

The concept of mobilization training and mobilization under the legal regime of martial law

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Abstract. It was noted that mobilization training and mobilization should be considered not only through the prism of conducting a set of measures with military personnel, collecting information about them and transferring it to the digital plane, holding such persons accountable, but also the formation of a fair and comprehensive model of public administration in the state, which involves educating a conscious citizen from a young age who has the appropriate knowledge, skills and formed stable ideological beliefs to defend the Fatherland; a model that provides for a multi-alternative path of personal and professional development of a citizen, taking into account that each of these alternatives will have a positive impact on the defense capability of the state; a model that defines the role and place of each individual body, enterprise, institution and organization in ensuring the national security and defense of Ukraine. Methodology. The scientific research is based on both general and special methods of scientific knowledge. In particular, the method of documentary analysis, formal-legal and analytical methods were used in the process of analyzing reference literature, provisions of individual regulatory legal acts, in particular the Constitution of Ukraine, the Law of Ukraine "On Mobilization Training and Mobilization", as well as the works of domestic scientists, which provide a comprehensive analysis of these provisions. Structural-logical and system-functional methods were used to analyze the historical formation of recruitment for military service in the world context and on Ukrainian lands and to clarify the essence of mobilization training and mobilization taking into account the opinions of scientists and the author's position. Results. The article states that historically, the existence of the state, the ability to defend its own territories from constant raids by enemy tribes and attacks by regular armies of opposing states, directly depended on the efficiency, coherence and systematic nature of military service. The motivation for such service was based on both the obligations of citizens to the state, gods and rulers, and personal material benefits, land for farming and other benefits offered to mercenaries. It is emphasized that in conditions of martial law, the main emphasis is placed on the maximum involvement of those liable for military service in the defense of the state, as well as their notification, identification of persons evading military service, development and implementation of digital tools that allow streamlining information processes.

Key words: mobilization preparation, mobilization, legal regime of martial law, historical formation, transformation, state governance system.

INTRODUCTION

In the context of the Russian-Ukrainian war, active hostilities on the northeastern and southeastern borders of Ukraine, the issues of security and defense of Ukraine have become acutely relevant in society. These issues are especially acute in the field of mobilization training and mobilization, determining the leading place of this area of activity in the process of ensuring national security and defense of the state.

RESEARCH METHODOLOGY

The scientific research is based on both general and special methods of scientific knowledge. In particular, the method of documentary analysis, formal-legal and analytical methods were used in the process of analyzing reference literature, provisions of individual regulatory legal acts, in particular the Constitution of Ukraine, the Law of Ukraine "On Mobilization Training and Mobilization", as well as the works of domestic scientists, which provide a comprehensive analysis of these provisions. Structural-logical and system-functional methods were used to analyze the historical formation of recruitment for military service in the world context and on Ukrainian lands and to clarify the essence of mobilization training and mobilization in view of the opinions of scientists and the author's position.

Based on the comparative-legal method and the method of generalization, the specifics of the formation of the institution of mobilization training and mobilization starting from ancient civilizations are considered.

The validity and reliability of the study are ensured by using a system of sources: regulatory and legal

acts of various legal force, dictionaries, scientific commentaries, etc. The risks of regulatory ambiguity and unsystematic application are reduced by using categories established in legal science.

Methodological limitations of the study are associated with the informational closure of certain aspects of the activities of bodies and units responsible for implementing mobilization measures. These factors are compensated by using data from various sources, their verification, comparison with generally accepted approaches, and critical analysis of the information presented in them.

RESULTS

Military service has been considered an honorable duty since ancient times, and mobilization into the armed forces has historically been considered one of the key processes for the existence of the state itself, which in some ancient civilizations acquired a special sacred meaning, was accompanied by rituals and traditions, and was closely related to the will of the ancient rulers, whose decisions directly announced mobilization. At the same time, official recruitment practices existed as early as 2686 BC in Egypt during the period known as the Old Kingdom. There was a system of recruiting militia from nomes (tribes), and there were officials responsible for training and logistics, which already demonstrated a high level of organization. By 1550 BC, in the period known as the New Kingdom, recruitment had become part of the official duties of the king. An inscription from the reign of Amenemhat II of Memphis required that the king be responsible for recruiting manpower for the needs of the kingdom. This required the

pharaoh to provide sufficient numbers of men of suitable talent for an expedition to destroy Syria and other enemies. Formal recruitment became a necessity because the tribal system of supplying soldiers was unreliable in terms of both the quantity and quality of talent. The Greeks had a huge need for recruits for their armies. The Hellenistic states were small, with small populations, and were often at war. They relied heavily on mercenaries, who had to be recruited from elsewhere. Two types of recruitment were common during this period. It was carried out either by recruiters or through diplomatic channels and interstate treaties that contained clauses allowing citizens to serve in the armies of the contracting parties [1].

Thus, historically, the existence of the state, the ability to defend its own territories from constant raids by enemy tribes and attacks by regular armies of opposing states directly depended on the efficiency, coherence and systematic nature of military recruitment. The motivation for such service was based on both the obligations of citizens to the state, gods and rulers, and personal material benefits, land for farming and other benefits offered to mercenaries. Considering the specifics of the formation of the institution of mobilization training and mobilization on Ukrainian lands, some domestic researchers argue that "the beginning of the formation of a system of bodies that implement tasks close to the functions of modern recruitment and social support centers in terms of conscription and mobilization of military forces falls on the period of the Hetmanate in Ukraine, that is, the period of the 16th–18th centuries. For the first time in Ukrainian legislation, administrative liability for violation of the legislation on mobilization training and mobilization was provided for in the Code of Ukraine on Administrative Offenses by the Law of Ukraine "On Amendments to the Code of Ukraine on Administrative Offenses Regarding Mobilization Training, Mobilization and Labor Protection". In 2014, in connection with the ATO in Ukraine, the Verkhovna Rada of Ukraine amended Article 210-1 of the Code of Administrative Offenses, which changed its name (from "Violation of the Legislation on Mobilization Training and Mobilization" to "Violation of the Legislation on Defense, Mobilization Training and Mobilization") [2, p. 215].

At the same time, it was the constant danger from the Russian Federation, the encroachment by the aggressor state on the sovereignty and territorial integrity of Ukraine that led to a radical rethinking of mobilization training and mobilization. As B.V. notes Boyko, "after February 24 and to this day, a number of important regulatory and legal acts have been adopted, including those aimed at the operational deployment and introduction of a mechanism for implementing mobilization measures, as well as improving the specified process and increasing its efficiency in the future. The transformation concerned: improving the procedure for military registration of conscripts, military conscripts and reservists; conscription age (reducing it from 27 to 25 years); clarifying the list of persons who are not subject to conscription for military service during mobilization; clarifying the grounds for deferring conscription for military service during

mobilization of certain categories of citizens; booking of military conscripts for the period of mobilization and for wartime, normalizing certain issues of military transport duty; resolving disputes arising in this area through administrative proceedings; social and legal protection of military personnel and members of their families, etc." [3, p. 248].

DISCUSSION

According to the Great Legal Dictionary, mobilization training is "an integral part of the training of generals and officers, as well as the training of command bodies of units, fleet forces and military commissariats for the organized conduct of mobilization deployment" [4, p. 325].

At the same time, in conditions of martial law, the main emphasis is placed on the maximum involvement of conscripts in the defense of the state, as well as their notification, identification of persons evading military service, development and implementation of digital tools that allow streamlining information processes.

According to D.V. Talalai, "mobilization is a set of nationwide measures carried out by authorized entities in accordance with current legislation, within the framework of their competence, which are implemented with the aim of a planned and comprehensively secured transfer of the national economy, the activities of state bodies, local self-government bodies, enterprises, institutions and organizations of all forms of ownership, to functioning under special conditions, and the Armed Forces of Ukraine, other military formations and civil defense forces - to the organization and staff of wartime, in order to solve the tasks caused by the needs of eliminating internal and external threats" [5, p. 866].

At the same time, the Law of Ukraine "On Mobilization Preparation and Mobilization" defines that "mobilization preparation is a set of organizational, political, economic, financial, social, legal and other measures carried out in peacetime in order to prepare the national economy, state authorities, other state bodies, local self-government bodies, the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine, as well as special-purpose law enforcement agencies, the State Service for Special Communications and Information Protection of Ukraine and the State Special Transport Service (hereinafter referred to as the Armed Forces of Ukraine, other military formations), civil defense forces, enterprises, institutions and organizations for timely and organized mobilization and meeting the needs of state defense and protection of its territory from possible aggression, ensuring the vital activity of the population in a special period" [6]; "mobilization - a set of measures carried out with the aim of systematically transferring the national economy, the activities of state authorities, other state bodies, local self-government bodies, enterprises, institutions and organizations to functioning in the conditions of a special period, and the Armed Forces of Ukraine, other military formations, civil defense forces - to the organization and staff of wartime. Mobilization can be general or partial and is carried out openly or covertly" [6].

It is worth noting that mobilization training and mobilization should be considered not only through the prism of conducting a set of measures with conscripts, collecting

information about them and transferring it to the digital plane, holding such persons accountable, but also the formation of a fair and comprehensive model of public administration in the state, which involves educating a conscious citizen from a young age who has the appropriate knowledge, skills and formed stable ideological beliefs to defend the Fatherland; a model that provides for a multi-alternative path of personal and professional development of a citizen, taking into account that each of these alternatives will have a positive impact on the defense capability of the state (broad opportunities for obtaining education, scientific activity, creative self-realization); a model that defines the role and place of each individual body, enterprise, institution and organization in ensuring the national security and defense of Ukraine (this ensures the fairness of the national resistance and the process of reserving conscripts for the mobilization period).

CONCLUSIONS

Thus, military service has been considered an honorable duty since ancient times, and mobilization to the armed forces has historically been considered one of the key processes for the existence of the state itself, which in some ancient civilizations acquired a special sacred meaning, was accompanied by rituals and traditions, being in close connection with the will of the ancient rulers, whose decisions directly declared mobilization.

It is emphasized that in conditions of martial law, the transformation of mobilization measures was aimed at promptly responding to current security challenges,

changes in the social structure of the population, the needs of the security and defense forces, as well as the attitude of conscripted citizens to the fulfillment of their constitutional duty to protect the Fatherland.

Through mobilization training and mobilization, the state forms human, material, technical, financial and other resources for timely and effective defense, taking into account existing and potentially possible challenges, involves these resources in the process of performing certain tasks and functions, and also builds a comprehensive system of combat, scientific and technical, cultural, educational, economic, digital and legal measures, which are implemented by public authorities to ensure the vital activity of all key social institutions under martial law.

Attention is drawn to the complex nature of mobilization training and mobilization, its connection not only with the notification and military accounting system, the activities of territorial recruitment and social support centers, but also with complex transformations at the level of the general state management system, the functioning of all public authorities, civil society institutions, enterprises, institutions and organizations, the formation by the state of a special institutional, legal, organizational environment that covers all spheres of society's life, where every management decision, tool and mechanism in public administration, every measure that has a public nature, and messages in the publicly accessible information space are aimed, in their totality and interconnectedness, at promoting the protection of the state and its citizens under martial law.

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