

та позанавчальних закладів з питань створення безпечних умов для дітей та проведення роз'яснювальних заходів серед батьків. Важливу роль може відігравати також надання безоплатної правової допомоги, зокрема через університетські юридичні клініки, які мають активно поширювати інформацію щодо своєї діяльності. Тільки через спільні зусилля можна створити умови для того, щоб діти відчували себе захищеними та мали можливість розвиватися в безпечному оточенні, незважаючи на труднощі воєнного часу.⁷⁵

На прикладі українських дітей стало зрозуміло, що у світі немає єдиної глобальної системи безпеки дітей. Про це зазначила уповноважена Президента України з прав дитини та дитячої реабілітації Дар'я Герасимчук.⁷⁶ Тому необхідно докладати спільних зусиль для захисту прав дітей в умовах війни, проводити подальші наукові дослідження щодо проблем забезпечення прав людини загалом і прав дитини зокрема, щоб привернути увагу до необхідності дотримання міжнародних стандартів та сприяння відновленню прав дітей в умовах війни.

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75 Маланчук Т. В. Захист дітей в умовах війни: проблеми та виклики з погляду прав людини. *Вісник Луганського навчально-наукового інституту імені Е.О. Дідоренка*. 2024. № 2 (106) Ч.1. С. 29–39. DOI: <https://doi.org/10.33766/2786-9156.106.1.29-39>

76 Депортовані українці у так званих «пунктах тимчасових розміщень» – місце перебування чи нові табори? Укрінформ. URL : <https://www.ukrinform.ua/rubric-presshall/3778720-deportovani-ukrainci-u-punkтах-timcasovih-rozmisen-misce-perebuvanna-ci-novi-tabori.html> (17.01.25).

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THE LEGAL AND INSTITUTIONAL ASPECTS OF REGULATING HIGHER EDUCATION IN UKRAINE DURING THE FULL-SCALE WAR

The war in Ukraine, which began in 2014, has significantly impacted all aspects of public life, particularly the higher education system. After the large-scale invasion in 2022, universities faced unprecedented challenges related to relocation, infrastructure damage, and the need to ensure the accessibility of education for students affected by the war. In 2022, the gov-

ernment was forced to rapidly adapt the regulatory framework to these new realities. A series of legislative acts had to be adopted to ensure the operation of higher education institutions during martial law. At the same time, international support played a crucial role in ensuring the resilience and development of the educational system, continuing to influence higher education and the prospects for future cooperation.

The challenges caused by the war that have been recognized as urgent include the danger to participants in the educational process, extensive destruction of educational infrastructure (damage to educational institution buildings and technical training facilities), forced relocation of participants in the educational process in Ukraine and abroad, disruption of the continuity of the educational process, and others¹.

The aim of the study is to identify the main aspects of state regulation of higher education during wartime, identify key challenges, and propose recommendations for overcoming them, as well as to highlight the role of international support in the implementation of educational activities and the further internationalization of higher education. The study applies a multidisciplinary approach, analyzing legal acts adopted during martial law, statistical data, and survey data. Legal aspects related to higher education during the war include a series of legislative and regulatory initiatives aimed at supporting universities, students, and faculty.

One of the key areas of legal regulation is ensuring the continuity of the educational process, including the transition to distance learning and the adaptation of curricula to new realities. Legislative changes concern not only the organization of learning but also the funding of higher education institutions, ensuring the rights of students and faculty, and guaranteeing safety for participants in the educational process.

Since 2015, such regulation has primarily been carried out in accordance with the Law of Ukraine “On the Legal Regime of Martial Law”, which established new principles of institutional and legal regulation of the education sector, transferring the powers of local authorities, particularly in terms of managing educational institutions, to military administrations in the respective areas². At the same time, the Ministry of Education and Science remains the central authority in the field of

1 Освіта України в умовах воєнного стану. Інформаційно-аналітичний збірник // Міністерство освіти і науки України. Київ, 2022. URL: <https://mon.gov.ua/storage/app/media/zagalna%20serednya/serpneva-konferencia/2022/Mizhn.serp.n.ped.nauk-prakt.konferentsiya/Inform-analityc.zbirn-Osvita.Ukrayiny.v.umovakh.voyennoho.stanu.22.08.2022.pdf> (30.12.2024).

2 Про правовий режим воєнного стану: Закон України від 12.05.2015 № 389-VIII (зі змінами та доповненнями). URL: <https://zakon.rada.gov.ua/laws/show/389-19>, Про введення воєнного стану в Україні: Указ Президента України від 24.02.2022 № 64/2022. URL: <https://www.president.gov.ua/documents/642022-41397> (30.12.2024).

education, science, scientific-technical, and innovative activities, as well as in the field of state control over the activities of educational institutions³.

The situation remained unchanged with the onset of full-scale war. The first government action for regulating the education sector at all levels was the order of the Ministry of Education and Science “On the Establishment of the MoES Situational Center”, which allowed for the functioning of a consultative and advisory body during martial law. The main task of the MoES Situational Center was to ensure the activities of the relevant minister during the period of martial law. In addition, the Cabinet of Ministers of Ukraine approved the Strategy for the Development of Higher Education in Ukraine for 2022–2032 and the Operational Plan for its Implementation in 2022–2024, which outlines the priorities of the higher education system and aims to mitigate the effects of russian armed aggression⁴.

In these conditions, the priority task remains ensuring the safety of participants in the educational process. The war has led to the destruction of some university buildings, libraries, and laboratories, particularly in Eastern and Southern regions of Ukraine. The damages of technological infrastructure led to the limited access to essential academic resources. Many institutions were forced to relocate, with some setting up temporary campuses in safer regions. According to the MoES order “On Certain Issues of Organizing the Work of Vocational Pre-Higher and Higher Education Institutions During Martial Law” dated March 7, 2022, institutional foundations were created to implement measures for protecting participants in the educational process, preserving educational institution property, conducting evacuation procedures, organizing special learning conditions for students in the Armed Forces of Ukraine or territorial defense units, and establishing legal conditions for the evacuation and relocation of educational institutions from occupied areas and those where active hostilities are taking place⁵. In March 2022, the Ministry of Education and Science recommended temporarily suspending educational processes or using distance or blended learning formats⁶ to ensure

3 Чабанна М. В. Регламентация вищої освіти в період повномасштабної війни в Україні: відповідь держави на виклики. // *Empirio*. 2024. Т. 1, № 2. С. 35–44.

4 Про схвалення Стратегії розвитку вищої освіти в Україні на 2022–2032 роки : розпорядження Кабінету Міністрів України від 23.02.2022 №286-р. URL: <https://www.kmu.gov.ua/npas/pro-shvalennya-strategiyi-rozvitku-vishchoyi-osviti-v-ukrayini-na-20222032-roki-286> (30.12.2024).

5 Освіта України в умовах воєнного стану. Інформаційно-аналітичний збірник // Міністерство освіти і науки України. Київ, 2022. URL: https://mon.gov.ua/storage/app/media/zagalna_%20serednya/serpneva-konferencia/2022/Mizhn.serp.n.ped.nauk-prakt.konferentsiya/Inform-analitic.zbirn-Osvita.Ukrayiny.v.umovakh.voyennoho.stanu.22.08.2022.pdf (30.12.2024).

6 Чабанна М. В. Регламентация вищої освіти в період повномасштабної війни в Україні: відповідь держави на виклики. // *Empirio*. 2024. Т. 1, № 2. С. 35–44.

the safety of students and faculty. One of the immediate responses to the war was the rapid transition to remote and hybrid forms of learning. This transition, while essential for ensuring the continuity of education, posed numerous challenges. The digital divide, particularly in rural areas and among displaced populations, hindered students' access to online learning platforms. And although universities in Ukraine had made strides in digitalization before the war, the scale and speed of the shift to remote education were unprecedented. The transition to online learning was regulated by the Cabinet of Ministers of Ukraine Resolution No. 123 of 2022, which established the right of higher education institutions to adapt curricula for distance learning. On the one hand, for displaced students and those who resumed operations in the pre-war format, maintaining distance or blended learning became a way to preserve human resources and student numbers. At the same time, the use of distance formats and the mentioned digitalization have provided expanded opportunities for the further internationalization of education, which has become one of the priority directions for maintaining the quality of the educational process⁷. (By the end of the 2022–2023 academic year, most institutions continued to operate in mixed (53 %) and distance (29 %) formats, with 18 % holding in-person classes⁸).

Overall, maintaining the appropriate level of educational services and scientific activities within universities is a challenging but achievable task that leading institutions are successfully carrying out. At the same time, the institutional quality level of education is ensured by the National Agency for Quality Assurance in Higher Education, in collaboration with the government and the Ministry of Education and Science⁹.

In 2022, the Verkhovna Rada adopted the Law of Ukraine “On Amendments to Certain Laws of Ukraine Regarding the Features of Organizing the Educational Process Under Martial Law”. This law provides for simplifying the admission process for applicants from conflict zones, including the cancellation of external independent testing in certain cases and the introduction of a National Multidisciplinary Test. The specifics of the admission process for higher education were outlined in the Ministry of Education and Science order “On Amendments

7 Чабанна М. В. Регламентация вищої освіти в період повномасштабної війни в Україні: відповідь держави на виклики. // *Empirio*. 2024. Т. 1, № 2. С. 35-44.

8 Більшість викладачів та студентів позитивно оцінили організацію освітнього процесу у 2022/2023 навчальному році // Державна служба якості освіти України. URL: <https://sqe.gov.ua/bilshist-vikladachiv-ta-studentiv-po/> (30.12.2024).

9 Чабанна М. В. Регламентация вищої освіти в період повномасштабної війни в Україні: відповідь держави на виклики. // *Empirio*. 2024. Т. 1, № 2. С. 35-44.

to the Admission Procedure for Higher Education in 2022”. Conditions were also created for privileged categories of entrants and higher education seekers, which applied to special conditions for participation in competitive selection¹⁰. In total, in 2022, the format of external independent assessment was changed to a national multimedia test in the format of computer-based online testing in educational institutions¹¹. Legislation also provides for the creation of special quotas for students who lost the ability to study due to displacement. Additionally, resolutions have been adopted to regulate the redistribution of funding to support higher education institutions hosting internally displaced persons (IDPs).

So, universities faced challenges in implementation, including insufficient funding, technical obstacles (as distance learning requires access to quality internet and modern equipment), and bureaucratic hurdles (as some legal acts have complex implementation mechanisms, creating difficulties for higher education institutions in meeting legislative requirements). Although the state budget was adapted to allocate additional resources to support higher education institutions through subsidies for infrastructure restoration, ensuring digital technologies, and providing grants to universities that suffered the greatest losses, the budget deficit became a key barrier to fully implementing these measures. Prior to the war, Ukrainian universities were primarily funded through a combination of government allocations, tuition fees, and external research grants. However, the onset of the full-scale invasion led to an immediate shift in government priorities, with substantial portions of the national budget redirected towards defense and emergency measures. As a result, universities saw a reduction in state funding, which traditionally constituted a large portion of their operating budgets. The financial pressure on the state budget forced universities to operate under severely constrained fiscal conditions. Many universities redirected funds that would have gone toward infrastructure development, academic research, and other projects to cover more immediate operational costs, such as ensuring the safety of staff and students, maintaining online or hybrid learning platforms, and adapting to the needs of displaced people. Another significant challenge for university financing was the disruption to student enrollment patterns. Economic instability caused by the war, along with inflation and unemployment, affected the ability of students to contribute to university finances. In response, some

10 Фахова передвища і вища освіта в умовах воєнного стану / Міністерство освіти і науки України. 16.11.2022. URL: <https://mon.gov.ua/ua/news/fahova-peredvisha-i-visha-osvita-v-umovah-voyennogo-stanu> (30.12.2024).

11 Чабанна М. В. Регламентация вищої освіти в період повномасштабної війни в Україні: відповідь держави на виклики. // *Empirio*. 2024. Т. 1, № 2. С. 35-44.

universities introduced flexible payment schemes or tuition fee reductions for affected students, further straining the universities' financial positions. Despite these challenges, many Ukrainian universities were able to secure international funding through donations, grants, and partnerships with foreign institutions. However, such funding was often limited and not always sufficient to cover the full range of needs. In addition to state and international funding, some universities sought financial support from the private sector. Collaborations with businesses, particularly in technology and innovation sectors, helped supplement university budgets. Many universities sought partnerships for research projects, offering expertise in various fields that aligned with the interests of private companies, thus securing additional funding through collaborative initiatives. Moreover, according to the Ministry of Education and Science of Ukraine, approximately 20 % of higher education institutions were affected by destruction or occupation. This complicates the normal functioning of universities and requires significant funds for their restoration.

Another factor worth noting is the migration of students and faculty caused by the military actions in the country. As a result, many universities faced a decline in the number of students, especially in regions close to active combat zones. It is also important to consider that the transition to distance learning occurred unevenly due to technical and organizational difficulties. For example, some students lacked access to quality internet or the necessary equipment. Additionally, the transition to distance learning increased the workload on faculty members, who had to quickly adapt to new teaching formats.

At the same time, the achievements include the flexibility of the educational process (which allows adapting curricula and educational processes to wartime conditions), the development of education internationalization, particularly through the introduction of international standards (as the mobility mechanisms introduced promote the integration of Ukrainian higher education into the global educational community), and support for faculty and students from combat zones and internally displaced persons. A significant achievement is also the use of digital platforms for learning, which provided access to education even in remote regions. Overall, the war stimulated the implementation of modern technologies in the learning process. Specifically, universities began actively using online platforms (Moodle, Zoom, Microsoft Teams) and developing their own resources for distance learning. This contributed to an increase in digital literacy among both students and faculty.

Some universities established partnerships with European and American institutions, which facilitated Ukraine's integration into the global educational community. The main forms of international support include financial assistance (grants from the European Commission, the World Bank, and other international organizations for the restoration of universities and support for scientific research, as well as scholarship programs for students who were forced to leave their homes due to the war), technical assistance (in the form of computer equipment, access to licensed software and educational materials, as well as support in creating online platforms for distance learning), and the development of cooperation between Ukrainian and foreign universities, including joint research, student and faculty exchange, and participation of Ukrainian universities in programs such as Erasmus+, Horizon Europe, and other international initiatives.

The relevant financial assistance allows for the restoration of damaged university buildings, the purchase of equipment, and the creation of safe learning spaces. International programs promote the implementation of modern teaching methods, the development of digital competencies among faculty and students, and the expansion of access to educational resources. Thanks to participation in international projects, Ukrainian universities have gained the opportunity to integrate into the global educational community, attract international students and faculty. It is also worth noting the growing popularity of academic mobility mechanisms for students and faculty, particularly through exchange programs with international partner universities, which allowed students to temporarily study at foreign institutions while maintaining their place at Ukrainian universities.

To coordinate the involvement and use of international aid aimed at supporting the implementation of state policies to achieve declared strategic priorities in education and science, the Sectoral Working Group "Education and Science" was created at the Ministry of Education and Science of Ukraine, with participation from international organizations, foreign diplomatic missions, non-governmental organizations, and projects that implement programs supporting Ukrainian education and science¹². To assist with the coordination of domestic students' enrollment in foreign higher education institutions, the "Ukrainian Global University" program was established, which "helps Ukrainians apply to foreign educational institutions with the condition that graduates return

12 Освіта України в умовах воєнного стану. Інформаційно-аналітичний збірник // Міністерство освіти і науки України. Київ, 2022. URL: https://mon.gov.ua/storage/app/media/zagalna_%20serednya/serpneva-konferencija/2022/Mizhn.serp.n.ped.nauk-prakt.konferentsiya/Inform-analitic.zbirk-Osvita.Ukrayiny.v.umovakh.voyennoho.stanu.22.08.2022.pdf (30.12.2024).

to Ukraine after their studies”¹³. Among the institutions participating in this program are universities from France, Germany, Italy, the United States, and Canada. Moreover, one of the immediate needs for the education sector during the martial law period is the establishment of educational hubs abroad to assist Ukrainian refugees, provide them with the opportunity to study according to national standards, and offer psychological support¹⁴.

At the same time, it is important to consider that Ukrainian universities face bureaucratic barriers and a lack of experience in implementing international projects, and dependence on international aid could create risks for the sustainability of the education system.

These achievements and challenges are reflected in surveys of students and faculty. Some respondents acknowledged that the war conditions stimulated the search for new solutions and increased the flexibility of the education system. According to a survey presented by the State Service for Quality Education of Ukraine, the overwhelming majority of respondents (86 %) were satisfied with the format of the educational process. The vast majority of academic staff (89 %) indicated that they were satisfied with the chosen format, with the highest satisfaction reported by lecturers working in classrooms (96 %). Nearly half of the faculty members (44 %) who worked remotely preferred the blended format, while one in five (19 %) would have preferred in-person teaching. Sixteen percent of the academic staff preferred the distance learning format (this position among faculty members did not change during the second half of the 2022-2023 academic year)¹⁵. The students, particularly those studying remotely (86 %), were most satisfied with the learning format. More than a third of respondents among professional pre-higher and higher education students (40 %) would prefer distance learning if possible, while a quarter (25 %) preferred in-person learning.

Data from a faculty survey conducted as part of the “Education during the War” project, supported by the Ministry of Education and Science of Ukraine and the European University Association in November 2023, showed the following: 70 % of faculty members reported an increased workload due to the transition to

13 Шацька З. Адаптація закладів вищої освіти України до умов воєнного стану. URL: er.knutd.edu.ua/bitstream/123456789/20211/1/PIONBUG_2022_P053-054.pdf (30.12.2024).

14 Освіта України в умовах воєнного стану. Інформаційно-аналітичний збірник // Міністерство освіти і науки України. Київ, 2022. URL: https://mon.gov.ua/storage/app/media/zagalna_%20serednya/serpneva-konferencia/2022/Mizhn.serp.n.ped.nauk-prakt.konferentsiya/Inform-analitic.zbirn-Osvita.Ukrayiny.v.umovakh.voyennoho.stanu.22.08.2022.pdf (30.12.2024); Чабанна М. В. Регламентація вищої освіти в період повномасштабної війни в Україні: відповідь держави на виклики. // *Empirio*. 2024. Т. 1, № 2. С. 35-44.

15 Більшість викладачів та студентів позитивно оцінили організацію освітнього процесу у 2022/2023 навчальному році / Державна служба якості освіти України. URL: <https://sqe.gov.ua/bilshist-vikladachiv-ta-studentiv-po/> (30.12.2024).

new forms of learning, 55 % noted insufficient technical resources at universities for organizing quality distance learning, and 40 % of faculty members indicated the need to improve qualifications in digital technologies.

Therefore, state regulation of higher education during the war has demonstrated significant potential for adaptation but also revealed critical issues. Overall, legislative regulation of higher education during wartime became a key tool for adapting the education system to crisis conditions. Major achievements include the implementation of distance learning, support for internally displaced persons, and the simplification of enrollment procedures. However, to effectively implement these measures, it is necessary to address several obstacles related to funding, technical support, and bureaucratic barriers.

Reduced government support, declining student enrollment, and the need for financial reallocation to wartime priorities have forced universities to become more resourceful and flexible in their financial management. While international donations and private sector collaborations have helped mitigate some of the impact, the ongoing financial sustainability of Ukrainian higher education institutions will rely on continued external support, creative funding mechanisms, and long-term investments in rebuilding the sector post-war. Despite the immense financial challenges, Ukrainian universities have shown considerable resilience. Many institutions adopted creative strategies to maintain their operations, such as organizing virtual fundraisers, forming academic collaborations with foreign universities, and launching crowdfunding campaigns. Additionally, universities have been exploring new models of financing, including greater reliance on research grants, online programs, and services for international students.

In this context it is essential to continue improving the regulatory framework, taking into account the experiences of other countries. At the same time, innovations introduced under crisis conditions may serve as the foundation for the long-term development of the education system. Strengthening international cooperation, improving mechanisms for financial support to educational institutions, and focusing on the development of infrastructure, the digitalization of education, and the removal of technical and financial barriers will be key areas for future efforts.