

## Editorial

The current issue of Kyiv-Mohyla Law & Politics Journal continues to follow the path of interdisciplinarity and resilience. Despite the ongoing aggression of Russian Federation against Ukraine and all the hardships connected to it, constellation of devoted authors, strict reviewers and editors, as well as respected sponsors has managed to offer high quality academic research papers. Five academic articles and three reflections submitted by the authors from Germany, Austria, Estonia, Lithuania, Indonesia, and Ukraine focus on different areas of law and political science but most of these papers touch upon historic processes in Ukraine. This issue includes a number of research findings presented by their authors at International Scientific and Practical Conference “Principles of Law: Universal and National in the Context of Modern Globalization and European Integration Processes” held at the National University of Kyiv-Mohyla Academy on June 21-22, 2024.

The issue starts with substantive contribution by **Gaabriel Tavits** “European Union Labor Law and its Harmonization into National Law. Estonian Experience and Current Situation,” where Professor Tavits provides his insight into the Estonian experience of EU labor law harmonization into Estonian national law. He covers the cases of the application of European Union law to labor relations based on Estonian law, the competence of the European Union to establish legal norms in labor relations, and individual examples of how Estonia has applied European Union law to various aspects of labor relations.

The following three articles focus on legal and political aspects of the Russia’s aggression against Ukraine. The article “Invocation of International (Treaty) Law Principles Against an Aggressor State: Suspension, Restriction of Membership Rights, Explanation?” by **Indré Isokaitė-Valužė** and **Gabija Grigaitė-Daugirdė** deals with the invocation of the main principles of international law and treaty law, in particular, *pacta sunt servanda*, *bona fide*, *jus cogens* and *the rule of law*, in order to support the right to suspend, limit or restrict membership rights of the Russian Federation in international treaties and international organizations in the context of aggression against Ukraine. The authors provide a thoughtful insight into the core international law values and emphasize that international law has always evolved around unprecedented events following universal legal values, and aggression against Ukraine obliges members of the international community to undertake responsibility and use international law solutions, including invocation of international (treaty) law principles in order the aggressor State does not benefit from grave breaches of international law and progressive development of international law is being ensured.

The third article “Peremptory Norms of General International Law (*Ius Cogens*) and Russia’s Aggression Against Ukraine” by German legal scholar **Felix Herbert** covers the issue of the breach of *ius cogens* norms designed to protect the values of international community by

Russian Federation. The author divides the effect of *ius cogens* into two sets, one concerning the invalidating effect of *ius cogens* on conflicting legal acts, the second concerning state responsibility. The author covers the obligations of non-recognition and non-assistance in situations created by serious *ius cogens* breaches, and the obligation to cooperate to end such breaches.

The fourth article “Ukraine’s Accession Process to the EU: Judicial Reform in the Focus” by **Mykola Kolotylo** covers the bilateral relations between the EU and Ukraine in the light of granting the candidate status and commencing the accession process and focuses on the judicial reform in Ukraine aimed at implementing EU standards and regulations in the area.

The fifth article “Externalized Outcasting of Russia: Interdisciplinary Analysis” by **Dmytro Soldatenko** examines the external outcasting regime imposed on Russia through various unilateral measures by identifying key aspects of the outcasting regime, including its legal basis, manifestations, timeline, and configuration as well as examining the US sanctions documents, and identifying the unique configuration of outcasting regime.

The five articles in this issue are followed by three reflections. The first one continues the topic of Russia’s unprovoked aggression against Ukraine. **Martin Malek’s** presentation “Visions of Russia’s Imperial Future. The Russian Discourse on the Restoration of the USSR or a Russian Empire after 1992” reflects on the major steps Russia has undertaken to establish itself as a revisionist and imperialist superpower attempting to control foreign territories and/or conquer them by military force.

This reflection is followed by “Death Penalty as Applied to the States. The View through Legal Certainty as an Element of the Rule of Law” by **Ievgen Zvieriev**, where the author introduces the term “death penalty as applied to the states” and makes attempt to provide starting points for further analysis of the concept via rule of law instruments, namely legal certainty. The comparative analysis between death penalty as applied to humans and the death penalty as applied to the states is conducted in order to establish those starting points.

The journal issue is finalized by the reflection “Bank Uncertainty Regarding Inventory Collateral in Indonesian MSME Loans” by **Trisadini Usanti** and **Sulani Sulani** reflects on the obligation in providing easy access to funding for MSMEs, which creates a dilemma for Indonesian banks when the collateral is in the form of inventory objects. This can cause uncertainty for banks as collateral recipients. This research examines legal protection efforts for banks when MSME credit guarantees are in the form of inventory objects.

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of **Baker McKenzie – Ukraine** and National University of Kyiv-Mohyla Academy Faculty of Law alumnus **Andrii Slobodeniuk**. The whole Kyiv-Mohyla Law & Politics Journal team would like to express our greatest appreciation to our sponsors for their generous support of quality academic publications and our work.

Prof. Dr. Roman Petrov, Editor-in-Chief  
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