

вміння індивіда, внаслідок чого він стає активним та свідомим учасником правових відносин.

Якість процесу правової соціалізації безпосередньо залежить від факторів правової соціалізації особистості, котрі поряд із суб'єктивними особливостями індивіда створюють умови для реального правового регулювання суспільних відносин, дозволяють виробити та зайняти мотиваційну позицію індивіда щодо власної соціальної ролі у суспільстві.

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TRANSHUMANISM IN THE CONTEXT OF WAR THROUGH THE RULE OF LAW PRISM

Popovych Tereziia Petrivna

*Candidate of Law, Associate Professor,
Associate Professor at the Department of Theory and History
of State and Law
Uzhhorod National University
Uzhhorod, Ukraine*

Baryska Yana Oleksandrivna

*Candidate of Law, Associate Professor,
Associate Professor at the Department of Theory and History
of State and Law
Uzhhorod National University
Uzhhorod, Ukraine*

Maslyuk Oksana Vasylivna

*Candidate of Law, Associate Professor,
Associate Professor at the Department of Criminal Law and Process
Uzhhorod National University
Uzhhorod, Ukraine*

Telep Yuliia Vasylivna

*PhD student,
Assistant at the Department of Theory and History of State and Law
Uzhhorod National University
Uzhhorod, Ukraine*

Transhumanism is based on the idea of respect for human dignity in terms of freedom of individual development, which should be facilitated by modern technologies aimed at ensuring health and improving the individual's abilities. This raises a number of ethical issues that are complicated in wartime. However, it should be noted that the results of inhuman experiments on concentration camp prisoners by Nazi doctors during World War II gave rise to further research, including in the field of health care.

Now this issue is shifting to a different plane, which mainly in Russian concentration camps like Olenivka is manifested not so much in the conduct of inhumane medical experiments as in the trivialization of torture of prisoners of war. In particular, the lack of access to prisoners of war and information about them for representatives of the International Red Cross is a violation of Article 23 of the Geneva Convention, which guarantees the rights of prisoners of war and their detention in places close to hostilities (Article 19 of the Geneva Convention). It should be noted here that the Russian Federation also grossly violates the requirements of the I and II Geneva Conventions, which guarantee the rights of servicemen of the army and naval units, as numerous cases of inhuman and degrading treatment and punishment have been recorded.

At the same time, the use of modern technologies in the provision of medical care to wounded soldiers of the Armed Forces of Ukraine and their rehabilitation is directly on the agenda.

This issue should be viewed through the prism of legal certainty and respect for human rights as components of the rule of law and due process as a criterion for meeting certain moral requirements for the use of modern technologies. Here we will talk about two components: the use of (1) modern technologies to restore the health of military personnel and (2) artificial intelligence in the conduct of military operations.

The use of modern advances in neuroscience, genetic engineering, and the treatment of mental disorders is important for the treatment and rehabilitation of military personnel. At first glance, it is based on the principle of consent and individual integrity. However, differentiation is required here, given the peculiarities of martial law, which is characterized by limited access to resources (in fact, the above-mentioned technologies), and the need to provide immediate and effective medical care.

That is, the issue here is not only a kind of hedonism, like the statement by João de Fernandes Teixeira, according to which: "One of the biggest bets of contemporary transhumanists is to manipulate the genetic code and with it interfere with the course of evolution to improve future human generations"¹.

¹ Teixeira J. de F. (2020). Transhumanism, immortality and the question of longevity. *Revista de Filosofia Aurora*. 32(55). P. 29.

In fact, the prose of life is harsher due to limited resources and the use of humanity's technological heritage, which is primarily related to providing quality medical care to wounded soldiers, even saving their lives with subsequent rehabilitation.

The point is to scale up the need to take measures to apply modern diagnostics and treatment methods based on the achievements of modern genetic engineering, neuroscience, and new medicines. In times of war, due to severe injuries that may require prosthetics, doctors have more opportunities to introduce new technologies to ensure the most effective rehabilitation of patients and restore the capabilities of their bodies, including individual organs that may have been damaged.

As noted in the scientific literature, important bioethical issues include ensuring individual integrity, the fundamental principle of which is the prohibition of medical experimentation without consent, based on respect for human dignity and private autonomy (the possibility of free choice without outside pressure). Procedural justice plays a significant role here, which includes the right of interested parties to be heard and the expression of free will by the person subject to certain medical measures ². These things are measured through the prism of the rule of law. At the same time, they should be understood in the context of martial law. If we consider this in the context of legal certainty, which in this case is manifested through the standard of prohibition of medical experimentation without consent, there is a conflict with individual integrity. This is due to the need for urgent and effective medical care and the provision of the highest quality rehabilitation for a person who has suffered wounds and injuries as a result of hostilities. In times of war, there is a need to provide immediate and effective medical care and ensure the highest quality rehabilitation of wounded soldiers. This applies equally to civilians.

With regard to the criterion of individual integrity, despite the absence of specific constitutional provisions (which is typical for both Ukraine and the vast majority of foreign countries) on bioethical issues, the application of the concepts of dignity and freedom of research can help in interpreting and analyzing the legal framework for the use of new technologies³ to achieve socially significant goals and ensure the rights of patients. As noted in the Transhumanist Movement Manifesto, modern transhumanism is based on a combination of nanotechnology, biotechnology, information technology, and

² Савчин М. (2020). Порівняльне конституційне право : підручник. Київ : ВАІТЕ, С. 430–431.

³ Rosenfeld M., Sajo A. (2010) The Oxford Handbook of the Comparative Constitutional Law. 1146 p.

cognitive science, which is associated with certain risks that are offset by the task of rehabilitating patients⁴.

Thus, the use of the latest technologies in war is being transformed to meet humanitarian objectives and the need to restore health, which necessitates urgent measures to save both combatants and civilians wounded in a military setting. Similarly, the principle of consent in all medical procedures and the use of new drugs and technologies is changing, as military medicine prioritizes saving as many people as possible. The actual scale of clinical cases significantly changes the application of the fundamental principles of law, precisely because of the humanitarian dimension of law – respect for human rights. If we talk about the principles of patient information and consent, Ukrainian legislation is quite flexible in this aspect. When we talk about artificial intelligence in wartime, we primarily mean robotization and the use of weapons that are at least remotely controlled, such as drones. The possibility of using weapons in space should also not be ruled out, as Russia even threatened to do at the beginning of its full-scale invasion of Ukraine, while simultaneously conducting cyberattacks on satellite communications systems.

In the 2019 Club of Rome report "Come On! Capitalism, Short-Sightedness, Population and the Destruction of the Planet" ("Come On! Capitalism, Short-Termism, Population and the Destruction of the Planet" considers the main challenges of humanity to be the harmony of humanity with nature, relations with artificial intelligence, the achievement of which can be used by the wealthy part of the population to introduce a strict caste hierarchy through neurocomputer interfaces to form a race of superhumans.

If we extrapolate humanity's achievements in the field of artificial intelligence for military use, the key is the consensus that it is the human who must make the final decision. In other words, we are talking about the use of robots or other devices that should be controlled by humans, although the potential threat of machines to humanity is assumed. Currently, the situation is such that the use of artificial intelligence is limited and it is used for intelligence purposes, processing a certain amount of data. In today's conditions, artificial intelligence is not able to operate and weigh values, which are qualitative characteristics of human consciousness, given the obvious obstacles to reading different modes of interaction of human brain neurons, which indicate these logical operations⁵. Everything will also

⁴ The Transhumanist Manifesto. URL: <https://www.humanityplus.org/the-transhumanist-manifesto>

⁵ Кайку М. (2020). Майбутнє розуму. Наукові спроби осягнути, вдосконалити і підсилити інтелект (пер. з англ.) Львів : Літопис, С. 64.

depend on the course of the Russian-Ukrainian war, as the use of artificial intelligence capabilities will increase the longer this military conflict lasts.

And finally, we note that the experience of the Russian-Ukrainian war shows that humanity has gained considerable experience in using the latest technologies (genetic engineering, artificial intelligence) to enhance the abilities of the human body. However, the use of this potential is still unfolding and will contribute to the progressive development of humanity based on the rule of law, respect for human dignity and integrity of the individual. The crimes against humanity and peace committed by the Russian Federation require investigation and assessment by the Special International Tribunal.

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КОМПОЗИЦІЯ ІНСТИТУТІВ ВЛАДИ В УКРАЇНІ ПІСЛЯ ВІЙНИ

Савчин Михайло Васильович

*доктор юридичних наук, професор,
директор Науково-дослідного інституту порівняльного публічного
права та міжнародного права
ДВНЗ «Ужгородський національний університет»
м. Ужгород, Україна*

Руссо-українська війна поставила на порядок денний побудову інституційно спроможної держави. Її критерій доволі простий, як закарпатська гостина – така організація влади, яка забезпечує простір безпеки для вільних громадян. Іншими словами, інституційно спроможна держава покликана забезпечити гідність людини, зокрема можливість її вільного розвитку як індивіда.

І, як завжди, диявол приховується у деталях. Тому далі про ці деталі.

Принцип верховенства права вимагає такої організації публічної влади, яка би виробляла стабільні правила гри в умовах обмежених ресурсів. Це пов'язано із глобальними проблемами людства – збереження довкілля у контексті відповідальності людства перед прийдешніми поколіннями, забезпечення національних інтересів через взаємовигідне мирне співробітництво між державами та створення універсального механізму запобігання агресії замість партикулярного наразі механізму в рамках ООН.