

Such determination will allow to set the unique general principles, methods, measures of fight and co-operations of the states, more effective to co-operate on questions delivery of criminals and from the whole package of other questions. At the level of national legislation maintenance of concept «corruption» must open up through the list of acts, which will represent the specific of the legal system of every separate state.

References

1. Мельник М. І. Кримінологічні та кримінально-правові проблеми протидії корупції: автореф. дис. ... д-ра юрид. наук: 12.00.08 / Нац. акад. внутр. справ. Київ, 2002. 40 с.
2. Чернявський С. С. Теоретичні та практичні основи методики розслідування фінансового шахрайства: автореф. дис. ... д-ра юрид. наук: 12.00.09 / Київ. нац. ун-т внутр. справ. Київ, 2010. 34 с.
3. Ліщенко В.М. Доказування на досудових стадіях кримінально го процесу у справах про одержання хабара: автореф. дис. ... канд. юрид. наук: 12.00.09 / Нац. акад. внутр. справ. Київ, 2011. 22 с.
4. Бусол О.Ю. Протидія корупційній злочинності в Україні у контексті сучасної антикорупційної стратегії: автореф. дис. ... д-ра юрид. наук: 12.00.08 / Ін-т держави і права ім. В.М. Корецького НАН України. Київ, 2015. 39 с.
5. Campbell L. Corruption by Organized Crime? – A Matter of Definition? *Current Legal Problems*. 2016. Vol. 69. No. 1. P. 115–141.
6. Lane Jan-Erik. Corruption: A New Analysis. *Open Journal of Political Science*. 2017. No. 7. P. 157-169.
7. Naziru Suleiman, Zaleha Othman. Corruption Typology: A Review of Literature. *Chinese Business Review*. 2017, Feb. Vol. 16. No. 2, P. 102-108.

Received to editorial office 20.09.2018

Summary

The degree of categorical certainty of the notion of corruption was researched on the basis of the experience of conceptualization of the phenomenon of corruption in international program documents and scientific works of modern foreign researchers.

Keywords: *corruption, counteracting corruption, international legal act, corrupt acts criminalization.*



Eleonora Skyba

Dr of Philos. S.

(The Dnipropetrovsk State University of Internal Affairs)

DOI: 10.31733/2078-3566-2018-2-67-73

CONCEPT OF LEGAL CONSCIOUSNESS IN PHILOSOPHY OF LAW OF BOGDAN KISTYAKIVSKY

Скиба Е. КОНЦЕПТ ПРАВОСВІДОМОСТІ У ФІЛОСОФІЇ ПРАВА Б. КІСТЯКІВСЬКОГО. Охарактеризовано основні характеристики категорій право, правосвідомість. Проаналізовано характеристики ідеї Б. Кістяківського про «живе право». Доведено, що правові категорії і ціннісні орієнтації є структурними елементами правосвідомості учасників суспільних відносин.

Визначено, що у ученні Кістяківського право – це система раціональних принципів. Вони включають базові апіорні категорії свідомості, якими керуються суб'єкти суспільних відносин в повсякденній реальності. Уточнено, що Б. Кістяківський розглядає правосвідомість як сукупність раціональних висновків і душевних переживань особистості, які викликають добровільне прийняття нею зобов'язань.

Ключові слова: *правосвідомість, природне право, апіорні категорії правосвідомості, живе право, позитивізм.*

Formulation of the problem. The development of Ukrainian statehood is characterized

by significant changes in the consciousness of the individual and society. At this time, special attention should be paid to the philosophical comprehension of the reasons for the existence of various types of right thinking. It is philosophy that reflects the problems of social interests formation, the goals of individual development, and analyses the legal principles. The problem of legal justice is very important in today's Ukraine. The study of the problem of legal consciousness allows you to analyze the possibility of raising the level of legal awareness, which will increase the social role of law. An appeal to the works of Bohdan Kistyakivsky is important for understanding the sources of formation, development of the legal consciousness of society. Bohdan Kistiakivsky, Ukrainian philosopher of law and sociologist of Neo-Kantian orientation, was one of the organizers of the Academy of Sciences of Ukraine and is famous as one of the prominent scientists on the problems of legal consciousness.

To solve a lot of social and legal problems in today's Ukraine it is necessary to study the in-depth content-psychological mechanisms of social interaction, to analyze causal relationships, motivational means of forming the legal consciousness as an individual and collective one.

Analysis of recent research and publications. Different aspects of the problem of legal consciousness were considered in the scientific works of foreign and domestic authors. T. Korshun studied the problems of legal consciousness and natural sources of legal consciousness of B. Kistyakivsky, M. Alchuk studied the whole idea of "living Law" and concept of legal consciousness of B. Kistyakivsky, V. Datcenko analyzed the problems of social philosophy of B. Kistyakivsky, and pointed her attention with the issues of methodology and sociology of Law of B. Kistyakivsky, M. Velmer gives of lot of very important ideas on the problem of human rights and democracy formation.

The purpose of the article. The purpose of the article is to analyze the metaphysical grounds of legal consciousness in the philosophy of law B. Kistyakivsky. It is necessary to identify the essential characteristics of Kistyakivsky's legal consciousness in order to understand the problems of legal crises. It is important to determine the peculiarities of law in the philosophical and legal concepts of B. Kistyakivsky and to analyze the problem of legal freedom of the individual.

Presentation of the main material. At the beginning of the XX century, the new trends in the philosophy of law are arisen and spread of. Philosophers who analyze the general principles of law are increasingly focusing on the concept of legal consciousness as one of the main indicators of the implementation of the idea of law in society. Representatives of various scientific schools determine that the basis of the concept of legal consciousness is grounded on different values. One of such lawyers is Bogdan Kistiakovsky (1868 - 1920), whose works became especially interesting and important in connection with state-building processes in independent Ukraine. He studied at the University of Berlin at the Faculty of Philosophy, listened to seminars at the University of Paris and at the University of Strasbourg and in 1898 he defended his doctoral dissertation "Society and Individuality" in Strasbourg. In February 1917 he defended a dissertation at the Kharkiv University for a degree in Doctor of Public Law. In the last years of his life he was preparing a work entitled "The Law and Science of the Law. Methodological Introduction to the Philosophy of Law", which he called his main book and it was supposed to sum up the scientific discussions of the beginning of the XX century in the sphere of law. It is believed that the only manuscript of the book was destroyed by a fire in the Yaroslavl printing press of 1918, so only a small fragment of the book came to light.

Kistyakivsky studies the main principles of law regulation and concludes that the categories of necessity, obligation, and justice are the main principles of the law regulation, and justice. Studying the problem of universal values, he as a philosopher, and a lawyer, concludes that the concept of human rights is the embodiment of universal values and is the basis for the development of justice in society.

In the doctrine of B. Kistyakivsky the concept of law is a system of rational principles, which built on categories of consciousness and which determine the social relations of subjects in the real legal life. The scientist defines legal consciousness as a cumulative result of the work of categories of consciousness, such as rational conclusions and emotional experiences of the person while taking on legal obligations. Proceeding from understanding of the category of law as rational principles, he distinguishes the following categories of legal consciousness: necessity, obligation, and justice. These categories of consciousness are used by scientist as basic and fundamental for both the individual's legal consciousness and for his system of "living" law.

Freedom is analyzed as a key legal value and a basis of legal consciousness. The purpose of granting freedom in the understanding of Kistyakivsky is to create conditions for the

harmonious development of personality. A scientist's approach to determining the priority of a person or a state is very important for the present-day Ukraine. For Kistyakivsky, the necessity of constructing the legal order in society is connected with the recognition of the priority of the interests of the individual. A mutual understanding of society, personality, and state is very valuable for contemporary pluralism as a social principle. Kistyakivsky believes that any social progress should be carried out in order to achieve individual freedom. Social progress, in his understanding, is the achievement of a higher degree of freedom for each individual. Only such a state of development of society, stresses the scientist, guarantees public justice.

The analysis of B. Kistyakovsky's ideas, proves that the scientist concentrates his attention on the issues of natural and positive law. The choice between positive and natural law is very important for the formation of philosophical and ideological position for each representative of the philosophy of law. As it was analyzed, in the early period B. Kistyakivsky put all his attention with the methodology of legal positivism. It is evidenced by his involving to sociology, psychology. But law, in his understanding, is not limited to the orders of the authorities or laws of the state. Law is implemented and exists in the real legal application of an individual in real life; in the understanding of laws by each of the members of the society; law is carried out in public relations between subjects. As we can see, for Kistyakovsky, natural law is the only criterion for verifying the truth of the existing legal orders, rules, and laws.

Kistyakivsky emphasizes the special significance of legal consciousness and notes that it participates in the creation and implementation of law, fills legal norms and general legal principles with human content. Through the legal consciousness, each person represents his own worldview and the level of spiritual culture. The category of legal consciousness reveals an understanding of freedom and a desire for justice.

The whole system of philosophical and legal views of the prominent Ukrainian scientist is determined by the appointment of the right of that sense of justice. According to Kistyakivsky, the law as legal regulator is necessary for the formation of common social values. Legal regulation provides an opportunity to ensure a relatively peaceful existence of a person in society. The main task of the law and order is to ensure the freedom of the individual, creating conditions for non-interference of the state in the life of each person. Such a system creates conditions for non-interference in the life of a person; this allows everyone to form their personality in accordance with their own ideas about the essence of human life.

Adoption of the idea of natural law means the need to address the practical aspects of legal materials and the general problems of person as a subject of law.

The scientist stresses that natural - legal thinking is defined as the ability of the individual to evaluate the current law, and to develop strategies for changing legislation and law and legal rules.

Kistyakivsky introduced the term "living law" into circulation of legal terminology in order to emphasize the opposition of a truly existing law and law documented in the "dead" formal documents. "Living law" is a phenomenological law in its nature. The "living law" exists only in the minds of individuals and differs in the details of the perception of different persons.

Thus, "living law" has a real impact on the legal situation in the country. A legal norm issued by the state should be perceived by the legal consciousness of the country's population. State laws should become an integral part of the legal consciousness of a significant part of the population of the country; in this case they will affect the formation of legal relations in society. Legal norms, acting in the form of categories of independence, necessity, justice are formed and realized in each particular life legal situation, form the person's legal consciousness.

While thinking of the state, B. Kistyakivsky identifies it with the cultural mankind that lives in a cultural union. For a scientist, a cultural man and a state are two concepts, which complement each other: the state is unthinkable without a cultural man, as well as a cultural person can not be understood without a state.

B. Kistyakivsky sets higher requirements for a law-governed state than for other types of state entities. He writes that the rule of law is the highest form of state existence that mankind has made as a real fact. Modern scholars also argue that the rule of law in general is very similar to the constitutional and differs only in certain moments of its perfection.

B. Kistyakivsky does not determine the constitution as one of the most important signs of a law-governed or justice state. The thinker models the justice state on the principles, some of which are well-known and used in world practice. Some of these principles are not yet used by modern justice state. Especially, we should note the ideas of legal culture, social justice, democracy, which are of great importance for the revival and development of Ukrainian

political and legal thought.

Characterizing the justice and legal state, B. Kistyakivsky pointed to such an important feature of it as the limited nature and subjugation of power and its impersonal nature.

Firstly, in his opinion, the primary deterrent factor of power is not the laws that restrict power, but it is the inalienable, inviolable, rights of the individual. These rights are not granted by the state, but are natural and must be regulated.

Secondly, B. Kistyakivsky wrote that a legal state is not only a state that limits itself to standards established by its own will and fulfills these norms. In the modern legal state not individuals govern, but general rules or legal norms govern. So, the state must turn into a legal phenomenon, where every act of the government apparatus, court and other official body is determined and ruled by the relevant law, which coincide with the constitutional principle.

In general, B. Kistyakivsky paid special attention to the legislative, as the representative body of the state. He believed that the Parliament should carry out the management of state affairs through the people when involving them into state govern. Therefore, he considered Parliament as the most important branch among the three branches of power.

B. Kistyakivsky believed that citizens should execute their right to manage state affairs, depending on their own legal culture, and sense of responsibility. They should do it through political parties, public organizations. Therefore, in a rule of law, there should be a large variety of non-state structures. Particularly, the work of parties should be directed at socially pushed elements that could, with their help, influence the state life.

In a law-governed, legal state, the law must be entirely subordinated to the people. B. Kistyakivsky grants citizens all political rights of the personality, which are written down in the Constitution of Ukraine in 1996.

B. Kistyakivsky wrote that no restrictions on electoral law can be inadmissible. He maintained progressive views on the inadmissibility of any qualifications, unjustified restrictions on the right to elect and to be elected.

Kistyakivsky called for an increase level of legal consciousness among the people, the conviction in people's greater respect for the law and human rights. To achieve this aim it is necessary strive to the strengthening the sense of responsibility, recognition of the importance of state and national interests, strengthening social and social awareness, and most importantly thing, we should activate national solidarity.

B. Kistyakivsky, speaking about the state, identifies the state as the cultural mankind that lives in a cultural union. For a scientist, a cultural man and a state are two concepts, which complement each other: the state is unthinkable without a cultural man, as well as a cultural person cannot be thought without a state.

Especially we should note the ideas of legal culture, social justice, democracy, which are of great importance for the revival and development of Ukrainian political and legal thought.

Characterizing the rule of law, B. Kistyakivsky pointed to such an important feature as the limited nature of law and subjugation of power and its impersonal nature. Thinking of the question what B. Kistyakivsky meant by using such concepts we can see the following.

In his opinion, the primary factor of limiting power is not the laws that restrict power, but the inalienable, inviolable, rights of the individual. These rights are not granted by the state, but are natural and regulated obligatory.

The legal means to achieve the above-mentioned ideas the scientist believed to be the following:

- the inviolability of the person (the duty of the state to the person);
- realization of the people's right to the public's representation;
- solidarity of the authorities and solidarity of the nation: the guarantee of this solidarity is the universal vote right executed through equal, direct and secret voting;
- participation of the people in the process of lawmaking and govern.

B. Kistyakivsky wrote that it is necessary every person strives and only then the person will be ready to dare. So, the person will be free. The purpose of social development is not that the members of society wait for charity from the side of society, but that no members will expect or look for charity. In a legal state the responsibility for the proper functioning of the law depends on the people themselves.

The people must participate in the creation and organization of state institutions. People should be interested in state affairs, because, according to B. Kistyakivsky the organization of the legal state depends on the will of the people. Without an active attitude to the legal order and pub-

lic interests that comes from the consciousness of the people the rule of law is unthinkable.

Consequently, the rule of law arises under the condition of a high level of legal awareness and the presence of people with a developed sense of political responsibility. In his work "For the Protection of Law" B. Kistyakivsky analyzes the legal consciousness of society at the beginning of the twentieth century and concludes that the biggest disadvantage of legal norms is that they express only the external form of law and do not express the legal beliefs of the people, and therefore do not stimulate people to respect and to comply with the law. Therefore, he believed, the crisis of jurisprudence is caused by the crisis of the legal consciousness of society.

Scientific works are devoted to the theory of law and sociology. He wrote on political topics and defended the rule of law and democratic principles, defended the finality of the constitution, criticized the "poverty of legal consciousness".

An integral part of B. Kistyakivsky's theory of law is his concept of a law-governed state. The state is a legal organization of the people, which fully owns its own power, and not dependent on power. All cultural human beings lived and live in state units, where man and state are two concepts that complement each other. So, the cultural person cannot be understood without the state. Kistyakivsky was negatively concerned with the notions of the state as a merciless despot. State must not be organization that has the aim to suppress the economically weak and poor. He saw the real task of the state in realizing the solidarity interests of people.

Kistyakivsky demanded to clearly distinguish the notion of "sovereignty", or the rule of the people and "autocracy of the people", warned that their identification could return autocracy of the people, whose despotism is more terrible than the despotism of one person. Ideas of unlimited people's power contrasted with the principle of popular sovereignty: the connection of state power in a legal society with the people, its participation in the organization of state power through elections on the basis of universal equal suffrage, the establishment of state institutions through the people's representation. Only with the support of the people and in support of the state power in the rule of law remains power, keeps its own and independent value, creating a certain unity with the people. The unity of power with the people always remains the main goal and the basic aspirations of all the rule of law.

Kistyakivsky called for raising the level of legal awareness among the people, his conviction in his greater respect for the law, his and other rights, strengthening the sense of responsibility, recognition of the importance of national and national interests, strengthening social and social responsibility.

Kistyakivsky emphasizes the special significance of legal consciousness and notes that it participates in the creation and implementation of law, fills legal norms and general legal principles with human content. Through the legal consciousness, each person represents his own worldview and the level of spiritual culture. The category of legal consciousness reveals an understanding of freedom and a desire for justice.

The whole system of philosophical and legal views of the prominent Ukrainian scientist is determined by the appointment of the right of that sense of justice. According to Kistyakivsky, the law as legal regulator is necessary for the formation of common social values. Legal regulation provides an opportunity to ensure a relatively peaceful existence of a person in society. The main task of the law and order is to ensure the freedom of the individual, creating conditions for non-interference of the state in the life of each person. Such a system creates conditions for non-interference in the life of a person; this allows everyone to form their personality in accordance with their own ideas about the essence of human life.

Adoption of the idea of natural law means the need to address the practical aspects of legal materials and the general problems of person as a subject of law.

The scientist stresses that natural - legal thinking is defined as the ability of the individual to evaluate the current law, and to develop strategies for changing legislation and law and legal rules.

Kistyakivsky introduced the term "living law" into circulation of legal terminology in order to emphasize the opposition of a truly existing law and law documented in the "dead" formal documents. "Living law" is a phenomenological law in its nature. The "living law" exists only in the minds of individuals and differs in the details of the perception of different persons.

Thus, "living law" has a real impact on the legal situation in the country. A legal norm issued by the state should be perceived by the legal consciousness of the country's population. State laws should become an integral part of the legal consciousness of a significant part of the population of the country; in this case they will affect the formation of legal relations in society. Legal norms, acting in the form of categories of independence, necessity, justice are formed

and realized in each particular life legal situation, form the person's legal consciousness.

While thinking of the state, B.Kistyakivsky identifies it with the cultural mankind that lives in a cultural union. For a scientist, a cultural man and a state are two concepts, which complement each other: the state is unthinkable without a cultural man, as well as a cultural person can not be understood without a state.

B. Kistyakivsky sets higher requirements for a law-governed state than for other types of state entities. He writes that the rule of law is the highest form of state existence that mankind has made as a real fact. Modern scholars also argue that the rule of law in general is very similar to the constitutional and differs only in certain moments of its perfection.

B. Kistyakivsky does not determine the constitution as one of the most important signs of a law-governed or justice state. The thinker models the justice state on the principles, some of which are well-known and used in world practice. Some of these principles are not yet used by modern justice state. Especially, we should note the ideas of legal culture, social justice, democracy, which are of great importance for the revival and development of Ukrainian political and legal thought.

Characterizing the justice and legal state, B.Kistyakivsky pointed to such an important feature of it as the limited nature and subjugation of power and its impersonal nature.

Firstly, in his opinion, the primary deterrent factor of power is not the laws that restrict power, but it is the inalienable, inviolable, rights of the individual. These rights are not granted by the state, but are natural and must be regulated.

Secondly, B.Kistyakivsky wrote that a legal state is not only a state that limits itself to standards established by its own will and fulfills these norms. In the modern legal state not individuals govern, but general rules or legal norms govern. So, the state must turn into a legal phenomenon, where every act of the government apparatus, court and other official body is determined and ruled by the relevant law, which coincide with the constitutional principle.

In general, B. Kistiakivsky paid special attention to the legislative, as the representative body of the state. He believed that the Parliament should carry out the management of state affairs through the people when involving them into state govern. Therefore, he considered Parliament as the most important branch among the three branches of power.

B.Kistyakivsky believed that citizens should execute their right to manage state affairs, depending on their own legal culture, and sense of responsibility. They should do it through political parties, public organizations. Therefore, in a rule of law, there should be a large variety of non-state structures. Particularly, the work of parties should be directed at socially pushed elements that could, with their help, influence the state life.

In a law-governed, legal state, the law must be entirely subordinated to the people. B.Kistyakivsky grants citizens all political rights of the personality, which are written down in the Constitution of Ukraine in 1996.

B.Kistyakivsky wrote that no restrictions on electoral law can be inadmissible. He maintained progressive views on the inadmissibility of any qualifications, unjustified restrictions on the right to elect and to be elected.

He points that the state must not oppress a person. As Kistyakivsky stresses, a person must have the right to legal protection from the state. But the scientist did not support the idea of the passive behavior of a person in relations with state bodies. He opposed paternalism in the relations between the individual and the state. B.Kistyakivsky wrote that it is necessary every person tries to achieve his public recognition; as the next step, the person must overcome his fears to be involved in public life; and only then he will be free. The purpose of social development is not that members of society obtain charity from the society, but that nobody expected or waited for charity but was the responsible for legal state functioning.

Conclusion. Ukrainian society is not yet ready to be a civil society due to the low legal culture, lack of awareness of citizens with their own rights and inability to defend them. The discrepancy between the level of the legal culture of citizens and the existing regulatory framework can undermine all the efforts of legislators to bring our state closer to legal state. B. Kistyakovsky's ideas about the rule of law have acquired not only scientific but also practical value and are an important stimulus for Ukraine's advancement to its constitutional ideal.

The process of formation of the rule of law is difficult, because, first of all, in order to achieve the goal, political and legal reforms in Ukraine are needed. Consequently, one can not but mention the close connection between the formation of the rule of law, the social interests of the people and culture (including the legal) of society as a whole.

References

1. Алчук М. Філософія права Б. Кістяківського. Львів: Вид-во ЛНУ ім. Івана Франка, 2010. 300 с.
2. Даценко В. Соціальна філософія Б. Кістяківського. *Гуманітарний журнал*. 2009. № 2. С. 99-105.
3. Кістяківський Б. Методологія та соціологія права. Вибрані твори. Київ: Абрис, 1996. С. 97-274.
4. Kistykyivsky V. Society and Individual. *Cocis*. 1996. № 2. P. 9-274.
5. Коршун Т. Природні джерела правосвідомості І. Львіна та Б. Кістяківського. *Філософія. Культура. Життя*. 2012. Вип. 37. С. 85-99.
6. Велмер М. Права людини і демократія. Київ: Ніка-Центр, 2008. 212 с.

Received to editorial office 01.06.2018

Summary

Characterized by the main characteristics of categories of law, legal consciousness. The characteristics of Kistyakovskiy's idea of "living law" are analyzed. It is proved that legal categories and value orientations are structural elements of the legal consciousness of participants in social relations.

It is determined that in the teachings of Kistyakovskii law is a system of rational principles, including the basic a priori categories of consciousness, which guided the subjects of social relations in everyday reality. It is clarified that Kistyakovskiy regards the sense of justice as a set of rational conclusions and emotional experiences of the individual causing its voluntary acceptance of its obligations.

Keywords: *legal consciousness, natural law, a priori categories of justice, living law, positivism.*

Yuriy Viznytsya

Ph.D., As. Prof.

(the Kryvyi Rih Faculty of the Dnipropetrovsk State University of Internal Affairs)

DOI: 10.31733/2078-3566-2018-2-73-77

CRIMINAL AS AN ELEMENT IN HYBRID WAR

Візниця Ю. ЗЛОЧИННА ДІЯЛЬНІСТЬ ЯК СКЛАДОВА ГІБРИДНОЇ ВІЙНИ.

Аналізується кримінальна діяльність як складова сучасної гібридної війни. Окрему увагу приділено ролі злочинності в збройному протистоянні на Сході України, завданням, що стоять перед правоохоронними органами в цьому процесі.

Метою дослідження є визначення місця і ролі кримінальної діяльності в гібридній війні, зокрема на прикладі російсько-українського збройного протистояння на Сході України.

На полі бою в сучасному збройному конфлікті поряд з регулярними військами з'являється безліч нових дійових осіб – іррегулярні формування повстанців і бойовиків, кримінальні банди, міжнародні терористичні мережі, приватні військово-промислові компанії та легіони іноземних найманців, підрозділи спецслужб різних країн світу, а також військові контингенти міжнародних організацій. На Заході новий тип війни отримав назву «гібридної війни». Метою цього дослідження є визначення місця і ролі кримінальної діяльності в гібридній війні, зокрема на прикладі російсько-українського збройного протистояння. Гібридну війну у загальному вигляді розуміють як воєнні дії, що здійснюються шляхом поєднання мілітарних, квазімілітарних, дипломатичних, інформаційних, економічних та інших засобів з метою досягнення стратегічних політичних цілей. Специфіка такого поєднання полягає в тому, що кожний із військових і невійськових способів ведення гібридного конфлікту застосовується у воєнних цілях та використовується як зброя. Перетворення на зброю (weaponization) відбуваються і в медійній сфері. Розмитість і невизначеність природи сучасних конфліктів відбивається у множинності термінологічних назв для широкого спектра явищ: гібридна війна, конфлікти у «сірій зоні», або «сірі війни» (graywars), необмежені конфлікти (unrestricted conflicts) та ін., що мають на меті відрізнити сучасні війни від традиційних, або конвенційних, видів збройних конфліктів. Застосування додаткових термінологічних «наліпок» для нинішніх конфліктів, їхнє нав'язливе повторювання поза поглибленою рефлексією над сутністю справи змушує деяких експертів сумніватися, чи варто взагалі говорити про появу нових форм ведення війн. Дехто з військових теоретиків категорично відмовляє гібридним війнам у сутнісній специфіці, інші наполягають на тому, що така специфіка