System of legal elements of the administrative-legal mechanism for the protection of citizens' rights under the legal regime of martial law

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Abstract. The study examines the legal nature, structure and improvement of the administrative-law mechanism for protecting citizens' rights under martial law. The mechanism is defined as an integrated system of legal norms, legal facts, public powers, administrative procedures and remedies aimed at preventing rights violations, ending unlawful interference and restoring infringed rights and freedoms. Six interrelated legal elements are identified: regulatory, competence-related, procedural, law-application, oversight and rights-restorative. Their functional purpose and interdependence are established, with emphasis on the coordination of provisions, the powers of public administration bodies and procedural safeguards. It is substantiated that the mechanism's effectiveness depends on clear competence boundaries, reasoned administrative decisions, access to administrative and judicial appeals, and the restoration of violated rights. Priority areas for improvement include eliminating overlapping powers among state authorities, military command and military administrations; clarifying the grounds and limits for exercising special powers; establishing uniform administrative procedures and response time limits; and strengthening official accountability, oversight and interagency cooperation. Particular attention is given to access to administrative protection for internally displaced persons, residents of frontline areas, persons with disabilities and citizens who have lost identity documents because of hostilities. Systematic monitoring based on legality, accessibility, timeliness and effectiveness is substantiated. Further research should address administrative appeal procedures and criteria for assessing the restoration of citizens' rights under martial law.

Key words: administrative-law mechanism, protection of citizens' rights, martial law, public administration, legal safeguards, administrative procedures.

INTRODUCTION

The development of a system of legal elements of the administrative-law mechanism for protecting citizens' rights under the legal regime of martial law is based on the constitutional principles of the primacy of the individual, the legality of public authorities' activities, and the right to judicial protection, enshrined in Articles 3, 19, 55 and 64 of the Constitution of Ukraine [1]. These principles are implemented with due regard to the special powers and limitations on the restriction of rights established by the Law of Ukraine "On the Legal Regime of Martial Law" [2], as well as the procedural safeguards provided for by the Law of Ukraine "On Administrative Procedure" [3]. The principal legal elements of this mechanism should include the regulatory framework (principles, legal provisions and safeguards), the institutional and subject-related component (public administration bodies and the limits of their competence); procedural instruments (consideration of applications, adoption and reasoning of administrative acts, and administrative appeals), and oversight and remedial instruments (judicial review, legal liability and the restoration of violated rights). Having examined the concept, essence and elements of the administrative-law mechanism for ensuring citizens' rights and freedoms in public administration [4, pp. 393–397], Ya. Lazur substantiated the structural role of legal safeguards, conditions, instruments and methods for exercising citizens' rights.

L. Chystokletov and O. Khytra defined the administrative-law mechanism for ensuring rights as a system of entities, principles, forms, regulatory methods and management technologies, separately emphasising the need for an institutional component [5, pp. 174–179]. N. Kantor identified the following elements of the mechanism of administrative-law regulation: legal norms, acts of their official interpretation, administrative legal relations, legal facts, acts implementing rights and obligations, and the legal consciousness of participants [6, pp. 126–128]. This approach substantiates the need to adapt the general theoretical framework to human rights protection objectives and the specific conditions of martial law. Accordingly, the relevance of the research topic stems from the need to systematise the legal elements of the administrative-law mechanism for protecting citizens' rights, determine their functional interrelationships, and improve the regulatory and procedural safeguards for the exercise of rights under the legal regime of martial law.

The issues surrounding the formation of a system of legal elements of the administrative-law mechanism for protecting citizens' rights have been addressed in scholarly works devoted to the administrative-law protection of human rights, the activities of public authorities, and safeguards for the exercise of constitutional rights. O. I. Kosilova, in examining the legal protection of constitutional rights and freedoms from an administrative-law perspective, elucidated the relationship between general legal safeguards, administrative-law provisions and mechanisms for the practical exercise of citizens' rights [7]. However, the study primarily focuses on general issues of legal protection, whereas the internal structure of the protection mechanism, the functional relationships between its legal elements, and the specific features of their application under martial law require further investigation.

O. Bezpalova, having examined the essence of the law enforcement function of the state and the administrative-law mechanism for its implementation, investigated the methodological foundations of the relevant mechanism, identified its structural characteristics, and substantiated the areas for improving the activities of authorised entities [8, pp. 116–134]. However, the scope of the research is limited to the implementation of the law enforcement function of the state; therefore, the mechanism

for protecting citizens' rights as an independent system of regulatory, competence-related, procedural, oversight and remedial elements has not been comprehensively addressed. The impact of the special legal regime on the interrelationships between legal elements and the procedures governing their practical application by public administration bodies also remains insufficiently explored.

S. Tserkovnyk, analysing the theoretical and legal aspects of the operation of law under martial law, examined the constitutional foundations for restricting rights and freedoms, the specific features of legislative regulation, and the need to ensure the legality and proportionality of governmental measures [9, pp. 100–104]. O. Danylian and O. Dzoban, having analysed the protection of human rights in Ukraine under the legal regime of martial law, investigated the regulatory foundations of human rights protection, permissible restrictions, and legal safeguards for ensuring compliance with human rights requirements in armed conflict [10, pp. 10–21]. Nevertheless, these studies primarily address the general theoretical and constitutional-law aspects of the issue and do not fully disclose the internal structure of the administrative-law mechanism, the functional purpose of its legal elements, or the relationships between them.

Yu. Koltun, having investigated the protection of human rights and freedoms in administrative judicial proceedings under martial law, substantiated the importance of access to justice, continuity of judicial protection, and the proper functioning of administrative justice [11, pp. 475–477]. However, the research focuses predominantly on the judicial and procedural component of the human rights protection mechanism, whereas administrative procedures, the adoption of governmental decisions, out-of-court appeals, and the enforcement of decisions aimed at restoring violated rights require a separate systematic analysis. The functional relationship between administrative and judicial remedies, as well as their place within the overall system of legal safeguards for citizens' rights, remains insufficiently investigated.

A. Pyshna, having examined the legal foundations of the administrative-law mechanism for ensuring human rights under martial law, focused on regulatory provisions and the legal grounds for temporarily restricting certain rights and freedoms [12, pp. 319–321]. However, the primary scope of the research covers mainly the regulatory foundations of the functioning of the relevant mechanism, whereas a comprehensive examination of its institutional, competence-related, procedural, oversight and remedial components requires further development. The need for more in-depth research is also motivated by the necessity of determining the legal conditions governing the interaction between these elements, their sequence, and their effectiveness in the exercise of powers by public administration entities.

V. Teremetskyi examines proportionality as a safeguard against excessive state interference and identifies a legal basis, a legitimate aim, necessity and a fair balance as criteria for assessing restrictions on rights [13, pp. 348–350]. Ye. Duliba, V. Teremetskyi and Yu. Hradyska demonstrate the significance of free secondary legal aid for access to administrative justice and an effective remedy, including under martial law [14, pp. 221–224]. These studies provide grounds for connecting substantive limits on public powers with the procedural accessibility of protection. The present research incorporates both dimensions into the proposed system of legal elements.

Thus, an analysis of the relevant scholarly literature demonstrates that substantial research has been conducted into individual aspects of administrative-law protection, law enforcement activities, legal safeguards and judicial protection of human rights. Nevertheless, a comprehensive system of legal elements of the administrative-law mechanism for protecting citizens' rights under martial law remains insufficiently developed. In particular, further scholarly substantiation is required regarding the composition and functional purpose of the relevant elements, the criteria for their systematisation, and the interrelationship between regulatory provisions, the competence of authorised entities, administrative procedures and legal liability instruments.

The purpose of the research is to determine the essence, structure and functional purpose of the system of legal elements of the administrative-law mechanism for protecting citizens' rights under the legal regime of martial law and to substantiate the directions for its improvement.

The research objectives are as follows:

1. To elucidate the concept, legal nature and principal characteristics of the administrative-law mechanism for protecting citizens' rights under martial law.

2. To identify the system of legal elements of the administrative-law mechanism for protecting citizens' rights, their content, functional purpose and interrelationships.

3. To substantiate the directions for improving the regulatory, competence-related, procedural and human rights protection elements of the relevant mechanism, taking into account the specific features of the legal regime of martial law.

The scientific novelty of the research lies in substantiating the system of legal elements of the administrative-law mechanism for protecting citizens' rights under the legal regime of martial law, determining their functional interrelationships, and identifying priority areas for improving regulatory and procedural safeguards for the exercise of rights and the restoration of violated rights.

METHODS

The methodological framework of the study is based on a combination of general scientific and specialised legal research methods. The dialectical method was employed to examine the development and transformation of the administrative-law mechanism for protecting citizens' rights under martial law and to identify the relationship between expanded state powers and legal safeguards for human rights. The system-structural method was used to identify, classify and substantiate the constituent legal elements of the relevant mechanism, determine their functional purpose and establish their interrelationships. The formal legal method enabled the examination of constitutional provisions, legislative regulations and subordinate regulatory legal acts governing the exercise of public administration powers and the protection of citizens' rights. The method of legal analysis and

synthesis was applied to distinguish the regulatory, competence-related, procedural, law-application, oversight and rights-restorative components and establish their role in ensuring effective legal protection. The comparative legal method was used to examine scholarly approaches to the administrative-law protection of human rights and the regulation of the legal regime of martial law. The functional method made it possible to determine the practical significance of individual legal elements and assess their contribution to preventing violations, terminating unlawful interference and restoring violated rights. The methods of logical generalisation and scientific abstraction were applied to formulate the research conclusions and substantiate the priority directions for improving the administrative-law mechanism under martial law.

RESULTS

The administrative-law mechanism for protecting citizens' rights should be defined as a system of interrelated legal norms, legal facts, public powers, administrative procedures and legal remedies aimed at preventing violations of rights, terminating unlawful interference, and restoring violated rights and freedoms. Ye. Sobol and O. Zvenyhorodska, having examined the principal components of the administrative-law protection of human rights and freedoms, identified administrative-law norms, legal facts, acts of direct exercise of rights, and acts of law application [15, pp. 72–73]. Building upon this approach, we argue that the specific nature of the protection mechanism lies in the functional integration of regulatory provisions with the competence of authorised entities, procedural safeguards and legal instruments for eliminating the consequences of violations of citizens' rights.

I. Shopina, examining the relationship between administrative-law protection and administrative-law regulation, substantiated the increased use of imperative methods, the expansion of discretionary powers vested in public authorities, and the application of statutory restrictions on rights under martial law [16, pp. 551–553]. By contrast, M. Prokhorenko and O. Kotliarenko, having examined the evolution of scholarly approaches to the administrative-law regulation of the legal regime of martial law, elucidated its regulatory foundations, constituent elements and the significance of the special powers vested in authorised entities [17]. In light of these provisions, the legal nature of the administrative-law mechanism for protecting citizens' rights under martial law should be characterised by its public-law nature, regulatory certainty, systemic structure, competence-based determination and specific orientation towards ensuring human rights amid the expansion of the state's security-related powers.

The principal characteristics of the relevant mechanism include the interrelationship between its legal elements, the mandatory observance of established competences, procedural certainty in governmental decision-making, the availability of administrative and judicial appeals, and its orientation towards the actual restoration of violated rights. A distinctive feature of its functioning under martial law is the combination of general human rights safeguards with special administrative powers, the exercise of which must comply with the requirements of legality, necessity and proportionality. Accordingly, the administrative-law mechanism for protecting citizens' rights should be regarded as an integrated legal system whose effectiveness is determined by the consistency and coordination of its regulatory, competence-related, procedural and rights-restorative elements.

Within the proposed mechanism, proportionality connects the regulatory, procedural and oversight elements. Drawing on V. Teremetskyi's analysis of restrictions and less burdensome alternatives [13, pp. 349–350], we argue that the reasoning of an individual restrictive decision should identify its legal basis and legitimate aim, explain why the measure is necessary, and assess whether its adverse consequences are excessive. This translates a general principle into a criterion for administrative decision-making and subsequent review; invoking martial law alone cannot replace such justification.

The system of legal elements of the administrative-law mechanism for protecting citizens' rights under martial law should be considered as a combination of regulatory, competence-related, procedural, law-application, oversight and rights-restorative elements, each of which has an independent functional purpose. Ye. Sobol and O. Zvenyhorodska, having examined the principal components of the administrative-law protection of human rights and freedoms, identified administrative-law norms, legal facts, acts of direct exercise of rights, and acts of law application [15, pp. 70–74]. Developing this approach, we consider it necessary to supplement the relevant structure with competence-related provisions, administrative procedures, mechanisms for appealing governmental decisions, and legal safeguards ensuring the actual restoration of violated citizens' rights.

The regulatory element encompasses constitutional provisions, legislative requirements and subordinate regulatory legal acts that establish human rights safeguards, the powers of authorised entities and the limits of state interference; the competence-related element comprises the statutory rights, duties and liability of public administration bodies; and the procedural element determines the procedures for considering applications, adopting administrative acts and lodging administrative appeals. I. Shopina, having examined the relationship between administrative-law protection and administrative-law regulation, substantiated the importance of administrative-law instruments and procedures in ensuring the functioning of the state and protecting citizens' interests under martial law [16, pp. 551–553]. M. Prokhorenko and O. Kotliarenko, having examined the evolution of scholarly approaches to the administrative-law regulation of the legal regime of martial law, elucidated the regulatory foundations of the relevant regime, its constituent elements and the significance of the special powers vested in authorised entities [17].

The functional relationship between the legal elements is manifested in the sequential transition from the normative determination of rights and powers to their practical exercise, oversight of the legality of governmental decisions, and elimination of the consequences of violations of citizens' rights. We argue that the coordination of the regulatory, competence-related and procedural elements is of decisive importance, since deficiencies in any one of them disrupt the continuity of human rights protection activities and complicate the restoration of violated rights. Accordingly, the system-forming criterion for the legal elements should be their functional interdependence, whereby each element ensures the implementation of a corresponding stage of administrative-law protection within the scope of powers established by law and in compliance with safeguards for citizens' rights.

Improving the administrative-law mechanism for protecting citizens' rights under martial law primarily requires the systematisation of regulatory provisions governing the human rights protection powers of public administration bodies. It is advisable to specify the legal grounds for exercising special powers, the limits of administrative interference with citizens' rights, and the legal liability of public officials for exceeding their authority. Particular attention should be paid to eliminating regulatory inconsistencies and duplication of powers among state authorities, military command and military administrations.

An important direction for improving the competence-related element should be the clear delineation of the human rights protection functions of public administration entities, with a precise definition of their duties concerning the prevention of violations, consideration of applications and restoration of violated rights. We consider it necessary to establish the personal liability of public officials for unjustified restrictions on citizens' rights, untimely responses to complaints and failure to comply with decisions of competent authorities. At the same time, the exercise of special security-related powers must be accompanied by mandatory verification of their compliance with the requirements of legality, necessity and proportionality.

A separate direction for improving the procedural element is the establishment of uniform requirements for the consideration of applications, adoption and reasoning of administrative acts, and their review. It is advisable to establish, at the regulatory level, time limits for administrative responses, procedures for notifying citizens of decisions taken, grounds for appealing such decisions, and mechanisms for the actual restoration of violated rights. Particular importance should be attached to ensuring the accessibility of administrative procedures for internally displaced persons, residents of frontline areas, persons with disabilities and citizens who have lost their identity documents as a result of hostilities.

The accessibility of protection also depends on practical access to legal assistance. Ye. Duliba, V. Teremetskyi and Yu. Hradyska link free secondary legal aid to effective judicial protection and examine access to it for vulnerable groups, including internally displaced persons [14, pp. 222–224]. For the mechanism proposed here, this supports connecting administrative procedures with access to judicial remedies through clear information on available assistance and referral arrangements for persons eligible under the law. Such arrangements should help individuals challenge unlawful decisions without conflating administrative appeals with administrative court proceedings.

The effectiveness of improvements to the human rights protection element should be ensured through strengthened administrative and judicial oversight, enhanced interagency cooperation and the introduction of systematic monitoring of violations of citizens' rights. We consider it advisable to assess the activities of authorised entities against the criteria of the legality of decisions adopted, accessibility of protection procedures, timeliness of responses and actual restoration of violated rights. The priority outcome of these improvements should be the establishment of a coordinated administrative-law mechanism within which the exercise of the state's special powers is accompanied by effective legal safeguards and adequate protection of citizens' rights.

DISCUSSION

The research findings demonstrate the need to move beyond viewing the administrative-law mechanism for protecting citizens' rights as a set of separate regulatory and law-application instruments towards understanding it as an integrated system of functionally interrelated legal elements. The study substantiates that the determining criterion for systematising the relevant elements is not merely their legal nature but also their functional purpose at the various stages of preventing violations of rights, terminating unlawful interference and restoring violated citizens' rights. This approach develops the provisions advanced by Ye. Sobol and O. Zvenyhorodska concerning the structural components of the administrative-law protection of human rights by supplementing them with competence-related, procedural, oversight and rights-restorative components.

The established patterns of the functioning of the relevant mechanism confirm I. Shopina's conclusions regarding the transformation of administrative-law regulation under martial law, resulting from the expansion of governmental powers and the application of special legal restrictions. At the same time, the research findings further specify this issue by identifying the legal requirements governing the exercise of special powers, among which legality, necessity and proportionality of state interference are of primary importance. Unlike approaches focused predominantly on the specific features of administrative-law regulation, the proposed concept also encompasses mechanisms for overseeing the legality of governmental decisions and legal instruments for the actual restoration of violated rights.

The developed system of legal elements of the administrative-law mechanism for protecting citizens'

rights extends the scholarly propositions advanced by M. Prokhorenko and O. Kotliarenko concerning the regulatory foundations and special powers of entities operating under the legal regime of martial law. It has been substantiated that the regulatory definition of powers alone does not ensure an adequate level of protection of citizens' rights in the absence of a clear delineation of competences, regulated administrative procedures and effective appeal mechanisms. Accordingly, the need has been demonstrated to regard the competence-related and procedural elements not as auxiliary components of the mechanism but as independent legal elements whose coordination directly determines the lawfulness of administrative activities.

A debatable aspect of the issue under investigation concerns the relationship between the expansion of the state's security-related powers and the preservation of an adequate level of legal safeguards for citizens' rights. It has been substantiated that the introduction of a special legal regime does not release public administration bodies from their obligation to act within the limits of the powers established by law and ensure the possibility of administrative and judicial appeals against decisions adopted. Particular importance should be attached to preventing the duplication of powers among state authorities, military command and military administrations, since uncertainty regarding the distribution of competences creates conditions conducive to unlawful restrictions on rights, inadequate responses to applications and difficulties in restoring violated rights.

The practical significance of the research findings lies in substantiating directions for improving the regulatory, competence-related, procedural and rights-restorative elements of the relevant mechanism. It is proposed that legal regulation should focus on specifying the grounds for exercising special powers, establishing the personal legal liability of public officials, standardising administrative procedures, determining time limits for responding to applications and ensuring the enforcement of separate area of improvement involves enhancing the accessibility of administrative procedures for internally displaced persons, residents of frontline areas, persons with disabilities and citizens who have lost their identity documents as a result of hostilities.

Therefore, the research findings confirm that the effectiveness of the administrative-law mechanism for protecting citizensвЂ™ rights under martial law is determined not by the scope of the powers legally vested in the state but by the degree of legal regulation governing their exercise and the availability of effective instruments for preventing, terminating and remedying violations of rights. Further scholarly discussion in this field should focus on developing criteria for assessing the effectiveness of administrative protection, ensuring coordination between administrative and judicial appeal mechanisms, and determining the legal conditions necessary for the actual restoration of violated citizens' rights under a special legal regime.

CONCLUSION

The study has identified a system of legal elements of the administrative-law mechanism for protecting citizens' rights under martial law, comprising regulatory, competence-related, procedural, law-application, oversight and rights-restorative elements. It has been substantiated that the effectiveness of the relevant mechanism depends on the coordination of its constituent elements, a clear delineation of the powers of public administration entities, and compliance with the principles of legality, necessity and proportionality of state interference. Priority areas for improving legal regulation have been identified, including eliminating overlapping competences, specifying administrative procedures, strengthening administrative and judicial oversight, and ensuring the actual restoration of violated citizens' rights. The need to introduce systematic monitoring of the human rights protection activities of authorised bodies based on the criteria of legality, accessibility, timeliness and effectiveness has been emphasised. Prospects for further research are associated with developing specific mechanisms for interaction between the legal elements, improving administrative appeal procedures, and establishing criteria for assessing the effectiveness of restoring violated citizens' rights under the legal regime of martial law.

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