

The essence, content and features of the territorial defense of Ukraine

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Abstract. *In the article, based on the analysis of the scientific views of scientists and the norms of the current legislation, the author proposes a definition of the concept of "territorial defence." Attention is focused on the fact that the concept of territorial defence is characterised by its special content, which, as it is seen, is revealed through the system of principles for the implementation of such activities as well as its goals and objectives.*

It is argued that territorial defense is most expediently interpreted as a nationwide complex of military and other special measures regulated by the norms of current legislation, which are implemented both in peacetime and in the event of the introduction of special legal regimes of social life (in particular, martial law), with the aim of ensuring national security through countering military threats, providing assistance in protecting the population, territories, natural environment, and property of the state and citizens from emergency situations.

It was established that the content of territorial defense is a set of actions based on the principles defined by legislation, which are implemented by specially authorized entities with the aim of ensuring the security and integrity of the national space, protecting the lives and property of citizens, as well as preserving the sovereignty, territorial integrity and independence of the state, as in peacetime, as well as in special periods, in particular in conditions of external military aggression.

It is summarized that the meaning of territorial defense is as follows: firstly, it is the first and main level of protection of the country in case of possible aggression or threat from the side of an external enemy; secondly, it promotes public involvement in the country's defense process; thirdly, it allows to ensure the development of internal stability and unity in society; fourthly, it creates conditions for mutual understanding between the military and the population, which strengthens the degree of national unity and a sense of belonging to one's state. In addition, territorial defense contributes to the development of territorial infrastructure and increasing the level of protection of the population in case of crisis situations.

Key words: *territorial defense, national security, goal, task, principles.*

Problem statement. Territorial defence, as a military concept, entered the military doctrine in the second half of the 20th century as a result of the Second World War and the evaluation of the role of the actions of partisans, people's militias, and underground organisations behind enemy lines, which significantly helped the Soviet Army and the armed forces of the anti-Hitler coalition in the fight against the fascist military war-machine. At that time, the military science of European states, including the Soviet one, made an attempt to make the phenomenon of popular resistance in war more organised and controlled, as close as possible to the actions of the armed forces, and agreed with them [1, p. 219]. In modern Ukraine, territorial defence as an organisational and legal phenomenon actively began to develop with the beginning of military aggression against Ukraine in 2014. However, this process took place quite slowly.

State of the study. Separate problematic issues related to the territorial defence of Ukraine were considered in their scientific works by: D.M. Globa, K.O. Emelianenko, M.M. Lobko, A.M. Murashko, Yu.L. Kalgushkin, O.V. Nesterenko, I.V. Romanskyi, and many others. However, despite significant theoretical development, there is a lack of theoretical studies in the scientific literature dedicated to clarifying the essence and

content of the territorial defence of Ukraine.

Purpose and objectives of the study. The purpose of the article is to define the concept as well as reveal the content and significance of territorial defence in Ukraine. In order to achieve this goal, the following tasks must be completed: generalise theoretical approaches to the interpretation of the concept of "territorial defence"; outline the purpose, tasks, and principles that reveal the content and purpose of territorial defence.

Scientific novelty of the study. The scientific novelty of the article lies in the fact that the definition of the concept was further elaborated in the work, as well as the fact that the content and significance of territorial defence in Ukraine were revealed.

Presentation of the main material. Starting with the scientific research, we should note that the very term "territorial defence" acquired legislative confirmation only on the eve of a full-scale invasion. As noted by D.M. Globa and K.O. Yemelianenko, during martial law in Ukraine, the Territorial Defense Forces of the Armed Forces of Ukraine are one of the main components of the community's life during martial law, capable of resolutely repulsing the invading enemy and carrying out defence activities at the local level. The previously regulated legal status of voluntary formations of territorial communities made it possible to form active and determined citizens in

the shortest possible time to organise defence fortification measures on the ground, thereby creating a nationwide system of defence measures in every local self-government body and populated area of Ukraine. The system of territorial defence of Ukraine was formed as a component of the defence system, which contains a mandatory feature of territoriality and is fixed by its administrative boundaries to a certain territorial community or the territory of a certain settlement [2, p. 13-14]. The direct relationship of territorial defence to the elements of national security is also confirmed by the fact that the Military Security Strategy of Ukraine, among other goals of the implementation of state policy in the military sphere, the sphere of defence, and military construction, provides for the creation of a powerful territorial defence, which, in cooperation with the resistance movement, will contribute to increasing the level of the state's defence capability, the unity of society, and patriotic education of citizens, giving the defence of Ukraine a national character, and the readiness of the population for the defence of the state [3].

In NATO countries, territorial defence is understood as a complex of state and military measures that are carried out for the direct defence of the state and support on its territory for military operations by the troops that are part of this military-political bloc. In most NATO member countries (USA, Germany, Great Britain, etc.), the armed forces carry out tasks to protect national interests as part of joint forces or independently. The armed forces can be involved in the defence of the territory if the performance of such tasks does not affect the performance of state defence measures [4, p. 155].

The draft Law of Ukraine "On Territorial Defense," which was proposed back in 2015, defined territorial defence as a nationwide system of military and special measures carried out throughout the territory of Ukraine or in its individual localities with the tasks defined by this Law. The tasks of territorial defense included: "guarding and protecting the state border; provision of conditions for reliable functioning of state authorities, military administration bodies, strategic (operational) deployment of troops (forces); protection and defense of important objects and communications; fight against sabotage and intelligence forces, other armed formations of the aggressor and illegal armed formations; organization, preparation and coordination of the resistance movement in case of occupation of the territory of Ukraine or its part; organization and implementation of evacuation measures; carrying out emergency rescue and other urgent work in dangerous areas; protection of the population from the consequences of military operations, accidents (destructions) caused by the use of weapons, terrorist acts and sabotage; maintenance of the legal regime of martial law and states of emergency" [5]. At the same time, in the current legislation, the concept of "territorial defence" is constructed somewhat differently. In connection with the fact that for a long time the normative-legal definition of "territorial defence" did not reveal the completeness of its essence, various approaches to the meaning of this term have developed in the legal literature.

Territorial defence in itself, as quite rightly pointed out by I.V. Romanskyi, has a high degree of national significance because it is a socio-legal institution that has the following unique features: firstly, its content consists of special measures of a national, military, and special nature, which have a special procedure for their implementation and purpose regulated by the norms of the Constitution and a number of legislative and by-law normative legal acts of Ukraine; secondly, the functioning of territorial defence is related to the support and protection of such integral components of Ukrainian statehood as: territorial integrity, sovereignty, political stability, law and order, etc. Each of them directly affects the state of well-being of society as a whole, its ability to actually enjoy the rights provided for and guaranteed by the Constitution, as well as the very fact of Ukraine's existence as an integral, sovereign, and independent state [6, p. 223].

According to O.V. Nesterenko, the term "territorial defence" is characterised by a special content load. According to the researcher, this concept can be conditionally divided into two separate components, each of which has its own meaning, namely: "territorial" and "defence.". The last concept is often equated or confused with such words as "protection," which is, in the opinion of the author, a big mistake because the content load of all the presented words is quite different. Despite the fact that territorial defence is a legal category, the effect of which is limited to a certain area, in order to protect the latter from external military aggression, its planning and organisation are carried out by higher state authorities and military command [7, p. 104]. This characteristic of territorial defence is based on the territorial nature of measures managed by central state authorities. Under the territorial defence of P.P. Skiba, understands a kind of popular resistance that is organised and carried out under the leadership and control of the state and is aimed at facilitating the actions of the regular army to achieve victory over the aggressor. In its essence, territorial defence should be organised and managed by the central government and the people's armed resistance to the aggressor, which is carried out by the Territorial Defense Forces in cooperation with all subjects of the Armed Forces of Ukraine [1, p. 221-222].

Yu.L. Kalgushkin defines territorial defence as a set of national or regional actions of its subjects to apply military and special measures, carried out in a special period with the tasks of: protection and defence of the state border; provision of conditions for reliable functioning of state authorities and military administration bodies, strategic (operational) deployment of troops (forces); protection and defence of important facilities and communications; fight against sabotage and intelligence forces, other armed formations of the aggressor and anti-state illegally formed armed formations; maintaining the legal regime of martial law [8, p. 8]. Thus, on the basis of the concept of territorial defence, the author puts the activities of subjects in the context of the implementation of defined tasks.

Thus, territorial defence is an important component of national security as well as one of the priority directions for the implementation of the Military Strategy of Ukraine. Therefore, it is most appropriate to interpret territorial defence as a nationwide complex of military and other special measures regulated by the norms of current legislation, which are implemented both in peacetime and in the event of the introduction of special legal regimes of social life (in particular, martial law), with the aim of ensuring national security through countering military threats and providing assistance in protecting the population, territories, natural environment, and property of the state and citizens from emergency situations. In view of the proposed definition, the concept of territorial defence is characterised by its special content, which, as it is seen, is revealed through the system of principles for the implementation of such activities, as well as its goals and objectives.

Thus, taking into account the essence of territorial defence as well as the purpose and tasks of the latter, Yu.L. Kalgushkin proposes to divide the principles on which it is based into three groups: general legal principles; organisational principles, and functional principles. The first group consists of basic principles, which are the basis of all legal fields without exception: first, the principle of ensuring the rights and freedoms of a person and a citizen; second, the principle of the rule of law; and third, legalities. In the context of territorial defence, the effect of the principle of legality and the rule of law is manifested in the activities of subjects who implement the measures provided for by this phenomenon. In accordance with the stated principles, the latter must conduct their activities exclusively within the framework of the legal field in compliance with the requirements established by the current legislation without deviating from the normative rules. The principles of the organisational basis of territorial defence are: the principle of planning, the administrative-territorial principle; and the principle of prevention. The last group consists of the principles of functional principles, which are the guiding ideas for the practical implementation of territorial defence. The author included the following in their composition: the principles of sufficiency and expediency, the principle of efficiency, and the principle of effective interaction. In accordance with the principles of sufficiency and expediency, measures limiting the constitutional rights of citizens are applied [9, p. 22-23].

Currently, the Law of Ukraine "On the Basics of National Resistance" includes the principles of territoriality, massiveness, minimum time for deployment and bringing units of territorial defence to readiness for action, unity of command, centralisation of management and decentralisation, and controlled autonomy of application to the special principles on which territorial defence is based, forces and means of territorial defence, activity, determination, and

continuity of conducting territorial defence, perseverance in achieving the goal of territorial defence, coordinated, joint use of forces and means involved in conducting territorial defence, continuity of interaction of forces and means of territorial defence, comprehensive consideration, and full use of moral and psychological factors [10].

The principles of territorial defence affect such elements of its content as: the direction, purpose, and tasks of activities that implement measures of territorial defence. Yes, the goal determines specific tasks related to its implementation. In the scientific literature, it is emphasised that the goal of territorial defence is to achieve and ensure the appropriate level of national security for Ukraine in certain territories through the implementation of appropriate military and special measures applied during a special period. The author names the following tasks of territorial defence: a) guarding and protecting the state border; b) provision of conditions for reliable functioning of state authorities, military administration bodies, and strategic (operational) deployment of troops (forces); c) protection and defence of important objects and communications; d) fight against sabotage and intelligence forces, other armed formations of the aggressor, and illegally formed armed formations; e) maintenance of the legal regime of martial law; e) ensuring public safety and order, since their implementation is aimed at ensuring the stability of social relations [8, p. 11]. M.M. Lobko points out that it is advisable to assign additional tasks to territorial defence: ensuring public safety, protection of public order; combating crime; fight against terrorism; participation in information security activities; ensuring the safety of the population and territories, liquidation of emergency situations; carrying out sabotage actions behind enemy lines to destroy (disable) military infrastructure facilities used by the enemy in the occupied territories; pointing friendly aircrafts at enemy targets and adjusting the strikes and fire of missile and artillery means, in particular high-precision ones; seizure of important documents, samples of weapons and military equipment of the enemy; release of hostages and prisoners of war; disorganization of the occupation authorities' work; expansion of the movement of resistance in the rear of the enemy; exposing the informational and propaganda influence of the enemy and conducting informational activities among the population in the temporarily occupied territories; participation in the performance of special tasks together with the Special Operations Forces of the Armed Forces of Ukraine. Therefore, in the opinion of the author, territorial defence in the region (district, city) must not only fulfil the tasks assigned to it but also ensure the safety of the population and territories and resist the occupier [11, p. 33]. M.M. Lobko quite broadly interprets territorial defence, which includes a wide range of measures that must be implemented, including in the territories occupied by the aggressor. It is appropriate to emphasise that the tasks of territorial defence must be clearly defined by the current legislation and implemented within the competence and powers of the implementing entities.

Conclusions. Therefore, the above analysis makes

it possible to state that the content of territorial defence is a complex of actions based on the principles defined by legislation, which are implemented by specially authorised entities with the aim of ensuring the security and integrity of the national space, protecting the life and property of citizens, as well as preserving sovereignty, territorial integrity, and independence of the state, both in peacetime and in special periods, in particular in conditions of external military aggression. Achieving the specified goal is preceded by the following tasks: 1) planning and preparation for possible and/or existing threats; 2) creation and support of territorial military formations; 3) preparation for mobilisation of available resources, in particular: human, material, and financial, to meet defence needs; 4) the development of military-civilian cooperation, which involves the involvement of public organisations, volunteers, and local authorities in the support and implementation of territorial defence measures;

5) the formation and development of defence infrastructure; 6) providing the population and military units with information about the current situation and rules of behaviour in the conditions of a threat.

Thus, the conducted analysis makes it possible to generalise that the meaning of territorial defence is as follows: firstly, it is the first and main level of protection of the country in case of possible aggression or threat from the side of an external enemy; secondly, it promotes public involvement in the country's defence process; thirdly, it allows to ensure the development of internal stability and unity in society; fourthly, it creates conditions for mutual understanding between the military and the population, which strengthens the degree of national unity and the feeling of belonging to one's state. In addition, territorial defence contributes to the development of territorial infrastructure and increases the level of protection of the population in crisis situations.

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