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## The etymology of the concept “military conflict” as a determinant of political orientation

**Abstract.** With Ukraine’s ratification of the Rome Statute of the International Criminal Court, both legal practitioners and scholars face significant challenges in effectively incorporating international legal norms into national legislation. This challenge is further compounded by the limited precedent set by the International Criminal Court regarding the application of the Statute. A key issue in this process is the harmonisation of terminology, particularly military terminology, which is essential for legal clarity and effective international dialogue. This article aimed to substantiate the necessity of aligning military terminology in national legislation with international law and to identify inconsistencies in the use of definitions that hinder a clear understanding of conflicts. Such inconsistencies obstruct meaningful discourse on the international stage. The study examined key military terms, including “armed conflict”, “military conflict”, and “war”, and analysed their classification within Ukraine’s national regulatory

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framework. It also provides an etymological analysis of these terms and compares them with definitions used in international humanitarian law, particularly within the Rome Statute. A review of scholarly literature revealed a lack of consensus regarding the application of these terms, along with inconsistencies in their usage across various works. The study found that Ukraine’s classification of military and armed conflicts aligns with Russian legal interpretations but contradicts international standards. Therefore, this article advocated for adopting internationally recognised terminology and classification standards for armed conflicts in national legislation, avoiding unnecessary distinctions between these concepts. The findings provided compelling arguments for adhering to established international definitions, demonstrating that the inconsistent and unsystematic use of military terminology undermines conceptual clarity and weakens scholarly discourse. The practical significance of this research lies in its analysis of key military terms such as “war”, “military conflict”, “armed conflict”, and “aggression”, clarifying their usage in both national and international legal contexts

**Keywords:** armed conflict; legislation; war; armed aggression; Rome Statute

## INTRODUCTION

The relatively short experience of the International Criminal Court and the insufficiently developed practice of applying the Rome Statute of the International Criminal Court<sup>1</sup> significantly complicate the activities of the international tribunal. However, in addition to the above aspects, significant difficulties are guaranteed to cause contradictions in the legal terminology used in the Rome Statute and international conventions, on the one hand, and in national regulatory legal acts, on the other. This is reflected in the definitions of legal terms in the military sphere, in the specifics of their use, and in the approach to understanding basic legal principles. The lack of elementary coherence, and in some cases unacceptable antagonism, has already led to many legal conflicts and the risk of new ones.

Many legal aspects require immediate clarification and clarification. And this is a challenge not only for lawyers of national and international law. Scholars can and are obliged to make a significant contribution to ensuring the guaranteed protection of the interests of citizens and the state as a whole in the context of the ratification of the Rome Statute of the International Criminal Court<sup>2</sup>.

The problem of definitions in the field of military terminology has been studied by several scholars. H.N. Behruz (2023) analysed the concept of war in international law, highlighting the challenges of its conceptualisation. The author noted that the term “armed conflict” is more relevant and frequently used in international legal discourse compared to “war,” which carries clearly defined legal consequences. Behruz emphasised the need for alignment between national legislation and international norms to avoid terminological discrepancies. L.M. Demydova (2024) investigated the challenges of defining and classifying war crimes.

She drew attention to the difficulties in distinguishing between the concepts of “war” and “armed conflict”, which, in turn, impact legal accountability for crimes committed during military operations. Demydova also pointed out the inconsistent use of these terms in both academic discourse and legislation, which could complicate the application of international law.

K.M. Shikhiyeva (2023) analysed international armed conflicts, focusing on their main characteristics, causes, and typology. The author identified criteria for classifying specific military confrontations and emphasised the importance of adhering to international legal standards when defining conflicts. Her research is particularly valuable for understanding how different states and international organisations approach conflict classification.

Authors V.V. Yemelianenko & K.M. Orobets (2022) investigated the concept of war crimes within the framework of the Criminal Code of Ukraine, examining their characteristics and distinctions from military criminal offenses. The authors supported the position of the Ukrainian legislator, which, as noted in their study, may not fully align with international standards. They also emphasised the need to improve domestic legislation to ensure compliance with international humanitarian law. L.V. Pashynna (2024) highlighted the importance of precise definitions in military terminology, stressing that the lack of systematisation and conceptual vagueness complicates the implementation of international law.

K.V. Gromovenko (2022) analysed the protection of human rights in armed conflicts. However, his study revealed a certain degree of terminological inconsistency, as the author did not always clearly distinguish between the concepts of “war,” “military conflict,” and “armed conflict”. This finding underscores the broader issue of

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<sup>1</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>2</sup> *Ibidem*, 1998.

the lack of a unified approach to defining military terminology, even in specialised legal research. Scholars frequently encounter difficulties in defining the concepts of “armed conflict,” “military conflict,” and “war” when analyzing the legal aspects of war crimes, determining the jurisdiction of international judicial bodies, and ensuring accountability under national criminal law. There is no consensus in legal doctrine regarding the appropriate use of specific terms in the military domain. Furthermore, researchers have not sufficiently examined the formulation of these concepts under the influence of, and in alignment with, Russian legal traditions. However, adherence to such an approach significantly complicates efforts toward Europeanisation and the shift toward the values of international law. Overall, there was previously no urgent need to systematise and streamline these definitions. However, following Russia’s attack and the necessity of implementing numerous international legal acts in response, contradictions within these concepts, previously overlooked or uncontroversial in academic discourse, have become increasingly apparent.

The importance of this topic lies in the fact that, while professional discussion is essential in the scientific sphere, the clarity and consistency of terminology are fundamental to high-quality research. The ambiguity and inconsistency of terms lead to a misinterpretation of concepts, undermining the objectivity and integrity of scientific findings. In legislative activities, the unambiguous nature of terms is particularly crucial and constitutes one of the fundamental requirements of legislative drafting. Inconsistencies in definitions and the use of identical terms with different meanings result in legal conflicts and hinder the practical application of legal norms. Clarifying the etymological nature of terms, a task primarily entrusted to scholars, ensures the accurate interpretation of regulatory legal acts and promotes their uniform understanding. The absence of a consolidated conceptual framework in both the scientific and legislative spheres, along with the long-standing influence of Russian terminology and legal traditions on legal science and lawmaking, has had a detrimental effect on Ukraine’s European integration efforts. This problem is especially acute in connection with the need to implement acts of international law into national legislation, in

particular in connection with the ratification by Ukraine of The Rome Statute of the International Criminal Court<sup>1</sup>. Therefore, the streamlining of military terminology, and especially such fundamental concepts as “war”, “armed conflict”, “military conflict” and their alignment with the principles and norms of international law are crucial for both the Europeanisation of legislation and the elementary avoidance of errors in the interpretation and assessment of legal norms.

The aim of this study was to analyse the appropriateness of using the terms “military conflict”, “war”, “armed conflict” in the context in which they are presented in the regulatory legal acts of Ukraine, given the need to implement the norms of international law into national legislation to guarantee the protection of human, social and state rights. This scientific article was aimed at proving the need to harmonise fundamental terms with the norms of international law, in particular the Rome Statute, to guarantee the unhindered administration of international justice.

## MATERIALS AND METHODS

The study of the etymology of the concept of “military conflict” as a determinant of political orientation consisted of several key stages. First of all, the topic of scientific research was developed in view of its relevance in connection with the ratification of The Rome Statute of the International Criminal Court<sup>2</sup>. The information basis of the scientific research was the legislative acts of Ukraine, which contain definitions of the relevant military terminology, and determine the foundations of state policy, issues of responsibility, in particular, during armed conflicts, namely: Art. 1, Art. 13 Law of Ukraine No. 2469-VIII “On National Security of Ukraine”<sup>3</sup>, Section I Law of Ukraine No. 1932-XII “On Defense of Ukraine”<sup>4</sup>, Art. 32, Article 34 Law of Ukraine No. 3354-IX “On Law – Making Activity”<sup>5</sup>, art. 1 Law of Ukraine No. 3909-IX “On Ratification of the Rome Statute of the International Criminal Court and Amendments thereto”<sup>6</sup>, Decree of President of Ukraine No. 121/2021 “On the Decision of the National Security and Defense Council of Ukraine dated March 25, 2021 ‘On the Military Security Strategy of Ukraine’”<sup>7</sup>, Section I Order of Ministry of defense of Ukraine No. 164 “On the Approval of the Instruction

<sup>1</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>2</sup> *Ibidem*, 1998.

<sup>3</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>4</sup> Law of Ukraine No. 1932-XII “On Defense of Ukraine”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1932-12#Text>

<sup>5</sup> Law of Ukraine No. 3354-IX “On Law-Making Activity”. (2023, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/3354-20#Text>.

<sup>6</sup> Law of Ukraine No. 3909-IX “On Ratification of the Rome Statute of the International Criminal Court and Amendments thereto”. (2024, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/3909-20#n18>.

<sup>7</sup> Decree of President of Ukraine No. 121/2021 “On the Decision of the National Security and Defense Council of Ukraine dated March 25, 2021 ‘On the Military Security Strategy of Ukraine’”. (2021, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/121/2021#Text>.

on the Procedure for the Implementation of Norms of International Humanitarian Law in the Armed Forces of Ukraine”<sup>1</sup>, Chapter XX of the Criminal Code of Ukraine<sup>2</sup> and Part 2 of the Rome Statute of the International Criminal Court<sup>3</sup> after an analytical review of the regulatory framework, a study was conducted on the works of V.V. Yemelianenko & K.M. Orobets (2022), L.M. Demydova (2024), and L. Tymchenko *et al.* (2024), which are either directly or indirectly related to this topic. An analysis was carried out on the similarities in the interpretation of the studied definitions within the Ukrainian and Russian legal doctrines. Based on this, proposals were developed for harmonising national and international military terminology, taking into account the state’s European integration efforts. The use of the analytical method was necessitated by the need to identify systematicity and consistency in the definition and application of relevant military terminology. This method allowed the identification of a conglomerate of terms within the national regulatory and legal framework that are entirely inconsistent with the characterisation of military terminology in international humanitarian law, including in the Rome Statute of the International Criminal Court<sup>4</sup>. By using the comparative method, which enabled the comparison of scholars’ and legislators’ approaches to defining the terms under study, inconsistencies between certain legal aspects of these definitions and Russian terminology were identified. The abstraction method was applied to determine the most significant features of the analysed definitions. As a result, it was proposed to use generalised definitions and characteristics of the concept of armed conflict in accordance with generally accepted principles of international law. The inductive method facilitated a scientific study that progressed from an etymological analysis of relevant military terms to establishing the principles and procedures for their use in academic research and regulatory legal acts. This, in turn, allowed for an assessment of how these terms influence the political orientation toward integrating European legal values into the Ukrainian legal and scientific systems. Additionally, the study utilised data from various information sources,

including the Ukrainian Helsinki Human Rights Union (2018), Osvitoria (2022), the International Committee of the Red Cross (2024), and Wikipedia (2024).

## RESULTS AND DISCUSSION

According to Law of Ukraine No. 3909-IX<sup>5</sup> and the subsequent transfer by Ukraine to the UN Secretariat of the instrument of ratification of accession to the Rome Statute, which took place on October 25, 2024, in accordance with the requirements of Part 2 of Article 126 of the Rome Statute of the International Criminal Court “on the first day of the month following the 60th day after the date of deposit of its instrument of ratification”<sup>6</sup>, namely: on January 1, 2025, the Rome Statute of the International Criminal Court entered into force for Ukraine.

The ratification of the Rome Statute presents numerous challenges and raises various questions, often leading to misunderstandings and contradictions. One of the most contentious issues is the possibility that the International Criminal Court (ICC), following Ukraine’s ratification of the Rome Statute, could prosecute Ukrainian citizens, which has sparked considerable debate and concern. Ukraine acknowledged this risk, and therefore ratified the Rome Statute with a declaration to Art. 124 The Rome Statute of the International Criminal Court<sup>7</sup>, taking into account the norms of which “Ukraine declares that within seven years after the entry into force of the Rome Statute for Ukraine, it does not recognise the jurisdiction of the International Criminal Court over the crimes set forth in Article 8 (as amended) when the crime is allegedly committed by its nationals”. It should be noted that Art. 8 The Rome Statute of the International Criminal Court<sup>8</sup> regulates responsibility for the commission of war crimes, while the jurisdiction of the Court extends, in addition to war crimes, to the crimes of genocide, crimes against humanity and crimes of aggression. As for the seven-year period during which Ukraine will not recognise the jurisdiction of the International Criminal Court, this period is clearly defined in Art. 124 The Rome Statute of the International Criminal Court<sup>9</sup>, and the lawyers’ assumptions that this is somehow connected with the calculations of the Ukrainian authorities

<sup>1</sup> Order of Ministry of defense of Ukraine No. 164 “On the Approval of the Instruction on the Procedure for the Implementation of Norms of International Humanitarian Law in the Armed Forces of Ukraine”. (2017, March). Retrieved from [https://ips.ligazakon.net/document/re30572?an=1&ed=0000\\_00\\_00&lang=ua](https://ips.ligazakon.net/document/re30572?an=1&ed=0000_00_00&lang=ua).

<sup>2</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>3</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>4</sup> *Ibidem*, 1998.

<sup>5</sup> Law of Ukraine No. 3909-IX “ On Ratification of the Rome Statute of the International Criminal Court and Amendments thereto”. (2024, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/3909-20#n18>.

<sup>6</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>7</sup> *Ibidem*, 1998.

<sup>8</sup> *Ibidem*, 1998.

<sup>9</sup> *Ibidem*, 1998.

regarding the duration and end of the war in Ukraine are unfounded (Kramarenko, 2024).

For the International Criminal Court (ICC), the application of Article 124 may present a challenge. The Rome Statute of the International Criminal Court<sup>1</sup>, particularly given the limited practice of excluding the ICC's jurisdiction based on the principles of *ratione loci* and *ratione personae*, further complicates the issue. These principles have been invoked by only two States Parties, France and Colombia, and therefore, "cannot in any way be considered normatively significant" (Zimmermann, 2024).

On the problem of contradictions in the definitions of "armed conflict", when "instead of using the generally accepted classification of armed conflicts (international armed conflict and non-international armed conflict), in Law of Ukraine No. 2469-VIII<sup>2</sup> reflects a different approach," the Ukrainian Helsinki Group for Human Rights (Ukrainian Helsinki Human Rights Union, 2018). It is noted that, when defining legal concepts, national legislation should consider the generally accepted terminology of international law. This will help avoid unnecessary clarifications in the future when interpreting certain legal aspects.

As can be seen from the national regulatory framework, the legislator attempts to use all possible options for permissible military terminology, without thoroughly analyzing the content, essence, and legal aspects of each definition. Such inconsistency can not only create additional difficulties in the administration of justice, including by international judicial bodies, but also hinder the guaranteed protection of the rights and interests of individuals, society, and the state.

It is worth noting that the fairness of post-conflict settlement is a guarantee of strengthening the legal bond between the citizen and the state (Vivhar *et al.*, 2022).

Thus, term "armed conflict" is used in The Rome Statute of the International Criminal Court<sup>3</sup> in the context that is generally accepted for the interpretation of "armed conflicts" in the practice of international law enforcement. There is also a definition of "widespread or systematic attack", which, without any legal conflicts, is compatible with the concept of "armed conflict".

Instead, national legislation defines armed conflict, as well as war, as types of military conflict. Thus, clause 1,

part 1, art. 1 Law of Ukraine No. 2469-VIII<sup>4</sup> states that "military conflict is a form of resolving interstate or intrastate contradictions with the bilateral use of military force; the main types of military conflict are war and armed conflict". Obviously, in order to provide a clearer understanding of this legal position, the legislator (in clause 7, part 1 of the same article Law of Ukraine No. 2469-VIII<sup>5</sup>) defines the term "armed conflict", noting that it should be considered as "an armed clash between states (international armed conflict, armed conflict on the state border) or between warring parties within the territory of one state, as a rule, with external support (internal armed conflict)". For a full understanding of such a classification, the legislator should have provided a definition of the term "war", at least in the context of its use in the relevant Law of Ukraine No. 2469-VIII<sup>6</sup>.

Regarding the inclusion of the definition of "military conflict" in Law of Ukraine No. 2469-VIII<sup>7</sup> it is first necessary to clarify the etymology of the word "military". The prominent Ukrainian linguist, Doctor of Philological Sciences, Professor O. Ponomariv, noted that "military" refers to something connected with war, as seen in phrases such as martial law, military actions, war crimes, and war years. In addition, the scholar explains another meaning of the word "military" - that which is connected with the army, as in military service, military ID, and military duty (Osvitoria, 2022).

Thus, a military conflict is a conflict inherently related to war. Therefore, it is incorrect to classify war as a type of military conflict, as military conflict itself is caused and conditioned by war.

The above similarly applies to the application of the definition of "military force", which is used by the legislator in clause 1, part 1, article 1 of the Law of Ukraine No. 2469-VIII<sup>8</sup> for the definition of a military conflict. Taking into account the stated position of O. Ponomariv, military force is a force that is also associated with war (Osvitoria, 2022). It follows that under "internal state contradiction with bilateral use of military force" civil war can be understood. And again, war and armed conflict cannot be a type of civil war, if the conflict is internal, as follows from the content of clause 1 part 1 of article 1 Law of Ukraine No. 2469-VIII<sup>9</sup>. It should be noted that in defining any legal concepts, tautology should be avoided.

<sup>1</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>2</sup> Law of Ukraine No. 2469-VIII "On National Security of Ukraine". (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>3</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>4</sup> Law of Ukraine No. 2469-VIII "On National Security of Ukraine". (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>5</sup> *Ibidem*, 2018.

<sup>6</sup> *Ibidem*, 2018.

<sup>7</sup> *Ibidem*, 2018.

<sup>8</sup> *Ibidem*, 2018.

<sup>9</sup> *Ibidem*, 2018.

Especially when it comes to defining such concepts as “armed conflict”, “military conflict”, “war”, during the active phase of the Ukrainian state’s struggle for basic survival, as well as steadfastly pursuing the goal of bringing to justice all those guilty of crimes against the national security of Ukraine using the levers of international law.

Ukraine, in the context of European integration, is actively incorporating generally accepted norms and principles of international law into its national legislation. As G.D. Solis (2021) notes, the laws of war remain effective and applicable despite various challenges; however, their enforcement is possible only through the persistent, wise, and decisive actions of states for which the rule of law is vital. Therefore, the harmonisation of national and international legal norms, including the legal conceptual framework, is particularly important. In Law of Ukraine No. 2469-VIII<sup>1</sup> definition and qualification of military conflict are not only contradictory in their content and do not comply with international law, but also fully coincide with the approach to defining the concept of “military conflict”, which is used in Russia. In the Russian-language section of Wikipedia, citing the military doctrine of the Russian Federation and considering the “opinions of military experts”, a virtually identical definition of “military conflict” is provided “a form of resolving interstate or intrastate contradictions through the use of military force (the concept encompasses all types of armed confrontation, including large-scale, regional, and local wars, as well as armed conflicts)” (Wikipedia, 2024). The approach Russia takes in defining “military conflict” and “armed conflict” cannot be coincidental, given how meticulously it enforces the exclusive use of the term “special military operation” while prohibiting the use of the word “war” – even to the extent of introducing criminal liability for violations. Therefore, aligning with Russian military terminology is highly problematic. The use of proper military terminology must be precise and unambiguous. Instead, identical acts of aggression are often given different definitions and assessments depending on legal traditions based on various regulatory acts. At the same time, the interpretation of military terms in Ukrainian legislation contradicts European norms while aligning with Russian definitions. As S. Lazar (2020) notes, “national defense (of one’s own or an allied state) and humanitarian intervention” are the two permissible justifications for war in the traditional framework of just war theory. It is crucial, from the outset – beginning with the definition of terminology – to adhere to this “just war theory”.

Among scholars studying armed conflicts, there is an opinion that “armed conflict is primarily an internal political issue, whereas military conflict and war are characteristic of the international political level” (Shkhiyeva, 2023). From the practice of applying the norms of international humanitarian law, it is indisputable that the full set of these norms takes effect only in the case of an international armed conflict. In contrast, in a non-international armed conflict, only a limited portion of these norms is applied accordingly. A. Korynevych (2020) and V. Berezniak *et al.* (2023) note that serious violations of international humanitarian law, particularly war crimes, can occur in both international and non-international armed conflicts. However, during internal unrest and disturbances, the rules of international humanitarian law do not apply, meaning that such violations cannot be classified as serious.

At the same time, as stated in the conclusion of the International Committee of the Red Cross (2024), there are cases where a state agrees to or even invites another state to intervene in its territory. In such cases, the intervening state is not considered a belligerent. For example, this applies when intervention is necessary to confront a group fighting against the state’s central authorities or acting against other states without crossing borders. Such situations are not classified as international armed conflicts as long as the use of force remains within the borders of the state concerned and the consent to intervene has not been withdrawn. Similarly, limited participation by another state in the conflict – such as providing weapons, whether purchased or supplied free of charge – does not, in itself, result in the classification of the situation as an international armed conflict.

The discrepancies between Ukrainian legislation and international law regarding the interpretation of “armed conflict” and “military conflict”, as well as their alignment with Russian legal terminology, could lead to manipulations. Furthermore, narratives regarding the events in Ukraine remain contradictory, and on the international stage, foreign scholars continue to raise thought-provoking questions. For instance, K. Wiegrefe (2022) poses the provocative question: “Is Vladimir Putin right?... Is there anything to his claims?” with an ambiguous answer: “The short answer: It’s complicated.” The focus should remain on proving the guilt of all individuals responsible for genocide, crimes against humanity, war crimes, and crimes of aggression committed by Russia, rather than debating whether the concept of armed conflict, as understood in Ukrainian legislation, aligns in content and essence with its definition in

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<sup>1</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>

international law, particularly in the Rome Statute of the International Criminal Court.<sup>1</sup>

The unacceptable inconsistency in the use of the military terminology under study is also evident in national legislation.

The Law of Ukraine No. 1932-XII of 06.12.1991<sup>2</sup> quite constructively uses the terms “armed conflict” and “armed aggression” and provides a list of actions that are considered acts of armed aggression. The term “military conflict” is not used in this Law. This approach by the legislator most appropriately aligns with traditional concepts of armed conflict in international humanitarian law.

Regarding Order No. 164 of the Ministry of Defense of Ukraine<sup>3</sup>, the very first article states that “international humanitarian law (law of armed conflicts) is a system of internationally recognised legal norms and principles applied during armed conflicts...” This raises the question of the scope of this order, particularly whether it applies to military conflicts in the context of Law of Ukraine No. 2469-VIII<sup>4</sup>.

In Decree No. 121/2021<sup>5</sup> of the President of Ukraine, the terms “armed aggression”, “armed conflict”, “armed struggle”, “military conflict”, “war”, “military actions”, “hybrid war”, “conflict” interchangeably. It should be noted that when characterising the Decree of President of Ukraine No. 121/2021<sup>6</sup> of the Russian Federation’s actions towards Ukraine, the legislator most often uses the term “armed aggression”, as well as “war” and “military actions”. For a more in-depth study of the legal aspects of the use of the relevant terminology in the Decree of President of Ukraine No. 121/2021<sup>7</sup>, it is worth first of all pointing out the legislator’s failure to comply with the requirements for the structure of regulatory legal acts contained in Law of Ukraine No. 3354-IX<sup>8</sup>, which significantly complicates the possibility of analysis and scientific research with the regulatory document. Therefore, in the section “Security environment (global, regional and

national aspects)” in the context of military security Decree of President of Ukraine No. 121/2021<sup>9</sup> states that “the Russian Federation remains a military adversary of Ukraine, carrying out armed aggression against Ukraine”, and refers to the “hybrid war” launched by Russia against Ukraine. Additionally, the Decree of President of Ukraine No. 121/2021<sup>10</sup> states that “the aggressive foreign and military policy of the Russian Federation... may lead to further escalation of armed aggression against Ukraine and provoke an international armed conflict in Europe”.

Thus, in view of this legal norm, the conflict between Russia and Ukraine is an armed aggression, and can only cause an armed conflict in Europe. Therefore, in the context of the Decree of President of Ukraine No. 121/2021<sup>11</sup>, the question arises whether armed aggression is an armed conflict, and whether the conflict between Russia and Ukraine is an armed conflict in Europe. First of all, according to all the signs given in international humanitarian law, this conflict is clearly armed, Russia’s criminal actions against the Ukrainian state have already caused an international armed conflict. Proceeding from the definitions of military and armed conflicts, their classifications, which are given in Law of Ukraine No. 2469-VIII<sup>12</sup>, then this conflict, if considered as a war or as an armed conflict, is already taking place in Europe, taking into account at least such an indisputable fact that Ukraine is part of Europe. Any other approach to interpreting these events, especially from the side of Ukraine, and even with the appropriate coverage of this in regulatory legal acts, will negatively affect the understanding of the situation in the international arena, will harm the political reputation of Ukraine, and will cause legal and legal misunderstandings. Thus, the legal position enshrined in the Decree of President of Ukraine No. 121/2021<sup>13</sup>, is unfounded and erroneous, and the definitions of concepts in Law of Ukraine No. 2469-VIII<sup>14</sup>, as causing misunderstanding and confusion in the legislation.

<sup>1</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>2</sup> Law of Ukraine No. 1932-XII “On Defense of Ukraine”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1932-12#Text>].

<sup>3</sup> Order of Ministry of defense of Ukraine No. 164 “On the Approval of the Instruction on the Procedure for the Implementation of Norms of International Humanitarian Law in the Armed Forces of Ukraine”. (2017, March). Retrieved from [https://ips.ligazakon.net/document/re30572?an=1&ed=0000\\_00\\_00&lang=ua](https://ips.ligazakon.net/document/re30572?an=1&ed=0000_00_00&lang=ua).

<sup>4</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>5</sup> Decree of President of Ukraine No. 121/2021 “On the Decision of the National Security and Defense Council of Ukraine dated March 25, 2021 ‘On the Military Security Strategy of Ukraine’”. (2021, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/121/2021#Text>.

<sup>6</sup> Ibidem, 2021.

<sup>7</sup> Ibidem, 2021.

<sup>8</sup> Law of Ukraine No. 3354-IX “On Law-Making Activity”. (2023, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/3354-20#Text>.

<sup>9</sup> Decree of President of Ukraine No. 121/2021 “On the Decision of the National Security and Defense Council of Ukraine dated March 25, 2021 ‘On the Military Security Strategy of Ukraine’”. (2021, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/121/2021#Text>.

<sup>10</sup> Ibidem, 2021.

<sup>11</sup> Ibidem, 2021.

<sup>12</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>13</sup> Decree of President of Ukraine No. 121/2021 “On the Decision of the National Security and Defense Council of Ukraine dated March 25, 2021 ‘On the Military Security Strategy of Ukraine’”. (2021, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/121/2021#Text>.

<sup>14</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

Also in Criminal Code of Ukraine<sup>1</sup> (hereinafter referred to as CC of Ukraine) the following military terminology is used: in Chapter XX “Against peace, security of mankind and international law and order”: “war”, “military conflict” (Article 436 of the CC of Ukraine), “armed aggression”, “internal civil conflict” (Article 436-2 of the CC of Ukraine), “aggressive war”, “military conflict” (Article 437 of the CC of Ukraine), war (Article 438 of the CC of Ukraine), “armed conflict”, “military or violent actions” (Article 447 of the CC of Ukraine). The definitions of the terms “military conflict”, “armed conflict” and “armed aggression”, “military actions”, are found respectively in Law of Ukraine No. 2469-VIII<sup>2</sup> and Law of Ukraine No. 1932-XII<sup>3</sup>. Internal civil conflict, in terms of its semantic load, fully falls under the definition of non-international (internal) armed conflict, which is given in the Order of Ministry of Defense of Ukraine No. 164<sup>4</sup>. Regarding the concept of “aggressive war”, which is used by the legislator in Art. 437 of the CC of Ukraine<sup>5</sup>, “war or military actions can be qualified as aggressive only by the Security Council of the United Nations (hereinafter referred to as the UN), secondly, the definition of aggression given in the relevant UN resolution can be applied only to the responsibility of states, but not to individuals” (Sapozhnikova, 2023). Therefore, the application of the definition of “aggressive war” in the Criminal Code of Ukraine<sup>6</sup> is inappropriate. Also controversial is the use in Art. 436 of the CC of Ukraine<sup>6</sup> the terms “war” and “military conflict”, because given the definitions given in Law of Ukraine No. 2469-VIII<sup>7</sup> war is a type of military conflict. Therefore, in order to harmonise the norms of at least national legislation, the terms “war” and “armed conflict” should be used in the disposition of this article, or the general term “military conflict” should be limited.

A.H. Baibak (2020) argued that the definition of regulatory legal acts should include only essential aspects that accurately determine their essence and should be “unified, clear, unambiguous, concise, logically and linguistically correct, and generalised”. Furthermore, such a conglomeration of terms in the specified regulatory legal acts contradicts the requirements of Article 34 of the Law of Ukraine No. 3354-IX<sup>8</sup>, which mandates that the legal norm of a given regulatory legal act must

comply with regulatory legal acts of higher legal force, maintain consistency with regulatory legal acts of equal legal force, and ensure the unification of terminology used throughout the text.

Scientists whose works are considered in this study have repeatedly attempted to distinguish between the concepts of “military conflict”, “armed conflict”, and “war”. The use of these terms without considering their etymological meaning, semantic significance, and – most critically, from a legal perspective – without aligning with international treaty law and the practice of international judicial proceedings in interpreting these terms is not uncommon. There are frequent instances where, in the study of one definition, incompatible or even opposing terms are used interchangeably. The inconsistency in the use of military terminology is also due to the lack of a unified approach to interpreting these terms in regulatory legal acts. In the works of Ukrainian scholars, a certain inconsistency – and at times even contradictions – can be observed, not only between different studies but sometimes within a single study when analysing and defining these concepts.

Thus, L.M. Demydova (2024) argued that “wars and armed conflicts 1) are not identical concepts and it is incorrect to combine them in meaning even partially; 2) war is a type of military conflict, which is characterised by the bilateral use of military force and 3) war can be a military conflict of a non-international nature only in the case of a civil war”. Additionally, she categorically asserts, relying, in particular, on Law of Ukraine No. 2469-VIII<sup>9</sup>, that war is a type of military conflict characterised by the bilateral use of military force, with the mandatory and possible participation of the army and trained military-type armed formations. These formations are structured into a unified military system and serve specific military objectives. The author further notes that war cannot be considered an armed conflict because the latter is distinguished by “a different degree of preparation, organisation, intensity of actions, mobility, skills, and abilities.” She also criticised the legal stance of international law that classifies war as a non-international armed conflict, arguing that such an interpretation risk reviving the era of civil wars and fostering enmity among

<sup>1</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>2</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>3</sup> Law of Ukraine No. 1932-XII “On Defense of Ukraine”. (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1932-12#Text>.

<sup>4</sup> Order of Ministry of Defense of Ukraine No. 164 “On the Approval of the Instruction on the Procedure for the Implementation of Norms of International Humanitarian Law in the Armed Forces of Ukraine”. (2017, March). Retrieved from [https://ips.ligazakon.net/document/re30572?an=1&ed=0000\\_00\\_00&lang=ua](https://ips.ligazakon.net/document/re30572?an=1&ed=0000_00_00&lang=ua).

<sup>5</sup> Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

<sup>6</sup> Ibidem, 2001.

<sup>7</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>8</sup> Law of Ukraine No. 3354-IX “On Law-Making Activity”. (2023, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/3354-20#Text>.

<sup>9</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

families, nations, and peoples. According to L.M. Demydova (2024), war is “an exclusively international military conflict”. Regarding the prospect of an international ban on wars as military conflicts of an international nature and on any armed conflicts as phenomena, the author contends that prohibiting certain acts or imposing the highest degree of accountability does not guarantee the disappearance of such phenomena, especially ones as complex as armed conflicts or wars. She emphasised that continuous and systematic regulatory efforts must be undertaken at both the political-system level and the individual level to address these challenges effectively.

V.V. Yemelianenko & K.M. Orobets (2022), in their work, agreed with the provisions enshrined in Law of Ukraine No. 2469-VIII<sup>1</sup> which divides the broader concept of “military conflict” into “armed conflict” and “war” and adopts the definitions provided in the law. Taking into account the legislator’s position, the scholars associate the commission of war crimes with military conflict, arguing that this distinction allows for the differentiation of war crimes “as an encroachment on the established procedure for the use of armed force” from criminally punishable acts against peace, which exclude the very threat of military conflicts. They correctly note that “a necessary condition for recognising a crime as military... is a connection with an armed conflict of an international or non-international nature”. At the same time, they emphasise that the objective elements of such crimes must include “special (extreme) conditions of a military conflict (which is de jure defined as martial law in the state)”. Additionally, they identify both victims and offenders as participants in the armed conflict.

However, while minor inconsistencies in terminology within a scientific article may not pose significant risks, the assertion that a war crime can occur only within a military conflict formally defined as a state of war contradicts the Rome Statute of the International Criminal Court<sup>2</sup>. Under the Rome Statute, war crimes occur in armed conflicts, which may not always be officially recognised as a state of war<sup>3</sup>. This misinterpretation could complicate the classification of an act as a war crime by the International Criminal Court. Such inconsistency is unacceptable, as Ukraine has ratified the Rome Statute of the International Criminal Court, providing all necessary grounds for extending the Court’s jurisdiction to crimes committed against its citizens and the state as a whole.

Ye.O. Bratuta & O.G. Bratuta (2022) argued that the presence of common features between the concepts of

“war” and “conflict” does not justify considering them identical. They view hybrid war as a distinct, specific form of war and as a stage of international conflict, and they also assert that the understanding of war as merely one of the forms of conflict is “ontologically erroneous and logically false”. K.V. Gromovenko (2022), in his scientific study on the protection of human rights in armed conflicts, generally avoided defining armed conflicts, instead using the terms “armed conflict,” “war,” and “military conflict” interchangeably throughout his work.

Researcher O.O. Tronko (2024) argued that the nature of the Russian-Ukrainian military confrontation necessitates the definition and codification of the term “international military conflict” in international law. He considered military conflict as a component of a broader military confrontation and war as a type of armed conflict. O.V. Zadorozhnia (2024) examined military conflict as a broader concept encompassing armed conflict. However, armed conflict is not included in his classification of military conflict, even though his system includes war, border clashes, terrorist attacks, and internal political crises.

H.N. Behruz (2023) summarised that modern international law has abandoned the concept of “war” in favor of “armed conflict”, which is more objective and broader in scope, allowing it to encompass a greater number of situations. O. Semotiuk (2022) linked the international community’s shift from the term “war” to “armed conflict” to the fact that, under international law, a state of war requires a prior official declaration. Such a legal requirement significantly limited the application of international humanitarian law protections. The Charter of the United Nations<sup>4</sup>, also does not reference the term “war” but instead uses more neutral concepts such as “use of force,” “breach of peace,” and “aggression.” Ukraine should adopt this approach as well, as it is crucial that the concept of “armed conflict” covers the maximum number of criminal acts committed by Russia since the full-scale invasion, as well as since the occupation of the Autonomous Republic of Crimea and the Luhansk and Donetsk regions. As M. Gnatovskyy (2020) noted, if the International Criminal Court proves that “non-governmental armed groups in eastern Ukraine operate under the general control of the Russian Federation”, there will be every reason to classify the hostilities as an international armed conflict from the very beginning, that is, since 2014. Of course, armed conflicts evolve over time, but the fundamental legal principles governing them remain unchanged for states that prioritise the rule of

<sup>1</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>2</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>3</sup> *Ibidem*, 1998.

<sup>4</sup> Charter of the United Nations. (1945, October). Retrieved from <https://www.un.org/en/about-us/un-charter/full-text>.

law (Solis, 2021). The classification provided in Law of Ukraine No. 2469-VIII<sup>1</sup> states that only certain military conflicts qualify as armed conflicts, while another type is designated as “war” and is contrasted with armed conflicts. Such a legislative approach, which establishes a comprehensive and generalised definition of “military conflict” while this concept is largely absent in international law, primarily contradicts the requirements for the unification of regulatory legal acts.

Such complex concepts – scientific, political, and legal in nature – such as “armed conflict,” “war,” “military conflict,” as well as “armed aggression,” “war crimes,” and other terms from military doctrine should not be strictly delineated by specific features or special characteristics. Instead, it is best to recognise that all these phenomena represent an unacceptable evil, with the primary focus being on ensuring justice so that no guilty party escapes punishment (Taran *et al.*, 2023). It is entirely reasonable to propose, as reflected in The Rome Statute of the International Criminal Court<sup>2</sup>, a definitive list of acts considered criminal and constituting grounds for criminal liability.

There is also a widely held opinion among scholars that the effective application of international humanitarian law is hindered by the absence of a clear definition of “armed conflict” and that the international community should work toward “clarifying the definitions and criteria of armed conflicts” (Pashynna, 2024). However, to best ensure fair and impartial justice, the international community defines “armed conflict” using broad features and characteristics rather than specific properties, which could otherwise restrict the scope of international humanitarian law. As noted by L. Tymchenko *et al.* (2024), developing a normative legal act with a definition universally accepted by all states would require the adoption of multiple international legal instruments. Such a process would be long-term and materially costly. Furthermore, the jurisdiction of international tribunals has already been constrained by the codification of the traditional understanding of “war” in international treaty law, which has resulted in many instances of military confrontation falling outside the applicability of international humanitarian law.

There is, however, an alternative approach to harmonising the norms of international and national law, which pertains exclusively to the translation of legal

norms. In international law, particularly in The Rome Statute of the International Criminal Court<sup>3</sup> the term “an armed conflict” is consistently used and officially translated into Ukrainian as “збройний конфлікт” (armed conflict). Given the concept of this term in international law on the one hand, and the legal notion embedded by the legislator in the term “воєнний конфлікт” (military conflict) in Law of Ukraine No. 2469-VIII<sup>4</sup> on the other, it would be reasonable to translate the foreign term “an armed conflict” as “воєнний конфлікт” (military conflict) in Ukrainian. However, this solution would not resolve the issue of the classification of “воєнний конфлікт” (military conflict) as defined by Ukrainian law, where war and armed conflict are considered types of military conflict. As mentioned earlier, the international community has largely moved away from the term “war”. Furthermore, the classification of “збройний конфлікт” (armed conflict) in Law of Ukraine No. 2469-VIII<sup>5</sup>, essentially mirrors the classification of armed conflicts in international law. Thus, according to the specified Law of Ukraine No. 2469-VIII<sup>6</sup> armed conflicts are categorised as “international armed conflict, armed conflict on the state border”, and “internal armed conflict”. In international humanitarian law, armed conflict is classified as follows: “An armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a State”<sup>7</sup>. In other words, under generally accepted rules, armed conflict is divided into “international armed conflict” and “non-international armed conflict”. Therefore, attempting to resolve this issue solely through a change in translation would only provide a superficial solution. Such an approach could ultimately lead to even greater inconsistencies.

## CONCLUSIONS

The study of the etymology of the concept of “military conflict”, its correlation and relationship with such conceptual terms as “armed conflict” and “war”, leads to the conclusion that, although these definitions belong to military terminology and characterise a specific intra-state or interstate confrontation, they possess distinct features due to their complex legal, social, and historical nature. It is the specificity and multifaceted nature of

<sup>1</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>2</sup> The Rome Statute of the International Criminal Court. (1998, July). Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_588#Text](https://zakon.rada.gov.ua/laws/show/995_588#Text).

<sup>3</sup> *Ibidem*, 1998.

<sup>4</sup> Law of Ukraine No. 2469-VIII “On National Security of Ukraine”. (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.

<sup>5</sup> *Ibidem*, 2018.

<sup>6</sup> *Ibidem*, 2018.

<sup>7</sup> Decision of the Defense Motion for Interlocutory Appeal on Jurisdiction, Prosecutor v. Dusk Tadic, Case No. IT-94-1-AR72, (1995, October). Retrieved from <https://cld.irmct.org/assets/Uploads/full-text-dec/1995/95-10-02%20Tadic%20Interlocutory%20Decision%20on%20Jurisdiction.pdf>.

these concepts that determine their consistently contradictory application in both scientific doctrine and regulatory legal documents. Only the harmonisation of military terminology will ensure the guaranteed protection of the national interests of individuals, society, and the state. This issue is of paramount importance in connection with the ratification of the Rome Statute of the International Criminal Court, especially during wartime. There is an ongoing need to clarify a range of legal aspects at various levels to ensure the extension of the jurisdiction of the International Criminal Court to all criminal acts committed not only since Russia's full-scale invasion but also since the occupation of the Autonomous Republic of Crimea and parts of the Donetsk and Luhansk regions. It is especially important to align key military terms with the terminology and classification generally accepted in international humanitarian law. Considering that in previous editions of national security legislation, the legislator refrained from clearly interpreting and distinguishing the concepts of "armed conflict", "military conflict", and "war", and that the current Law of Ukraine "On National Security of Ukraine" effectively replicates Russian military terminology, there is a noticeable divergence from the international legal framework. It has been established that polysemy in military terminology, the complexity and multifaceted nature of relevant military terms, and the disregard of key definitional aspects are common issues in both national legislation and the scientific field.

Unsystematic and unclear use of relevant terms by scientists hinders the ability to reveal the issues of scientific research, diminishing the significance of the work itself. Ignoring the multifaceted nature of terms prevents their systematisation, consequently depriving subsequent scientific research of a fundamental, basic approach to understanding key terms, which is, in fact, the starting point of any analytical work.

It is proposed to introduce the definitions of "international armed conflict" and "non-international armed conflict" into Ukrainian regulatory legal acts, as defined in international humanitarian law. This will comply with the rules of legislative technique, particularly the requirements for the unification of terminology. It will be of fundamental importance for implementing international humanitarian law norms into national legislation, provide a theoretical and methodological basis for further scientific research, and enable reliance on international scientific resources that thoroughly analyse these norms. This research is part of a multilateral effort to implement international norms into Ukrainian legislation and necessitates further investigation into fundamental definitions in the military sphere.

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## CONFLICT OF INTEREST

None.

## REFERENCES

- [1] Baibak, A.H. (2020). The importance of legal (formal) certainty for the development of the language of law: Linguistic and legal aspects. *Juridical Science*, 1(103), 384-396. doi: [10.32844/2222-5374-2020-103-147](https://doi.org/10.32844/2222-5374-2020-103-147).
- [2] Behruz, H.N. (2023). The concept of war in international law: Problems of conceptualization. *Juridical Scientific and Electronic Journal*, 2, 558-561. doi: [10.32782/2524-0374/2023-2/132](https://doi.org/10.32782/2524-0374/2023-2/132).
- [3] Berezniak, V., Demicheva, A., & Furfaro, R.D. (2023). Violations of human rights by the Russian federation during full-scale armed aggression against Ukraine. *Philosophy, Economics and Law Review*, 3(1), 218-229.
- [4] Bratuta, Ye.O., & Bratuta, O.G. (2022). The hybrid war as the socio-political phenomenon. *Regional Studies*, 29, 114-122. doi: [10.32782/2663-6170/2022.29.19](https://doi.org/10.32782/2663-6170/2022.29.19).
- [5] Demydova, L. (2024). War crimes: Problems of definition and qualification. *Uzhhorod National University Herald. Series: Law*, 3(84), 278-284. doi: [10.24144/2307-3322.2024.84.3.42](https://doi.org/10.24144/2307-3322.2024.84.3.42).
- [6] Gnatovskyy, M. (2020). The judicial front of the armed conflict between Ukraine and the russian federation. *Law of Ukraine*, 12, 74-85. doi: [10.33498/louu-2020-12-074](https://doi.org/10.33498/louu-2020-12-074).
- [7] Gromovenko, K.V. (2022). Peculiarities of human rights protection in the conditions of armed conflicts. *Legal Novels*, 17, 101-107. doi: [10.32782/ln.2022.17.14](https://doi.org/10.32782/ln.2022.17.14).
- [8] International committee of the Red Cross. (2024). *How is the term "armed conflict" defined in international humanitarian law*. Retrieved from [https://web.archive.org/web/20240708054327/https://www.icrc.org/sites/default/files/document\\_new/file\\_list/armed\\_conflict\\_defined\\_in\\_ihl.pdf](https://web.archive.org/web/20240708054327/https://www.icrc.org/sites/default/files/document_new/file_list/armed_conflict_defined_in_ihl.pdf).
- [9] Korynevych, A. (2020). *International humanitarian right. Armed conflicts*. Retrieved from <https://www.helsinki.org.ua/wp-content/uploads/2020/04/MHP-ZK.-A.Korynevych.-Prezentatsiia.pdf>.
- [10] Kramarenko, D. (2024). *Law with a "fuse". Why is Ukraine ratifying the Rome Statute and are there any risks*. Retrieved from <https://www.rbc.ua/rus/news/zakon-iz-zapobizhnikom-navishcho-ukrayina-1724174632.html>.
- [11] Lazar, S. (2020). *War*. Retrieved from <https://plato.stanford.edu/archives/spr2020/entries/war/>.

- [12] Osvitoria. (2022). *When is “military” and when is “warlike”: How to properly talk about war?*. Retrieved from <https://osvitoria.media/experience/koly-voyennyj-a-koly-vijskovyj-yak-pravylnno-govoryty-pro-vijnu/>.
- [13] Pashynna, L.V. (2024). Criteria for defining “armed conflict” in international humanitarian law: Historical background, current challenges and legal realities. *Uzhhorod National University Herald. Series: Law*, 4(84), 326-333. doi:10.24144/2307-3322.2024.84.4.46.
- [14] Sapozhnikova, O. (2023). *Planning, preparation, resolution and conduct of an aggressive war*. Retrieved from [https://www.helsinki.org.ua/wp-content/uploads/2023/09/Stattia-437-KKU\\_Sapozhnikova.pdf](https://www.helsinki.org.ua/wp-content/uploads/2023/09/Stattia-437-KKU_Sapozhnikova.pdf).
- [15] Semotiuk, O. (2022). Russian-Ukrainian military conflict: Terminological and discursive dimensions. *Visnyk of the Lviv University. Series Journalism*, 51, 96-105. doi:10.30970/vjo.2022.51.11399.
- [16] Shikhiyeva, K.M. (2023). International armed conflicts: Main features, reasons, and types. *Scientific Works of Interregional Academy of Personnel Management. Political Sciences and Public Management*, 1(67), 71-78. doi:10.32689/2523-4625-2023-1(67)-10.
- [17] Solis, G.D. (2021). *Law of armed conflict: International Humanitarian Law in war*. Cambridge: Cambridge University Press.
- [18] Taran, O., Tarasenko, O., & Cherniavskiy, S. (2023). Some issues of judicial practice in proceedings on violations of the laws and customs of war. *Law Journal of the National Academy of Internal Affairs*, 13(2), 9-18. <https://doi.org/10.56215/naia-chasopis/2.2023.09>.
- [19] Tronko, O.O. (2024). International military conflict: Theoretical approaches to the study and the law applied to it. *Actual Problems of Native Jurisprudence*, 1, 363-376. doi:10.32782/2408-9257-2024-1-64.
- [20] Tymchenko, L., Kononenko, V., & Koruts U. (2024). Participation in the formation of war propaganda policy as a basis of international legal responsibility. *Law of Ukraine*, 1, 55-68. doi:10.33498/louu-2024-01-055.
- [21] Ukrainian Helsinki Human Rights Union. (2018). *Analysis of the Law of Ukraine “On National Security of Ukraine”*. Retrieved from <https://www.helsinki.org.ua/articles/analiz-zakonu-ukrajiny-pro-natsionalnu-bezpeku-ukrajiny/>.
- [22] Vivvhar, O., Muravska, Yu., & Gevko, V. (2022). Practical contexts of national security on the partnership conditions: Positive externals and efficiency of security. *Herald of Khmelnytskyi National University. Economical Sciences*, 1, 7-11. doi:10.31891/2307-5740-2022-302-1-1.
- [23] Wiegrefe, K. (2022). *Is vladimir putin right?*. Retrieved from <https://web.archive.org/web/20220302141100/https://www.spiegel.de/international/world/nato-s-eastward-expansion-is-vladimir-putin-right-a-bf318d2c-7aeb-4b59-8d5f-1d8c94e1964d>.
- [24] Wikipedia. (2024). *Armed conflict*. Retrieved from <https://surl.li/lfyegs>.
- [25] Yemelianenko, V.V., & Orobets, K.M. (2022). War crimes: Concept, characteristics and relationship with military criminal offenses according to the criminal code of Ukraine. *Scientific Innovations and Advanced Technologies*, 11(13), 123-136. doi:10.52058/2786-5274-2022-11(13)-123-136.
- [26] Zadorozhnia, O.V. (2024). Armed and military conflict as a phenomenon of modern society. *Kherson State University Herald. Series “Legal Sciences”*, 5, 11-16. doi:10.32999/ksu2307-8049/2024-5-2.
- [27] Zimmermann, A. (2024). *“There’s life in the old dog yet ...,” or: The news of the death of Art. 124 Rome Statute were premature*. Retrieved from <https://www.ejiltalk.org/theres-life-in-the-old-dog-yet-or-the-news-of-the-death-of-art-124-rome-statute-were-premature/>.

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## **Етимологія поняття «воєнний конфлікт» як детермінант політичної орієнтації**

**Анотація.** У зв'язку з ратифікацією Україною Римського статуту Міжнародного кримінального суду, недостатнього напрацювання практики Міжнародного кримінального суду у сфері застосування даного документу, як перед юристами, так і перед науковцями постає виклик щодо ефективного впровадження норм міжнародного права у національне законодавство, і вважливим та першочерговим є питання узгодження термінології, зокрема, військової. Метою даної статті було обґрунтування доцільності впровадження у національному законодавстві прийнятої в міжнародному праві військової термінології та виявлення суперечностей у використанні дефініцій, що значно ускладнює саме розуміння сутності протистоянь та конфліктів, а отже, й унеможливорює конструктивний діалог на міжнародній арені. У даній статті досліджено використання військової термінології, а саме: «збройний конфлікт», «воєнний конфлікт», «війна» та підхід до класифікації відповідних понять у національній нормативно-правовій базі. Здійснено етимологічну характеристику даних термінів, проведено порівняння їх з термінами, що вживаються у міжнародному гуманітарному праві, у тому числі у Римському статуті Міжнародного кримінального суду. Шляхом аналізу робіт науковців виявлено відсутність у доктрині спільного консенсусу в питанні застосування даних дефініцій, а також низку суперечностей і в певних окремо взятих роботах при застосуванні військової термінології. З'ясовано, що підхід до визначення та класифікації воєнних та збройних конфліктів співпадає з російським, і в той же час повністю суперечить міжнародному. Запропоновано застосовувати загальноприйняту у міжнародному праві термінологію та класифікацію збройних конфліктів, уникаючи демаркації наведених вище понять. Результати дослідження надали переконливі аргументи на користь дотримання усталених міжнародних визначень, демонструючи, що непослідовне і безсистемне використання військової термінології підриває концептуальну ясність і послаблює науковий дискурс. Практичне значення дослідження полягає в аналізі ключових військових термінів, таких як «війна», «воєнний конфлікт», «збройний конфлікт» та «агресія», з уточненням їх використання в національному та міжнародному правовому контекстах

**Ключові слова:** збройний конфлікт; законодавство; війна; збройна агресія; Римський статут