

INTERNATIONAL LEGAL NIHILISM AS A RESULT OF THE CRISIS OF THE GLOBAL SECURITY SPACE (ON THE EXAMPLE OF UKRAINE)

МІЖНАРОДНИЙ ПРАВОВИЙ НІГІЛІЗМ ЯК РЕЗУЛЬТАТ КРИЗИ СВІТОВОГО БЕЗПЕКОВОГО ПРОСТОРУ (НА ПРИКЛАДІ УКРАЇНИ)

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The article analyzes the phenomenon of international legal nihilism in the context of the crisis of the collective security system caused by the full-scale aggression of the Russian Federation against Ukraine. It is substantiated that modern international legal nihilism is not an isolated violation of the norms of international law, but a systemic phenomenon that arises as a result of the degradation of the global security space, the decline in the authority of international institutions, and the lack of effective mechanisms for enforcing the fulfillment of international legal obligations.

Theoretical approaches to understanding legal nihilism are analyzed, in particular as a form of legal anomaly and deformation of the legal consciousness. Considerable attention is paid to the analysis of the activities of the United Nations and other international organizations, in particular the UN Security Council and the OSCE, through the prism of their inability to ensure real protection of international peace and security and effective compliance with international humanitarian law.

Separately, the forms of manifestation of the international legal nihilism of the Russian Federation are investigated, in particular, blocking the work of international institutions, systematic violation of the principles of proportionality, distinction and precaution in armed conflict, as well as gross violation of international treaties and conventions in the period from 2014 to 2025. It was noted that the declarative nature of the UN General Assembly resolutions and the lack of effective sanctions have become additional barriers to ending the Russian aggression.

The article also analyzes the impact of the transformation of the foreign policy of individual states, in particular the United States in 2025, on the intensification of the international security crisis and the undermining of collective protection mechanisms. The conclusion is made about the need to reform the collective security system and international institutions, as well as the creation of effective international tribunals as a necessary condition for overcoming international legal nihilism and restoring the effectiveness of international law.

Key words: legal nihilism, international law, world security space, war.

У статті здійснено аналіз феномену міжнародного правового нігілізму в умовах кризи колективної системи безпеки, спричиненої повномасштабною агресією РФ проти України. Обґрунтовано, що сучасний міжнародний правовий нігілізм є не поодиноким порушенням норм міжнародного права, а системним явищем, яке виникає внаслідок деградації глобального безпекового простору, зниження авторитету міжнародних інституцій та відсутності ефективних механізмів примусу до виконання міжнародно-правових зобов'язань.

Проаналізовано теоретичні підходи до розуміння правового нігілізму, зокрема як форми правової аномалії та деформації правосвідомості. Значну увагу приділено аналізу діяльності Організації Об'єднаних Націй та інших міжнародних організацій, зокрема Ради Безпеки ООН і ОБСЄ, крізь призму їхньої неспроможності забезпечити реальний захист міжнародного миру та безпеки й ефективне дотримання міжнародного гуманітарного права.

Окремо досліджено форми прояву міжнародного правового нігілізму РФ, зокрема блокування роботи міжнародних інституцій, систематичне порушення принципів пропорційності, розрізнення та обережності у збройному конфлікті, а також грубе порушення міжнародних договорів і конвенцій у період з 2014 по 2025 роки. Звернено увагу, що декларативний характер резолюцій Генеральної Асамблеї ООН і відсутність дієвих санкцій стали додатковими бар'єрами на шляху до припинення агресії РФ.

У статті також проаналізовано вплив трансформації зовнішньої політики окремих держав, зокрема США у 2025 році, на посилення кризи міжнародної безпеки та підрив колективних механізмів захисту. Зроблено висновок про необхідність реформування системи колективної безпеки та міжнародних інституцій, а також створення дієвих міжнародних трибуналів як необхідної умови подолання міжнародного правового нігілізму і відновлення ефективності міжнародного права.

Ключові слова: правовий нігілізм, міжнародне право, світовий безпековий простір, війна.

Presentation of the main material. The global security system is in crisis because it has failed in responding actively to Russia's full-scale invasion of Ukraine. In this context, it is worth noting that global security space crisis reinforced international legal nihilism, causing the decline and loss of international law authority and security violations: Russia's invasion of Ukraine is a striking example of this. Thus, at the Munich Security Conference, which took place on 14-16 February 2025, Christoph Heusgen noted that 'the global political situation has rarely caused as much concern as it has this year.' He compared the current times to the period of the Caribbean crisis in the early 1960s. [1].

The study of legal nihilism, including international legal nihilism, its nature, causes and ways of overcoming it, is

the subject of foreign and domestic scholars works, including: N. Pilgun, D. Striklo, O. Tkalya, I. Chukhrai, V. Shvachka, O. Tarnavskyi, M. Lyakhovych, Ya. Pavlovych-Seneta, V. Kraus, and others.

Let us turn to a brief theoretical analysis of certain aspects related to the subjects of our study. In contemporary scientific discourse, some authors, in particular O. Tkal, refer to legal nihilism as a form of legal anomaly, which they define as "a deviation of a general pattern in its normal formation and social relations development, caused by various factors of both an objective and subjective nature" [2, p. 46]. In turn, I. Chukhrai believes that legal nihilism is a negative attitude towards the law that exists in the mass or individual consciousness, the presence of an attitude among authorities and citizens

to achieve socially significant results by unlawful means, complete disregard for legal provisions or compliance with them only under threat of coercion or for selfish motives [3, p. 37]. In addition, legal nihilism is considered a specific social benchmark that determines the direction of negative trends in the legal sphere and without which it becomes impossible to search for new concepts and ideals, as well as ways to solve problems that exist in society [4, p. 53]. Some authors also elaborate on the meaning of legal nihilism concept and analyse it as one of the common types of social legal consciousness deformation [5, p. 44].

Taking into consideration all mentioned above, international legal nihilism can be defined as the systematic and deliberate disregard or denial of international law norms and principles, manifested in the refusal to fulfil international obligations, the undermining of international institutions authority, and the actions that contradict established international standards.

Despite the fact that a number of institutions, including the Institute of International Studies, the Centre for International Legal Studies at Cambridge University, the Netherlands Institute of International Relations, the German Institute for International and Security Affairs, etc., are working to solve the problems of legal nihilism, authoritative international organisations, primarily the UN, have repeatedly demonstrated their inconsistency in this area.

Thus, in the situation with Ukraine, we observe the following. First, the UN General Assembly resolution of 27 March 2014 recognises the territorial integrity of Ukraine [6]. In subsequent resolutions, the UN General Assembly did not recognise the annexation of the relevant territories by the Russian Federation, considering them temporarily occupied and calling on the Russian Federation to restore compliance with the law in these territories in accordance with international law [7]. However, as we can see, such calls had no effect on the Russian Federation and, worst of all, did not stop it. This is undoubtedly an example and confirmation of cases where international law declaratively obliges a country to comply with certain conditions/requirements (thus expressing its 'concern'), but does not establish effective sanctions [8].

Therefore, the need to reform the UN Security Council and the Bretton Woods system was once again stated by UN Secretary-General A. Guterres during his speech at the G7 summit in Hiroshima in May 2023. "The global financial architecture is outdated, dysfunctional and unfair. [9] In 2023, the UN General Assembly voted for a resolution calling for peace in Ukraine [10] and enshrining the basic principles of the Ukrainian 'peace formula'. The document also included provisions on the withdrawal of Russian troops from Ukrainian territory and the cessation of hostilities by the aggressor country. Seven countries voted against, 32 abstained. However, this did not lead to any expected results.

Overall, the UN's inaction and lack of effective response (its position of 'concern and sympathy' as a 'bystander' observer) to the invasion of Ukraine is far from the only example of this organisation's functional incapacity. In particular, the UN, which should be the guarantor of global security, remained indifferent to the possibility of preventing mass ethnic violence in Rwanda. Instead, it limited itself to the role of an observer and failed to openly oppose the aggressive policy of the Russian Federation [11].

As for the OSCE, it has developed methods to strengthen its role, including changing decision-making procedures and creating a mechanism to influence those who violate its principles. In addition, it is envisaged that OSCE institutions will be given greater autonomy and independent funding, with the power expansion in its conflict prevention centre. The priority is to strengthen the operational capabilities of the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) [12, p. 25]. However, this mechanism is not effective enough, as it is necessary not only to consolidate interna-

tional norms and agree on them with international participants, but also to respond urgently and appropriately to all existing threats and violations in the international sphere.

In this context, some authors reasonably recognise the need to reform approaches to ensuring compliance with IHL by combining external control with internal national mechanisms [13, p. 392].

Thus, in our opinion, international legal nihilism manifests itself in the following forms:

1. The crisis in global security and international institutions, in particular the Russian Federation blocking the work of the UN Security Council, refusing to recognise its legitimacy in resolving the issue of the war in Ukraine.

2. Failure to comply with the principle of distinction, which states that only combatants and military targets may be legitimate targets in war; the principle of proportionality, which states that damage to civilian objects should be minimised and, if damage to civilian objects cannot be avoided, the damage must be proportionate to the military advantage; the principle of precaution, i.e. the attacking party must do everything possible to ensure that the targets of the attack are military objectives [14, p. 94].

3. Since 24 February 2022, when the Russian Federation launched a full-scale invasion of Ukraine, it has become clear that it systematically disregards and violates the fundamental principles of international law. Therefore, proponents of legal nihilism have a low level of legal awareness and legal culture, as well as a failure to comply with any legal norms, which is characteristic of the Russian Federation. since, by committing an act of aggression in 2014 and then a full-scale invasion in 2022, it violated a number of norms of international law. In particular, manifestations of international legal nihilism by the Russian Federation can be observed in different periods, specifically in the following ones:

- the annexation of Ukrainian territories in 2014: the UN Charter; the Charter of the Council of Europe; the UN Convention for the Suppression of the Financing of Terrorism; the UN Convention on the Law of the Sea; the Final Act of the 1975 Conference on Security and Cooperation in Europe (Helsinki Accords or Helsinki Declaration), etc.

- during the annexation; a body of conventions governing the laws and customs of war: the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the UN Convention on the Elimination of All Forms of Racial Discrimination; European Convention for the Protection of Human Rights and Fundamental Freedoms;

- after the full-scale invasion on 24 February 2022: Charter of the International Military Tribunal (1945); Convention on the Prevention and Punishment of the Crime of Genocide (1948); Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1968); UN General Assembly resolutions on the extradition and punishment of war criminals (1946). In addition, there is the so-called 'Geneva law' (the Geneva Conventions of 1949, Additional Protocols thereto of 1977) and 'Hague law'. This leads to numerous war crimes and crimes against humanity. On 7 October 2022, the Verkhovna Rada of Ukraine, in its Appeal [15] to the UN, the European Parliament, the parliamentary bodies of the Council of Europe, NATO, the OSCE, GUAM and the national parliaments of foreign states, called for support in the creation of a special international tribunal to investigate and bring to justice the senior political and military leadership of the Russian Federation for committing the crime of aggression against Ukraine. The issue of the aggressor state's responsibility was considered at the level of international organisations and bodies in terms of the special tribunals establishment. In addition, in January 2023, representatives of 20 countries gathered in Prague for a regular group meeting on the special court establishment for crimes of Russian aggression against Ukraine [16, p. 24].

It should be noted that despite the support of world leaders for Ukraine, 2025 saw a sharp change in US foreign policy towards Ukraine. Donald Trump's inauguration in January 2025 coincided with a critical stage in the Russian-Ukrainian war, when Ukraine was in need of international solidarity and material support. Instead, the new administration abruptly changed its political course. As early as February 2025, the United States joined Russia (along with Belarus and North Korea) in voting against a UN General Assembly resolution condemning Russia's decision to go to war [17]. This unprecedented move ended the unity of Western allies in supporting Ukraine and signalled that Washington was no longer prepared to automatically defend Ukraine on the international stage. In addition, the Trump administration has demonstratively shifted its focus from multilateral formats (such as platforms involving the EU, NATO, and the UN) to bilateral negotiations with key players. [18] It is said that while the US is effectively pressuring Ukraine to make concessions, European leaders are taking the opposite position. On the day when the American delegation to the UN sided with Russia, prominent European politicians were in Kyiv, declaring their unwavering support for Ukraine.

Based on the results of the study, the authors have reached the following conclusions:

1. International legal nihilism in modern conditions is the systematic and deliberate disregard or denial of international law norms and principles, manifested in the refusal to fulfil international obligations, the undermining of international institutions authority, and the use of actions that contradict the established rules of the world legal order.

2. Despite its developed and systematised regulatory framework, international humanitarian law lacks an effective mechanism to ensure compliance. The course of the Russian-Ukrainian war demonstrates a deep divide between the declared principles and their actual application in modern conditions, which contributes to stimulating aggression by the Russian Federation.

3. The forms of international legal nihilism manifestation by the Russian Federation are: disregard for the principles of proportionality, distinction and precaution in war; refusal to fulfil international obligations; use of unconventional warfare methods.

4. The following periods of manifestation should be highlighted: in connection with the annexation of Ukrainian territories in 2014; during the annexation; after the full-scale invasion on 24 February 2022.

5. The absence of effective sanctions and enforcement mechanisms by international organisations demonstrates the need to reform the UN Security Council and the Bretton Woods system and to establish effective international tribunals to counter aggression and restore the effectiveness of international law.

6. The signing of strategic agreements, such as the Ukraine-US Bilateral Security Agreement (2024), did not ensure sustained support due to a change in political course. This demonstrates the weakness of international mechanisms designed to guarantee the security of states, which is a manifestation of international legal nihilism. The change in the US political position in 2025 and the focus on bilateral agreements indicate an undermining of collective international standards and rules, which exacerbates the crisis in the global security space.

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