected challenges in all areas of life, including aviation security. Nonetheless, it is still a top concern to legally translate European Aviation Safety Agency (EASA) regulations into Ukrainian law.

The European Aviation Safety Agency (EASA) plays an essential role in defining and ensuring safety standards for the aviation industry in the European Union. Through its expertise and expert opinions, EASA develops regulations and recommendations aimed at ensuring flight safety and unifying aircraft certification standards. Ukraine, which is actively developing its aviation sector, feels the need to implement EASA standards to maintain high safety standards and compatibility with the European aviation area. This is important to ensure passenger safety, increase the competitiveness of airlines, and facilitate Ukraine's

integration into the European aviation area (Polyanska, 2021a).

Martial law conditions require a strategic approach to the implementation of EASA standards. It is important to ensure continuous monitoring of the compliance of national standards with international requirements and to develop flexible mechanisms to adapt to changes in the context of Russia's aggressive attack. The process of implementing EASA standards into the legal system of Ukraine involves amending national legislation and establishing mechanisms for interaction between national and international aviation authorities. An important step is the harmonization of standards, which involves the adaptation of national legal acts to EASA requirements.

The implementation of EASA standards faces several challenges, such as the need to reform existing legislation, provide staff training and use appropriate technical resources. However, the successful implementation of this process will open up new prospects for Ukraine to cooperate with its European partners and improve safety in the aviation industry. Ensuring high safety standards in aviation is a priority for any country seeking to actively develop the aviation sector. The introduction of the European Aviation Safety Agency (EASA) standards into the Ukrainian legal system is a strategic step in this direction. This ensures a high level of safety for passengers, improves the quality of air transport services and facilitates the country's integration into the common aviation area.

The martial law conditions underline the importance of international cooperation. Ukraine should actively engage with international organizations, including EASA, to share best practices and receive support in times of war (Polyanska, 2021b). There are challenges in implementing EASA standards in Ukraine, but they can be addressed through careful study and adaptation of legislation, engagement of highly qualified personnel, and use of appropriate technical resources. The process of harmonization of standards contributes to the establishment of a unified security system that meets international requirements and standards, which contributes to the increase of confidence in the aviation sector of Ukraine.

Successful implementation of EASA standards in Ukraine opens up prospects for in-depth cooperation with European partners, exchange of best practices and participation in European aviation safety programs. This stimulates the development of the aviation sector, ensuring a high standard of living for the national population and supporting the country's economic growth.

Conclusions

Ensuring flight safety, which is the cornerstone of international aviation law, is essential for the growth of global air traffic. The Tokyo, Hague, and Montreal agreements are examples of international agreements that oversee multiple aspects of aviation safety and prohibit unauthorized interference with civil aircraft. Nevertheless, many aspects, in particular the activities of military aircraft, continue to be outside the scope of global legal regulation and need to be addressed to ensure comprehensive safety and security of flights. About overall safety and security, the importance of "ensuring the safety of flights in the airspace over the high seas", including military aircraft, must be taken into account.

According to Ukrainian law, aviation security is the process of protecting commercial aircraft from unauthorized interference by various means and methods. International regulation of this issue is of great importance. The Convention on International Civil Aviation's Annex 17 provides a more detailed and precise definition of unlawful interference. Ukrainian criminal law establishes liability for such actions, in particular, through the provisions of the Criminal and Air Codes. Aviation security depends on the implementation of criminal law procedures.

The provisions of the Special Part of the Criminal Code of Ukraine, which is divided into several sections, as well as draft laws brought in line with international standards and norms, define Ukrainian legislation in the field of criminal law enforcement of aviation security. This kind of legislation aims to increase the effectiveness of preventing and prosecuting criminal offenses of air traffic safety regulations or air transport operations. The Criminal Code of Ukraine has recently been amended to expand the scope of criminal liability for violation of flight rules, operation of an aircraft without a permit and causing significant harm to health or material damage.

Due to several global issues, the regulation of international flights is becoming increasingly challenging in the modern world. Creating and implementing plans to stop terrorist attacks, protect against hostile actions and compromised air transport systems, and reduce the environmental impact of aviation are all necessary to ensure the safety and efficiency of international flights. Addressing these issues requires active cooperation between states, international organizations and other stakeholders. The creation and execution of global standards and agreements that protect passengers' rights and reduce aviation's environmental

effects are necessary to guarantee the aviation sector's safety, efficacy, and long-term growth. For the Ukrainian aviation system to be safe and integrated into the European aviation sector, it is necessary to implement the requirements of the European Aviation Safety Agency (EASA). While martial law conditions require a balanced approach, the effective application of these recommendations creates new opportunities for cooperation and national growth.

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