The object and subject matter of administrative-law protection of citizens' rights under the legal regime of martial law

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Abstract. The study examines the object and subject matter of administrative-law protection of citizens' rights under martial law, focusing on their nature, structure and functional relationship. The object is defined as public-law relations arising from the exercise, protection, restriction and restoration of citizens' rights and freedoms. The subject matter comprises legal norms, institutional powers, administrative procedures, administrative acts, oversight mechanisms and remedies. The distinction is based on their functional roles: the object identifies the rights and legal relations requiring protection, while the subject matter encompasses the instruments and activities used to safeguard them. The object includes personal, political, socio-economic, property and procedural rights, as well as legitimate interests affected by public administration. The subject matter is systematised into regulatory, institutional, competence-related, procedural, oversight and remedial components. Their functional interdependence is established through the need to align protected rights with the powers and duties of authorised entities, the legal grounds for administrative intervention, and procedures for challenging decisions and restoring violated rights. Priority areas for improvement include clarifying the scope of administrative protection, delineating the responsibilities of executive authorities, military administrations and local self-government bodies, and establishing uniform requirements for administrative decisions. Particular attention is given to reasoning, notification of affected persons, statutory time limits and accessible appeals. The need for systematic monitoring, accessible and effective legal assistance and interagency coordination that respects judicial independence is substantiated.

Key words: administrative-law protection, citizens' rights, object and subject matter of protection, martial law, public administration, legal remedies.

INTRODUCTION

The object of administrative-law protection of citizens' rights under martial law comprises public-law relations arising in the exercise, safeguarding, restriction and restoration of individual rights and freedoms through the activities of public administration bodies and other entities authorised by law. For the purposes of this study, the subject matter of such protection encompasses the legal norms, powers of public authorities, administrative procedures, individual administrative acts, oversight instruments and remedies through which the protection of citizens' rights is carried out, with the constitutional foundations established in Articles 3, 19, 55 and 64 of the Constitution of Ukraine [1], the Law of Ukraine On the Legal Regime of Martial Law [2] and the Law of Ukraine On Administrative Procedure [3]. O. Krasnohor, examining human rights as an object of administrative-law research, emphasised their connection with public administration, administrative procedures and institutional safeguards [4, pp. 459–462], while O. Danylian and O. Dzoban analysed the legal guarantees and mechanisms for protecting human rights and freedoms under martial law [5, pp. 10–20].

The main research problem concerns the insufficient theoretical distinction between the object of administrative-law protection, understood as the rights and public-law relations requiring protection, and its subject matter, represented by the legal instruments and activities of authorised public entities. S. Matvieiev and O. Romanova, examining the legal mechanism for restricting human rights under martial law, identified its institutional, regulatory and guarantee-related components, providing a basis for further analysis of the structure of administrative protection [6, pp. 77–79]. Therefore, the relevance of the topic is determined by the need to establish clear theoretical boundaries between the object and subject matter of administrative-law protection, identify their constituent elements and substantiate their relationship in the exercise of public authority under martial law.

The research problem concerning the object and subject matter of administrative-law protection of citizens' rights under martial law remains insufficiently developed in administrative-law scholarship, particularly with regard to their conceptual distinction and functional relationship. I. Boiko, examining administrative and procedural guarantees of subjective public rights under martial law, analysed legislative changes affecting the exercise of individual rights, administrative services and procedural safeguards, identifying the importance of administrative procedures in protecting individuals against unlawful public administration decisions [7, pp. 179–190]. However, the study focuses primarily on procedural guarantees and the practical adaptation of administrative procedures, without providing a comprehensive distinction between the object of protection, understood as protected public-law relations and individual rights, and its subject matter, represented by the legal instruments and activities of authorised entities.

L. Kysil, investigating the administrative and legal aspects of the martial law regime in Ukraine, examined the regulatory framework, powers of military command, executive authorities, military administrations and local self-government bodies, as well as the legal grounds for restricting citizens' rights [8, pp. 223–229]. The researcher also addressed guarantees of legality, compensation for damage and administrative liability arising from violations of the martial law regime. Nevertheless, the study concentrates mainly on the legal regime and the distribution of public powers, while the internal structure of administrative-law protection, including the distinction between its object,

subject matter and constituent legal instruments, remains outside its primary research scope.

A. Krusian, analysing the constitutional and legal aspects of protecting human rights and freedoms under martial law, examined changes in the normative and institutional components of the relevant protection mechanism, with particular attention to vulnerable groups and emerging categories of judicial disputes [9, pp. 349–360]. The researcher substantiated the need to consider constitutional principles and international legal standards when restricting individual rights and proposed a doctrinal approach to assessing the legality of such restrictions. However, the constitutional-law focus of the study does not provide a sufficiently detailed examination of the administrative-law nature of the protection mechanism, particularly the legal relations constituting its object and the powers, procedures and remedies forming its subject matter.

O. Korentsov, examining the application of the Law of Ukraine "On the Legal Regime of Martial Law" and its impact on the administrative and legal status of citizens, identified legislative provisions that may result in unjustified restrictions on fundamental rights and freedoms [10, pp. 99–128]. The study focuses primarily on the interpretation of statutory provisions, the grounds for introducing martial law and the legal consequences of applying restrictive measures, while the structural relationship between the object and subject matter of administrative-law protection is not examined independently. The reviewed research therefore confirms the need for a comprehensive administrative-law approach that would distinguish protected public relations and individual rights from the legal norms, institutional powers, administrative procedures and remedies through which their protection is ensured.

Thus, contemporary research has established important theoretical and practical foundations for understanding human rights protection under martial law, particularly regarding administrative procedures, institutional powers, constitutional guarantees and statutory restrictions. However, the distinction between the object and subject matter of administrative-law protection remains insufficiently substantiated, and their constituent elements have not been systematically examined in relation to the specific conditions of martial law. Further research should therefore focus on establishing their legal characteristics, identifying their structural components and substantiating the functional relationship between protected rights and public-law relations, on the one hand, and the legal instruments and activities of authorised public administration entities, on the other.

The aim of the study is to provide a comprehensive administrative-law analysis of the object and subject matter of administrative-law protection of citizens' rights under martial law, identify their legal characteristics and structural components, and substantiate their interrelationship within the system of public administration.

Research objectives are:

1. To examine the legal nature and theoretical foundations of the object and subject matter of administrative-law protection of citizens' rights and establish the criteria for distinguishing between them.

2. To identify and analyse the structural elements of the object and subject matter of administrative-law protection, taking into account the legal framework, institutional powers, administrative procedures and remedies applicable under martial law.

3. To substantiate the main directions for improving the legal and organisational framework governing the object and subject matter of administrative-law protection of citizens' rights under martial law.

The scientific novelty lies in providing a comprehensive administrative-law substantiation of the object and subject matter of citizens' rights protection under martial law, identifying their constituent elements and establishing their functional interrelationship as the basis for improving the effectiveness of administrative-law protection.

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 legal nature and interrelationship of the object and subject matter of administrative-law protection of citizens' rights under martial law. The system-structural method was used to identify and classify their constituent elements, distinguish protected public-law relations from the legal instruments ensuring their protection, and establish their functional interdependence. The formal legal method enabled the examination of legislative provisions governing the powers of public administration bodies, the exercise and restriction of citizens' rights, and the applicable administrative procedures. The comparative legal method was applied to analyse scholarly approaches to administrative and constitutional safeguards for human rights under special legal regimes. The functional method was used to determine the role of executive authorities, military administrations and local self-government bodies in preventing violations, reviewing complaints and restoring violated rights. The methods of analysis and synthesis were employed to examine the regulatory, institutional, competence-related, procedural and remedial components of the protection mechanism. Logical generalisation and scientific abstraction were used to formulate proposals for clarifying the legal status of the object and subject matter of protection, improving the distribution of institutional responsibilities and strengthening administrative and judicial safeguards under martial law.

RESULTS

The legal nature of the object and subject matter of administrative-law protection of citizens' rights should be established through their functional purpose and place within the system of public administration. The object of protection comprises public-law relations arising in connection with the exercise, safeguarding, restriction and restoration of citizens' rights and freedoms, whereas the subject matter encompasses the legal norms, powers of authorised entities, administrative

procedures and remedies through which protection is provided. In our view, the principal criterion for distinguishing between the two concepts is their functional role: the object identifies the rights and legal relations requiring protection, while the subject matter determines the legal instruments and activities through which protection is ensured. Here, "subject matter" is a working analytical term for the legal and procedural content of protection, rather than the actors providing protection or the subject matter of a particular administrative dispute. The proposed classification is doctrinal and does not imply that legislation establishes an identical distinction.

I. Boiko, examining administrative and procedural guarantees of subjective public rights under martial law, identified the importance of administrative procedures, legislative safeguards and changes in the provision of administrative services for ensuring the exercise of individual rights [7, pp. 179–190]. L. Kysil, analysing the administrative and legal aspects of the martial law regime, established the relationship between the powers of military command, executive authorities, military administrations and local self-government bodies and the legal grounds for restricting citizens' rights [8, pp. 222–230]. However, the studies concentrate primarily on procedural guarantees and the organisation of public authority, without providing a comprehensive theoretical distinction between the object of administrative-law protection and the legal instruments constituting its subject matter.

A. Krusian, investigating the constitutional and legal mechanism for protecting human rights and freedoms under martial law, identified its normative and institutional components and examined the specific features of judicial protection under wartime conditions [9, pp. 349–360]. Nevertheless, the constitutional-law approach does not provide a comprehensive analysis of the administrative-law characteristics of the protected public relations or the institutional, competence-related and procedural elements forming the subject matter of protection. In our view, their distinction should be based on the nature of the protected legal relations, the content of the relevant administrative powers, the legal grounds for public intervention and the procedures through which citizens' rights are exercised, challenged and restored.

The structural elements of the object of administrative-law protection of citizens' rights comprise individual rights and freedoms, public-law relations arising during their exercise, and legal interests requiring protection against unlawful public interference. Their substantive scope includes personal, political, socio-economic and property rights, as well as procedural rights related to access to administrative services, consideration of applications and appeals against decisions of public authorities. I. Boiko, examining administrative and procedural guarantees of subjective public rights under martial law, emphasised the importance of administrative procedures and legal safeguards for the practical exercise of individual rights [7, pp. 179–190].

The subject matter of administrative-law protection encompasses several interconnected elements: regulatory provisions establishing human rights guarantees, institutional powers of public administration bodies, administrative procedures, individual administrative acts, oversight mechanisms and legal remedies. L. Kysil, analysing the administrative and legal aspects of the martial law regime, examined the powers of military command, executive authorities, military administrations and local self-government bodies, highlighting their role in implementing the special legal regime and restricting individual rights on statutory grounds [8, pp. 222–230]. A. Krusian, investigating constitutional and legal safeguards for human rights under martial law, focused on the normative and institutional foundations of protection and the guarantees applicable to restrictions on constitutional rights [9, pp. 349–360].

In our view, the structural relationship between the object and subject matter should be established through their functional interdependence, since the effectiveness of legal protection depends on the correspondence between the rights requiring protection and the legal instruments applied by authorised entities. Particular importance should be attached to the competence of public authorities, the procedural validity of administrative decisions, the availability of administrative and judicial review, and the actual restoration of violated rights. Accordingly, the structural assessment should encompass both the legal content of protected public relations and the institutional, regulatory and procedural instruments ensuring their protection under martial law.

Improving the administrative-law framework for protecting citizens' rights under martial law requires a clearer doctrinal definition of the object and subject matter of protection, together with precise statutory regulation of the corresponding powers, procedures and remedies. It is necessary to specify the categories of public-law relations subject to administrative protection, the rights requiring priority safeguards and the legal grounds for public authorities' intervention. Particular attention should be paid to establishing clear limits on discretionary powers and preventing unjustified restrictions on constitutional rights.

V. Teremetskyi, together with N. Onishchenko, O. Otradnova, M. Stefanchuk and O. Fast, examines proportionality as a safeguard against arbitrary interference with human rights, including under martial law. The authors connect the assessment of restrictions with their legal basis, legitimate aim, necessity and the balance between the burden on the individual and the public benefit [11, pp. 15–17]. Applied to the distinction proposed here, this approach links the protected right with the conditions governing administrative intervention: identifying a public interest alone does not establish that a particular restriction is justified. The assessment must address the circumstances of the decision and the availability of less burdensome measures. Proportionality must also operate within constitutional limits; it cannot justify restrictions on the rights that Article 64 of the Constitution excludes from wartime derogation [1].

An important direction for improvement should

involve a more precise distribution of human rights protection powers among executive authorities, military administrations and local self-government bodies. The legal framework should establish the responsibilities of each authorised entity for preventing violations, considering citizens' applications, reviewing complaints and restoring violated rights. Institutional accountability should be strengthened through clearly defined duties, decision-making requirements and legal consequences for exceeding statutory powers or failing to perform assigned responsibilities.

Procedural improvements should focus on establishing uniform requirements for administrative decisions affecting citizens' rights and freedoms. Such requirements should cover the legal and factual grounds for decisions, adequate reasoning, notification of affected persons, compliance with statutory deadlines and access to administrative appeals. Particular attention should be given to the accessibility of protection procedures for internally displaced persons, residents of frontline areas, persons with disabilities and citizens who have lost their identity documents because of hostilities. These requirements must be applied with regard to the scope of the relevant legislation: Article 1(2)(2) of the Law of Ukraine "On Administrative Procedure" excludes, among other matters, relations arising from the application of national security and defence legislation [3]. Accordingly, the applicable procedural regime must be identified for each category of decision; the general administrative procedure cannot automatically be extended to every measure taken under martial law.

The remedial component also requires attention to legal assistance. Ye. Duliba, V. Teremetskyi and Yu. Hradyska analyse free secondary legal aid in administrative proceedings and distinguish the organisation and coordination of such assistance from the representation provided by lawyers. Their analysis also addresses access to assistance for internally displaced persons and other eligible groups affected by the war [12, pp. 223–226]. For the present study, this distinction shows why identifying a competent institution is insufficient without examining whether a person can actually obtain assistance and challenge an adverse administrative decision. The protected interests include effective access to judicial protection, whereas the relevant instruments include procedures for obtaining legal aid and representation. The authors' proposals concerning the institutional organisation of legal aid are treated as scholarly recommendations, rather than statements of current statutory rules.

The practical effectiveness of the proposed improvements should be assessed through systematic monitoring of administrative decisions, complaints concerning violations of rights and the actual implementation of remedies. It is necessary to strengthen coordination between public administration bodies, military administrations and the Ukrainian Parliament Commissioner for Human Rights, while ensuring the implementation of judicial remedies and respecting judicial independence. The priority should be the development of a coherent administrative-law protection system in which clearly defined powers, accessible procedures and effective oversight ensure the genuine restoration of citizens' violated rights under martial law.

DISCUSSION

The findings of the study substantiate the need for a clear theoretical distinction between the object and subject matter of administrative-law protection of citizens' rights under martial law. It has been established that the object comprises the public-law relations, individual rights, freedoms and legitimate interests requiring legal protection, whereas the subject matter encompasses the legal norms, institutional powers, administrative procedures and remedies through which protection is provided. The proposed distinction is based on the functional purpose of each category and clarifies their respective positions within the administrative-law framework. This approach provides a basis for a more precise determination of the scope of administrative-law protection and the legal instruments required for its implementation.

The obtained results develop I. Boiko's conclusions concerning administrative and procedural guarantees of subjective public rights under martial law [7, pp. 179–190]. Whereas the author's approach focuses primarily on administrative procedures and safeguards for exercising individual rights, the present study extends the analysis by identifying the public-law relations constituting the object of protection and distinguishing them from the legal instruments forming its subject matter. Procedural rules and administrative actions should be distinguished from procedural rights: the former organise protection, whereas the latter, including the rights to be heard and to seek review, are themselves protected legal positions. The distinction is particularly relevant under martial law, when changes in administrative service delivery and the exercise of special public powers may directly affect the practical realisation of individual rights.

The research findings are also consistent with L. Kysil's conclusions concerning the distribution of powers among military command, executive authorities, military administrations and local self-government bodies under the legal regime of martial law [8, pp. 222–230]. At the same time, the present study further develops the institutional aspect by establishing the relationship between the powers of authorised entities and the legal relations subject to protection. It is argued that the mere statutory allocation of administrative powers does not ensure effective protection unless the corresponding duties, legal limits and procedures for exercising those powers are clearly established. Consequently, the institutional structure of the subject matter of protection should be assessed in conjunction with the nature of the rights and public-law relations affected by administrative decisions.

The findings further extend A. Krusian's research

on the constitutional and legal mechanism for protecting human rights and freedoms under martial law [9, pp. 349–360]. While the constitutional-law approach primarily addresses the normative and institutional foundations of human rights protection and judicial safeguards, the present study specifies the administrative-law dimension of the issue. Particular attention is given to the relationship between protected public-law relations, the competence of public administration bodies, individual administrative acts, oversight mechanisms and legal remedies. The distinction between the constitutional foundations of human rights protection and the administrative-law instruments through which those guarantees are implemented is of particular importance for establishing the scope and functional boundaries of administrative protection.

The structural analysis confirms that the object of administrative-law protection has a multidimensional character, encompassing personal, political, socio-economic and property rights, as well as procedural rights associated with access to administrative services, consideration of applications and appeals against decisions of public authorities. The subject matter of protection, in turn, comprises regulatory, institutional, competence-related, procedural, oversight and remedial components. Their functional interdependence is determined by the need to ensure that every protected right or legitimate interest is supported by appropriate legal safeguards and accessible mechanisms of protection. Particular importance is attached to the correspondence between the competence of authorised entities, the legal grounds for administrative intervention and the availability of effective administrative and judicial review.

The practical implications of the research findings concern the need to improve the legislative and institutional framework governing administrative-law protection under martial law. Priority measures include clarifying the categories of public-law relations subject to protection, specifying the powers and responsibilities of executive authorities, military administrations and local self-government bodies, and establishing uniform procedural requirements for administrative decisions affecting citizens' rights. The proposed improvements should also encompass adequate reasoning of administrative decisions, notification of affected persons, compliance with statutory time limits and accessible appeal procedures. Particular attention should be directed towards ensuring the practical availability of administrative protection for internally displaced persons, residents of frontline areas, persons with disabilities and citizens who have lost their identity documents as a result of hostilities.

Thus, the findings establish that the effectiveness of administrative-law protection under martial law depends on the structural and functional coordination of its object and subject matter. The object determines the scope of rights, freedoms and public-law relations requiring protection, whereas the subject matter defines the institutional, regulatory and procedural instruments through which the relevant protection is implemented. Further research should focus on refining the doctrinal distinction between these categories, establishing clear criteria for distributing human rights protection responsibilities among authorised entities, and developing assessment mechanisms for determining the effectiveness of administrative remedies and the actual restoration of citizens' violated rights under martial law.

CONCLUSION

It has been established that the object of administrative-law protection of citizens' rights under martial law comprises protected individual rights, freedoms and public-law relations, while its subject matter encompasses the legal norms, institutional powers, administrative procedures, oversight mechanisms and remedies ensuring their protection. The functional relationship between both categories has been substantiated through the connection between the rights requiring protection and the legal instruments applied by authorised public administration entities. The need to improve the relevant legal framework has been identified, particularly through clearer distribution of powers, specification of grounds for administrative intervention, standardisation of procedures and strengthening of institutional accountability. Particular importance has been assigned to ensuring accessible administrative and judicial review, effective interagency coordination and the actual restoration of violated rights. Further research should focus on developing criteria for assessing the effectiveness of administrative-law protection, clarifying the legal status and responsibilities of authorised entities, and improving procedural safeguards for citizens under martial law.

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