

Access to Justice in Eastern Europe

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Editor-in-Chief's Note

ABOUT ISSUE 1 OF 2024

In my introductory remarks, I kindly direct the attention of our esteemed audience to several notably significant articles from Ukraine published in this issue while also highlighting some new features of the Journal.

We are in the process of updating our issue listings, and this particular edition is denoted as Volume 7, Issue 1 since the Journal's foundation in 2018.

Additionally, I am excited to share the vision behind our new cover. Thanks to our talented graphic designer, we can now thoughtfully capture the essence and significance of music and culture in society, reflecting their impact on everyday life and academic research.

The intersection of culture and music can profoundly impact scientific development, especially in the context of law. It is well-known how paintings and visual arts may impact humans and reflect ideas of justice at particular stages of humanity's evolution.

I want to draw attention to music as a catalyst for social change, facilitating legal activism and instigating changes. Throughout history, music has been a powerful tool for social and legal activism. Songs can bring attention to legal issues, advocate for change, and mobilise public opinion.

Our cover features a brilliant concept for developing the country and society, brought to life by law student and renowned Ukrainian poet Pavlo Chubynskyi. These words lie at the heart of the Ukrainian people, expressing their unstoppable desire for independence and freedom. The music for the anthem was created by Mykhailo Verbytskyi, an exceptional composer and one of the founders of modern Ukrainian music.

The potential influence of culture on science, particularly music's impact on shaping public opinion and legal doctrine, is not thoroughly researched. Therefore, during times of crisis, these generalised symbols fall into the minds as guiding posts and reflections of the people's aspirations and inclinations.

Shifting the focus to several notable articles, let us begin with 'Personal Status Of War-related Migrants: What is Relevant to Determine the Applicable Law?' by **Iryna Dikovska**, which explores the crucial aspect of determining the applicable law for a personal statute. This determination holds significance in regulating family and inheritance relations with a foreign element, along with addressing civil status issues. The author aims to analyse the impact of the actual circumstances of war-related migrants' lives, such as their migrant status and the duration of their stay in a particular country, on determining the law applicable to their status.

The author concludes that a person's migration status does not affect the determination of the law applicable to their personal status. When a conflict-of-laws rule requires an analysis of a migrant's life circumstances, factors such as employment opportunities, language knowledge, family or business ties, and the desire to stay in a particular country may be considered. For certain war-related migrants affected by conflict due to war, the law governing their personal status can be determined through the Convention Relating to the Status of Refugees of July 28 1951. It is noted that these individuals do not need formal refugee status but must meet the refugee criteria outlined in the Convention. Additionally, the law applicable to the personal status of individuals with subsidiary or temporary protection may also be determined based on the Convention. When using the Convention to determine the law applicable to personal status, adopting a broad understanding of the concept is advisable. The realistic intention of a migrant to stay in the country they fled can be a significant factor indicating domicile in that country. In the absence of a choice of law made by the parties in a specific relationship, the issues covered by the personal statute of a war-related migrant, not meeting the refugee criteria, may be governed by the law of the state to which the migrant has the closest connection when the relevant issue is brought before the court. These conclusions offer insights into the legal complexities surrounding familial, inheritance, and civil status matters for war-related migrants.

Another insightful article is ‘Criminal Law Protection of the Ukrainian External Voting to the State Authorities in Post-War Conditions (A Case Study of Poland)’ written by **Oksana Kaluzhna** and **Lidiia Paliukh**, explores the feasibility of conducting elections for Ukrainian state authorities in foreign electoral districts, particularly in light of the conditions arising from the full-scale invasion of Ukraine by the Russian Federation in February 2022. The study, with a special emphasis on the Republic of Poland as a case study, aims to provide insights applicable to other countries hosting a significant number of Ukrainian citizens.

The research highlights the substantial number of Ukrainians residing abroad, especially refugees, with Poland hosting over 1.5 million Ukrainian refugees. Acknowledging the challenges posed by the diaspora's size, the article argues for effective mechanisms for organising external voting, which is essential to ensure the democratic participation of this substantial portion of the electorate.

The final article I would like to bring to your attention is ‘The Implementation of the Consensual Tenet in Modern Civil Procedure: A Comparative Analysis of Court-Connected Settlement Procedures Applied in Australia, Lithuania, and Ukraine’ co-authored by **Tetiana Tsuvina**, **Sascha Ferz**, **Agnė Tvaronavičienė**, and **Paula Riener** who investigate the evolving landscape of civil procedure, moving from adversarial models to cooperative and consensual approaches. The primary focus is on the practical implementation of mutual cooperation and consensuality principles in civil procedure, specifically examining court-connected settlement procedures in Austria, Lithuania, and Ukraine.

The comparative analysis leads the authors to conclude that ideas of a socially oriented and consensual civil procedure are manifested in these countries through the introduction of settlement-oriented methods like court conciliation and court mediation. Despite a common understanding of these amicable procedures, the research identifies essential differences in the theoretical understanding of the concept and its implementation across jurisdictions. The article serves as a valuable example and study to assist dispute resolution practitioners and researchers in gaining a nuanced understanding of implementing court-connected settlement-oriented procedures in diverse legal contexts.

In this issue of AJEE, we present additional compelling and noteworthy articles and notes that merit the attention of our readers. I want to convey my sincere appreciation to all the contributing authors and the peer reviewers who have played a crucial role in maintaining the excellence of our content and have shared their valuable results with us.

Simultaneously, I would like to express gratitude to our dedicated team, comprising managing editors, language editors, and assistant editors. Let us take pride in our collaborative efforts, recognising that this essential work contributes significantly to the evolution of legal and social sciences.

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