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INTERNATIONAL RESPONSIBILITY OF STATES IN AIR LAW

International air law occupies an important place in the system of modern international law. Its development is driven by the growth of air transportation volumes. In this sphere, there arise issues that require thorough study and scholarly justification. One such issue is the responsibility of states in international air law.

One of the oldest principles of international law is the principle of good faith in the performance of international obligations (pacta sunt servanda). This principle is the cornerstone of international law, as it is based on the goodwill of states. According to the UN Charter, all members of the organization are obligated to faithfully perform their obligations. One of the peculiarities of international responsibility is its primary subject - the sovereign state. For a long time, a nihilistic concept had a significant influence in international law, according to which the sovereign state was considered responsible only to itself, and mutual state responsibility conflicted with sovereignty. Even in the context of monetary compensation, goodwill was emphasized rather than legal obligation.

This concept significantly differed from international practice, as states constantly demanded compensation for wrongful acts. The legal character of international responsibility is confirmed by the practice of international judicial bodies. Absolute sovereignty contradicts modern international law and hinders international communication, as it implies denying the sovereignty of other states. However, subjects of international law assume responsibility for adhering to certain principles and norms.

International responsibility used to be predominantly private-law-oriented, focusing on compensation for damages. However, it always had a public-law character due to the subjects embodying it. The traditional idea of international responsibility shifted after the adoption of the Articles on State Responsibility for Internationally Wrongful Acts in 2001 and the United Nations resolution "Responsibility of States for Internationally Wrongful Acts" in 2016. These documents embrace the concept of objective responsibility, not necessarily linked to harm or fault.

This concept unveils the essence of contemporary international responsibility. Sovereignty is exercised through interaction with international legal obligations that states undertake. The concept of international responsibility entails mutual accountability among states without restricting

their sovereignty.

International legal responsibility is a set of legal relations arising in international law due to a breach committed by a state or other subject of international law, or as a result of harm caused by one party to another through lawful actions. In English, there are two concepts describing "international responsibility" - "responsibility" and "liability." The term "responsibility" reflects the material liability of a state for its unlawful actions. The first term relates to responsibility for international breaches, while the second concerns the consequences of actions not contrary to international law. It is important to define the features of responsibility that reflect the modern concept of international legal responsibility. It arises from an international breach or negative consequences of actions not yet contrary to international law. Its primary purpose is to ensure international order. It is associated with negative consequences for the wrongdoer. It is realized in international legal relations arising between the wrongdoer (usually a state) and the international community as a whole (in cases of breaches of jus cogens norms and erga omnes obligations) [1, c. 38].

States bear political and international responsibility for breaches of principles and norms of international air law, which can have serious consequences, such as suspension of their voting rights in the ICAO Assembly, according to Article 88 of the Chicago Convention. Under international legal norms, states are responsible for violating the sovereignty of foreign states in airspace.

There are two main types of state international legal responsibility: political and material. Some scholars consider such responsibility as material and non-material, believing that it always manifests in a political form. Political responsibility typically involves the application of coercive measures against the offending state and is accompanied by material compensation. The most common forms of political responsibility include satisfaction, restoration, and various limitations of sovereignty, such as suspension of membership or exclusion from an international organization, and declarative decisions. Satisfaction, as a form of political responsibility, entails the obligation of the offending state to compensate not only for material damage but also for moral harm inflicted on the honor and dignity of another state. The choice of certain types of compensation depends on the level of damage inflicted and the specific political situation. Restoration is a form of political responsibility that involves restoring the previous state of affairs by the offender and rectifying all negative consequences thereof. For example, this may include the return of unlawfully annexed territory and compensation for property damage. Material responsibility arises from a state’s breach of its international obligations, resulting in material harm. This requires the guilty state to compensate for the damages caused by the breach [2].

Thus, the responsibility of states now extends beyond territorial boundaries,

encompassing breaches in airspace sovereignty. It underscores states' duty to adhere to international norms, with violations leading to political and material consequences, ranging from coercive measures to reparations. This paradigm shift reflects the evolving dynamics of international relations, emphasizing the interplay between sovereignty and shared global responsibilities.

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ВІДПОВІДАЛЬНІСТЬ КЕРІВНИКА У ПРОЦЕДУРІ БАНКРУТСТВА В УМОВАХ ВОЄННОГО СТАНУ

Формування інституту банкрутства пройшло тернистий історичний процес, протягом якого даний інститут трактувався як пошук варіантів виходу із ситуації неспроможності боржника задовольнити вимоги кредитора за своїми зобов'язаннями. Тривалий час це питання розглядалося в межах виконавчої процедури за судовими рішеннями. Зазначимо, що на сьогодні єдиний науковий підхід до визначення категорії «банкрутства» відсутній. Так, на думку Н. Лазарєвої банкрутство є спеціальним правовим механізмом вирішення проблем заборгованості приватної особи шляхом визнання її неспроможною [1, с. 365-366]. Однак, нормативне визначення поняття «банкрутство» чітко регламентоване в Кодексі України з процедур банкрутства. Керуючись, ст. 1 цього Кодексу, банкрутство - це визнана господарським судом нездатність боржника, крім страховика або кредитної спілки, відновити свою платоспроможність за допомогою процедури санації та реструктуризації і погасити встановлені у порядку, грошові вимоги кредиторів інакше, ніж через застосування ліквідаційної процедури або процедури погашення боргів боржника [2].

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