

The concept and types of measures to ensure the legal regime of martial law

Dmytro Vlasenko,

Postgraduate degree seeker at Kharkiv National University of Internal Affairs

ORCID: <https://orcid.org/0009-0003-2672-8745>

Abstract. The article emphasises that measures to ensure the legal regime of martial law are a complex of legal, organisational, and administrative actions aimed at maintaining public safety and order, ensuring national security, and protecting the rights and freedoms of citizens during the introduction of martial law. These measures provide for temporary restrictions on the rights and freedoms of citizens, as well as the granting of additional powers to state authorities and the military command, which are necessary and sufficient for an effective response to threats to national security.

It is noted that the legal basis for the introduction of measures to ensure the legal regime of martial law is the relevant norms of the Constitution of Ukraine, the Law of Ukraine "On the Legal Regime of Martial Law," as well as normative legal acts adopted in connection with the introduction of martial law. These normative legal acts define both general principles and specific mechanisms and procedures for the implementation of the specified measures.

It has been emphasised that in the modern conditions of challenges and threats to the national security of Ukraine, measures to ensure the legal regime of martial law are an important tool for the protection of statehood, sovereignty, and territorial integrity of the country. Their implementation should ensure a balance between the need to protect national security and respect for the rights and freedoms of citizens. This requires clear legal regulation and compliance with the principles of legality and proportionality when applying these measures.

Attention is focused on the need to improve national legislation in the field of martial law, in particular regarding the definition of the essence of measures to ensure the legal regime of martial law in the Law of Ukraine "On the Legal Regime of Martial Law," conditions of application, and control procedures for their implementation.

Key words: concepts, types, measures, legal regime of martial law, administrative and legal security, legal regulation.

Problem statement. From the first days of the full-scale invasion of the Russian Federation into Ukraine, along with repelling and deterring armed aggression, which is ensured thanks to the stability of the Security and Defence Forces of Ukraine, administrative and legal support for the implementation of the measures of the legal regime of martial law has acquired fundamental importance for increasing the state's defence capabilities. The basis of such provision is a complex and multidimensional system of normative-legal and organisational-management maintenance of the balance between the restriction of the rights and freedoms of citizens and the solution of challenges in the spheres of national security and defence that have not been seen before in any country in the world.

State of the study. In the field of administrative and legal foundations for ensuring the legal regime of martial law, it is worth pointing out complex works, the authors of which are such leading Ukrainian scientists as O. I. Bezpalova, O. S. Vlasyuk, N. M. Hrushchinska, V. P. Yemelyanov, Yu. F. Zhovnirchik, Yu. L. Kalgushkin, A. B. Kachynskyi, V. P. Koval, A. T. Komzyuk, I. M. Koropatnik, K. B. Levchenko, O. I. Masenzov, O. M. Muzychuk, Yu. V. Nesteryak, V. V. Pylyp, V. G. Pylypchuk, V. V. Sokurenko, etc. However, despite a considerable number of scientific achievements, the issue of the essence and types of measures to ensure the legal regime of martial law is closely interconnected with the current trends in the development of the state and society, which are constantly changing and form a vector for new scientific research.

Purpose and objectives of the study. The purpose of the article is to define the concepts and types of measures to ensure the legal regime of martial law. To achieve this goal, the following tasks must be solved: formulate the

author's definition of measures to ensure the legal regime of martial law; consider types of measures to ensure the legal regime of martial law.

Scientific novelty of the study. The novelty lies in the fact that measures to ensure the legal regime of martial law are considered by the author as complex and multidimensional, covering various aspects of the life of society and the state, aimed at mobilising resources, protecting the population, maintaining public security and order, as well as ensuring an effective response to threats to the national safety.

Presentation of the main material. At the level of domestic legal doctrine and relevant regulatory legal acts, several variants of the interpretation of the concept of measures to ensure the legal regime of martial law are established, which support the effective functioning of state institutions and the protection of the rights and interests of citizens in the conditions of the introduction of martial law.

Z. Gontar notes that measures to ensure the legal regime of martial law are a set of special administrative and military measures aimed at supporting the stability of state administration and ensuring national defence during hostilities or threats to national security [1, p. 170].

According to the position of L. Kravchenko, measures to ensure the legal regime of martial law are the actions of state bodies and military command aimed at preventing and countering threats to national security in the conditions of a military conflict, including measures to restrict civil rights, ensure mobilisation, and other aspects of national defence [2, p. 8].

In our opinion, measures to ensure the legal regime of martial law should be interpreted as a set of legal, organisational, administrative, economic, and other measures implemented by the state to maintain law and

order, protect the population, and ensure national security in conditions of martial law. Martial law is introduced in the event of a threat to national security, armed aggression, or threat of attack, as well as other circumstances that require an immediate response from the state.

The main measures to ensure the legal regime of martial law provide for the formation of military administrations in separate territories to ensure proper administration and maintenance of law and order. It also provides for the temporary restriction of some constitutional rights and freedoms, such as freedom of movement, the right to assembly, the right to free expression of opinions, and others. An important measure is the control and regulation of the information space, which includes control over the activities of mass media, limiting access to information that may pose a threat to national security [3, p. 138].

Economic measures include resource control, redistribution of material and financial resources, and organisation of state defence orders. To protect the population, evacuation is carried out from dangerous areas, the population is provided with vital means and services, and conditions are created to meet the basic needs of the population, especially representatives of vulnerable groups.

Measures in the field of ensuring public security and order are being strengthened, including the fight against crime as well as individual hostile military formations, in particular sabotage and intelligence groups. These measures may vary depending on the specific situation and needs of the country, but their main purpose is to ensure national security, protect the population, and restore the normal life of the state in the conditions of martial law.

In addition to the mentioned measures, an important aspect of ensuring the legal regime of martial law is the organisation and functioning of the civil defence system. This includes preparing the population for actions in emergency situations, conducting exercises and training, providing personal protective equipment, as well as creating a network of shelters and storage facilities.

In addition, special measures are being implemented to protect the state border, which may include strengthening control at checkpoints, patrolling border areas, and involving additional forces and means to prevent the enemy from entering the state territory.

Also, during martial law, control over the observance of public safety and order is strengthened. This may include curfews, restrictions on mass events, and increased patrolling of streets and other public places.

In the conditions of martial law, it is important to ensure the rights and freedoms of citizens. The state undertakes to protect the life, health, and property of citizens, to provide the necessary assistance and support to victims of military actions, and to ensure justice and legality in all spheres of public life.

Thus, measures to ensure the legal regime of martial law are aimed at maximum mobilisation of state resources, protection of the population, and maintenance of stability in the conditions of a military threat. They should be well-coordinated, complex, and operative to achieve the main goal - ensuring national security and restoring the normal life of the state [4, p. 198].

An equally important aspect of the implementation of measures to ensure the legal regime of martial law is the organisation of effective interaction with international partners and allies. This may include diplomatic efforts to obtain international support, humanitarian aid, as well as military and financial aid. International cooperation also covers intelligence sharing and coordination of efforts in the fight against terrorism and other global threats.

Special attention during the implementation of measures to ensure the legal regime of martial law is paid to cyber security, because in the conditions of martial law the risk of cyber attacks on the country's critical infrastructure, including energy systems, financial institutions, transport networks, and government structures, increases. Additional measures to protect information systems are being introduced, preparedness to counter cyber threats is being increased, and training as well as preparation of specialists in this field is also being carried out.

In the event of martial law, it is also important to maintain the morale of the population and the military. This includes informational and educational activities aimed at increasing patriotism, faith in victory, and the population's confidence in the state's ability to protect its citizens. Mass cultural events, meetings with the public, and information campaigns aimed at forming a positive attitude towards the actions of the authorities and the military are organised [5, p. 123].

In addition, great attention is paid to the protection of human rights in the conditions of martial law. It is important to ensure that temporary restrictions on rights and freedoms are proportionate to the threats and do not violate fundamental principles of human rights. The state must ensure that all measures introduced during martial law were subject to judicial control and could be challenged in court.

Planning for the post-conflict reconstruction of the state is also important. This includes preparation for the reconstruction of destroyed infrastructure, restoration of economic activity, provision of social protection for victims of the conflict, provision of medical and psychological assistance to veterans, and other categories of population affected by the war. Government agencies are responsible for developing rehabilitation, reconstruction, and development programs aimed at ensuring lasting peace and stability in the post-conflict period.

Therefore, measures to ensure the legal regime of martial law are complex and multidimensional, covering various aspects of the life of society and the state. They are aimed at mobilising resources, protecting the population, maintaining public safety and order, as well as ensuring an effective response to threats to national security. In the conditions of martial law, it is important to maintain a balance between the necessary restrictions and the observance of human rights, ensuring stability and restoration of the normal functioning of the state in the shortest possible time [6, p. 35].

An important aspect of ensuring the legal regime of martial law is the effective management of resources. This includes controlling the distribution of food, medicine, fuel, and other vital goods. Special bodies or committees are organised to plan and coordinate supplies to avoid shortages

and panic among the population.

A significant role is also given to economic stability in the conditions of martial law. The state implements measures to support business, in particular small and medium-sized enterprises, which are the basis of economic stability. This may include tax breaks, subsidies, credit programs, and other forms of financial support. At the same time, control over the activities of enterprises, especially those of strategic importance, is being strengthened.

In the course of ensuring the legal regime of martial law, special attention is paid to the protection of the country's financial system. Measures are being implemented to prevent financial speculation, stabilise the national currency, control banking operations, and counter capital outflows. The Central Bank of Ukraine and other national financial institutions work in close coordination with the government to maintain financial stability and ensure citizens' access to banking services [7, p. 219].

Social support for the population under martial law is another key aspect. The state ensures the provision of social benefits, assistance to the injured, veterans and their families, support for the unemployed, and other vulnerable sections of the population. It is also important to ensure access to education and health services, even in conditions of limited resources.

Psychological outline the support the rehabilitation of the population, which acquires special importance in the conditions of martial law. Psychological assistance programs are being organised for military and civilian victims of hostilities. Psychologists and other specialists provide assistance in overcoming trauma, stress, and other psychological problems associated with combat operations.

It is impossible to ignore the implementation of a set of measures aimed at preserving the public's trust in the government. This is achieved through transparency, accountability, and effective communication. The government regularly informs citizens about the situation in the country, decisions made, and measures being implemented. It is important to maintain an open dialogue with the public to take into account its needs and requests [8, p. 340].

In addition, measures are being implemented to prevent looting, corruption, and other negative phenomena that may worsen under martial law. Enhanced control over the activities of public servants is implemented, and strict observance of official discipline is ensured.

At the level of international partnership, the state continues to actively work on the conclusion and implementation of international agreements aimed at maintaining peace and security. This includes participation in peacekeeping operations, cooperation with international organisations and partners, as well as participation in global initiatives to maintain stability [9, p. 195].

Therefore, measures to ensure the legal regime of

martial law cover a wide range of actions aimed at protecting national security, maintaining law and order, ensuring economic and social stability, protecting the rights of citizens, and supporting international cooperation. They are complex and multidimensional, focused on preserving the sovereignty and integrity of the state and the well-being of its citizens even in conditions of extraordinary threats and challenges.

Military measures include taking measures to strengthen defence capabilities, building fortifications, and expanding the military's powers to ensure public safety and order.

Economic measures include the requisition of property from citizens and organisations for defence purposes, regulation of prices for essential goods, control over the distribution of resources, as well as an increase in defence spending and the introduction of a military tax.

Informational measures include control over the mass media, limiting the activities of mass media that disseminate information that may threaten national security, and providing citizens with reliable information about events in the country through official state-wide information dissemination channels.

Judicial and legal measures include the establishment of military tribunals to hear cases related to war crimes and violations of the legal regime of martial law. These measures are aimed at ensuring the security of the state, maintaining public safety and order, mobilising all resources to protect against threats, and ensuring the normal functioning of society in wartime conditions.

Conclusions. Thus, within the scope of this article, it has been established that the measures to ensure the legal regime of martial law are a set of legal, organisational, and administrative actions aimed at maintaining public safety and order, ensuring national security, and protecting the rights and freedoms of citizens during the introduction of martial law. These measures provide for temporary restrictions on the rights and freedoms of citizens, as well as the granting of additional powers to state authorities and the military command, which are necessary and sufficient for an effective response to threats to national security.

The main types of measures to ensure the legal regime of martial law are highlighted, which can be classified according to several criteria. First, these are restrictive measures that are aimed at temporarily restricting certain rights and freedoms of citizens, such as freedom of speech, assembly, movement, and other rights that may pose a threat to national security. Secondly, control measures that establish additional control over the activities of business entities, state authorities, and citizens in order to prevent intelligence-subversive activities.

The third type is defensive measures, which include strengthening the state's defence capabilities, mobilisation, organisation of military service, and civil defence of the population. The fourth important element is law enforcement measures aimed at ensuring law and order, stopping offences related to national security, their pre-trial investigation, and bringing the guilty to justice.

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