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LAW ENFORCEMENT ACTIVITIES UNDER MARTIAL LAW: FEATURES, CHALLENGES AND STRATEGIC OBJECTIVES

Abstract. Purpose. The purpose of the article is to study the specific features of law enforcement under martial law in Ukraine, and to identify the key tasks and challenges faced by law enforcement bodies during this period. The article is aimed at analysing theoretical and practical approaches to understanding the concept of 'law enforcement' in the context of war, and also at identifying the differences between the functioning of the law-and-order system in peacetime and wartime. **Results.** The article analyses the specific features of law enforcement under martial law in Ukraine, its key tasks, challenges and transformations. The authors study the main approaches to the definition of the concept of 'law enforcement' in legal science, including the concepts proposed by Ukrainian researchers. The article focuses on the expansion of law enforcement functions during wartime as compared to peacetime. It is stated that in peacetime, law enforcement aims at maintaining law and order and protecting the rights of citizens, while in wartime its tasks are much broader. The specifics of law enforcement are considered, including coordination with military structures, organisation of checkpoints, evacuation of the population, documentation of war crimes, etc. The strategic importance of law enforcement for national security is emphasised. The article also draws attention to the problem of the lack of a well-established definition of the concept of 'law enforcement' in the context of wartime. **Conclusions.** It is proposed to adapt existing approaches to modern challenges. It is pointed out that the legal regime of martial law includes specific tasks for law enforcement agencies, such as countering terrorism and war crimes, maintaining public order and territorial integrity. It also discusses the need for effective legal regulation and a balance between security and human rights protection. In addition, in order to operate effectively in wartime, law enforcement bodies are required to be adapted to new challenges and function in close coordination with other state agencies. Traditional approaches to understanding the concept of 'law enforcement' need to be adapted to the realities of wartime, when the functions of law enforcement agencies are significantly expanded, and as a result, in addition to the classic tasks of ensuring law and order, law enforcement agencies are obliged to respond to specific challenges.

Key words: law enforcement bodies, martial law, legal regime, national security, law enforcement bodies, law and order, public safety, war crimes, coordination, challenges of war, legality, human rights.

1. Introduction

One of the key challenges faced by the modern state is ensuring public safety and maintaining law and order under martial law. Law enforcement activities, which are traditionally aimed at preventing crime and maintaining legal order, are of particular importance in times of war. The introduction of the legal regime of martial law in Ukraine was the result of the large-scale military aggression of the Russian Federation, which has dramatically changed the requirements for the functioning of law enforcement agencies. The state has faced the need to respond promptly to new challenges, which include not only maintain-

ing public order, but also countering internal and external threats to national security.

Under these conditions, law enforcement has become one of the main elements of ensuring stability and protecting state sovereignty. Under martial law, the main tasks of law enforcement agencies include not only typical functions, such as preventing offences, suppressing them, and using state coercion or public influence on persons who have violated the public order established by law, but also specialised measures to detect and neutralise terrorist threats, war crimes, sabotage, etc. It is important to ensure effective coordination between law enforcement bodies and security forces, as only joint efforts

can guarantee an adequate level of protection of the state.

One of the key features of modern law enforcement is the need to combine preventive measures with a prompt response to new threats. In particular, an important role is played by combating crimes against the foundations of Ukraine's national security, which pose a significant threat to the state system. Among the main threats that require immediate response are those related to ensuring law and order, protection of human and civil rights and freedoms, countering the threats of martial law, and performing and facilitating the tasks assigned to the security and defence forces of Ukraine. That is why it is important not only to strengthen control over the observance of the law, but also to ensure effective protection of the rights and freedoms of citizens, even in difficult wartime conditions.

Particular attention should also be paid to cooperation with the public sector, as the involvement of society in maintaining order can significantly increase the effectiveness of law enforcement. In addition, the role of civil society organisations in monitoring human rights and controlling the activities of law enforcement bodies is increasing. All these aspects require new approaches from the state to the organisation of law enforcement, which should be adapted to the realities of wartime.

Therefore, law enforcement under martial law is not only a tool for maintaining law and order, but also an important element of national security. Its effectiveness depends not only on the stability of the internal situation, but also on the state's ability to counter external aggression. Successful implementation of these tasks is possible only if all state structures are clearly coordinated, new methods of work are introduced and active cooperation with the public is ensured. This approach will ensure not only the protection of the territorial integrity of Ukraine, but also the preservation of democratic values and the rights of citizens even in the most difficult times.

The study of the definition and features that are characteristic of law enforcement activities of internal affairs bodies can be found in the works by scholars such as: O. Bandurka, I. Borodin, O. Voluiko, O. Druchek, V. Opryshko, S. Rossokha, I. Solovievych, A. Tarasov, V. Tatsii, O. Tiurina, Yu. Shemshuchenko and others. However, the issue of defining the specific features of the activities of law enforcement bodies under martial law as actors of law enforcement in the country remains open.

The purpose of the article is to study the specific features of law enforcement under martial

law in Ukraine, and to identify the key tasks and challenges faced by law enforcement bodies during this period. The article is aimed at analysing theoretical and practical approaches to understanding the concept of 'law enforcement' in the context of war, and also at identifying the differences between the functioning of the law-and-order system in peacetime and wartime.

2. Key features of law enforcement under martial law

Law enforcement under martial law is one of the key instruments for ensuring national security and stability in the state. Despite the fact that the concept of 'law enforcement' has long existed in the national legal science, this term has not yet been consistently interpreted. Modern approaches to the definition of this concept differ significantly depending on the context of application, which creates a certain scientific and practical problem, especially in the context of the emergency legal regime. In peacetime, law enforcement is traditionally seen as the activities of specially authorised state bodies aimed at maintaining law and order and protecting the rights of citizens. However, under martial law, this concept is significantly expanded to include new functions and tasks that go beyond the classical concepts.

According to O. Tiurina, law enforcement should be understood as a certain type of law enforcement, which is a specific form of implementation of law and is a form of active organisational and administrative activity of the competent authorities acting on behalf of the State under its powers (Tiurina, 2008).

In the *Juridical Encyclopaedia*, Yu. Shemshuchenko argues that 'law enforcement is a system of measures aimed at ensuring the implementation of the Constitution, laws and other regulations of the state. It is a means of strengthening law and order, ensuring the constitutional rights of citizens. It is carried out by law enforcement bodies and other state authorities, as well as public organisations. Law enforcement activities also include the cancellation of unlawful regulations, the recognition of laws and bylaws as unconstitutional by the Constitutional Court, etc. In Ukraine, the legal basis for law enforcement activities is the Constitution and other laws of the state. The relevant state bodies are obliged to perform these activities within their competence.' (Shemshuchenko, 2003).

In contrast, I. Solovievych argues in his study on the constitutional and legal aspects of state power in Ukraine and the place of law enforcement in it, the concept under study is defined as a type of organised and legal state activities of law enforcement bodies, mainly

based on coercion, performed by the competent authorities in a specially established form, the content of which consists in issuing (adopting) individually specific legal commands (state regulations) in order to counteract the occurrence and development of unlawful acts (misdeeds and crimes), neutralise and eliminate harmful effects (consequences), legal assessment of the act, ensuring the appropriate social result, etc. (Solovievych, 1997).

S. Rossokha quite briefly defines law enforcement as the activities of specially authorised state bodies enshrined in legal regulations to enforce the legal order on the basis of a balance of interests of the individual, society and the state (Rossokha, 2016).

Another interesting position is that of A. Kuchuk, who confidently distinguishes between 'law enforcement' and 'human rights activities' and specifies that protection is primarily related to prevention, deterrence of unlawful acts, and the need for protection arises when there are obstacles to the exercise of rights and freedoms or a threat of their violation (Kuchuk, 2007).

It is believed that law enforcement is characterised by the following features: its focus is on protecting the rights and freedoms of citizens, the rule of law, law and order and all public relations activities regulated by law; its conduct is based on and in accordance with the law and, mainly, in a proper procedural form; its implementation is usually based on legal means; it is conducted by a specially authorised person on a professional basis.

The purpose of law enforcement is to ensure the protection of the rights and freedoms of man and citizen, public order and security, maintenance of law and order and implementation of the rule of law. This goal is realised through a number of specific tasks, including: preventing violations of the law; preventing unlawful acts that threaten human security; detecting and suppressing offences and abuses; and deterring unjustified accusations against innocent persons; overseeing compliance with the law in the process of law enforcement; ensuring impartial execution of decisions provided for by law. These tasks are aimed at achieving harmony between law, order and human rights.

It is important to note that in times of war, law enforcement activities are transformed, gaining strategic importance for state security. The main problem is that traditional approaches to the definition of law enforcement do not fully consider the specifics of its implementation in wartime. During the martial law regime, the law enforcement system faces new challenges, which requires revision and adaptation of existing concepts, since ensuring law and order in the con-

text of armed aggression has different priorities and methods compared to peacetime.

One of the key aspects is the coordination of law enforcement with the military agencies, which is atypical for peacetime. This interaction requires clear legal mechanisms and procedures that are not yet sufficiently developed in Ukrainian legislation. In addition, the absence of a unified approach to defining the functions of law enforcement in wartime makes it difficult to develop an effective strategy for fighting crime and ensuring public safety (Yunin, Shevchenko, 2023).

Another significant challenge is the problem of legal support for the activities of law enforcement bodies in emergency situations. Law enforcement should be based on clear legal principles, but under martial law, additional measures of state coercion are required. This raises the question of the balance between the need to ensure security and the observance of human rights and freedoms. Therefore, it is necessary to define the limits and criteria for the legitimacy of law enforcement actions in wartime.

Another important aspect is the problem of adapting the law enforcement system to new threats. Martial law poses specific challenges, such as an increase in terrorist acts, sabotage and war crimes. This requires not only advanced training of law enforcement officers, but also the creation of new units that would specialise in combating such threats (Shablysty, Berezniak, Katorkin, 2023).

Another important problem is the issue of public control over the activities of law enforcement bodies in wartime. In times of war, the risk of violations of citizens' rights increases, so it is necessary to ensure effective mechanisms for monitoring compliance with the law by law enforcement officers. This will help maintain public trust in the law enforcement system and ensure the legitimacy of its actions.

Therefore, the absence of a well-established definition of the concept of 'law enforcement' under martial law is a serious scientific and practical problem that requires a comprehensive study. It is necessary to develop new approaches with due regard to the specifics of wartime, as well as to ensure effective legal regulation of law enforcement activities. This will create an efficient system that can effectively counter threats to national security and ensure the protection of citizens' rights even in the most difficult conditions.

3. Specifics of the definition of 'martial law'

According to the Law of Ukraine 'On Defence of Ukraine', martial law is a "special legal regime introduced in Ukraine or in certain areas of Ukraine in the event of armed aggres-

sion or threat of attack, threat to the state independence of Ukraine, its territorial integrity and provides for the granting of powers to the relevant state authorities, military command and local self-government bodies necessary to avert the threat and ensure national security, as well as temporary restrictions of constitutional rights and freedoms of man and citizen and rights and legitimate interests of legal entities caused by a threat, indicating the duration of these restrictions" (Law of Ukraine On the Defence of Ukraine, 1991). The statutory definitions of the legal regime of martial law in Ukraine enable to identify its key characteristics and specific features.

First, martial law is a special legal regime introduced throughout Ukraine or in certain regions in the event of open armed aggression or a real threat of attack, undermining state sovereignty or territorial integrity of the country.

Second, the main feature of this regime is the transfer of part or all of the powers of governance from local administrations to military commanders, military administrations or local governments under the control of military structures.

Third, the activities of state bodies, military command and local self-government bodies under martial law are aimed at preventing or neutralising existing threats to the security of the state. This involves making decisions and implementing measures that are of a priority nature for the defence of the country.

Finally, the legal regime of martial law includes the possibility of temporary restrictions on certain rights and freedoms of citizens as defined by the Constitution of Ukraine. Such restrictions are imposed solely to ensure national security and are of an exceptional nature, which corresponds to the conditions of a state of emergency in the country.

Analysis of the concept of 'law enforcement' in the context of the legal regime of martial law in Ukraine should be based on two main approaches to its understanding. In a broad sense, this is a comprehensive activity of all state and non-state structures aimed at ensuring the observance of the rights and freedoms of citizens, maintaining law and order with due regard to the specifics and challenges of wartime. In a narrow sense, law enforcement covers the functioning of specially authorised bodies that act within the limits of the powers granted by law to ensure law and order, protect the rights of citizens and maintain public safety.

It is believed that the specifics of law enforcement activities under martial law are closely related to its general tasks, but have a number of differences due to the peculiarities of wartime. The main tasks of law enforcement bodies are:

1. Protect the constitutional order and state sovereignty of Ukraine.

2. Protect the rights, freedoms and legitimate interests of citizens and entities of all forms of ownership.

3. Maintain the territorial integrity and defence capability of the country.

4. Ensure public order and security.

5. Fight common criminal offences, war crimes and terrorist threats.

6. Eliminate conditions and causes that facilitate the commission of offences.

The differences in the implementation of these tasks during martial law are due to the need to perform specific functions, such as coordination with the military command and other structures of the Security and Defence Forces. Law enforcement agencies may act independently or in cooperation with military administrations to implement martial law measures. These measures are as follows: to organise and control checkpoints to ensure security at strategic facilities; to conduct evacuation measures to protect civilians; to check documents and vehicles to identify potential threats; to record and document war crimes for further investigation and prosecution; to counteract offences.

In other words, the activities of law enforcement bodies in peacetime are aimed at maintaining law and order, protecting the rights and freedoms of citizens, combating crime and ensuring public safety. For example, the police patrol the streets to prevent crime and respond to calls from citizens. In wartime, law enforcement activities are expanded to include coordination with the military, control of checkpoints and evacuation of the population. A special emphasis is placed on identifying sabotage groups and documenting war crimes. Therefore, the functions of law enforcement are being adapted to the realities of martial law, ensuring the protection of state security.

4. Conclusions

Therefore, law enforcement during martial law is a complex multifunctional mechanism that combines traditional tasks with specific wartime measures. It is aimed at maintaining law and order, protecting citizens and ensuring the security of the state, which requires maximum coordination, efficiency and compliance with the law from law enforcement bodies. Furthermore, such activities are strategically important in ensuring Ukraine's national security and stability.

The analysis of doctrinal positions on the definition of the concept of 'law enforcement' demonstrates that traditional approaches to its understanding need to be adapted to the realities of wartime, when the functions

of law enforcement bodies are significantly expanded, and as a result, in addition to the classic tasks of ensuring law and order, law enforcement bodies are obliged to respond to specific challenges.

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ПРАВООХОРОННА ДІЯЛЬНІСТЬ В УМОВАХ ВОЄННОГО СТАНУ: ОСОБЛИВОСТІ, ВИКЛИКИ ТА СТРАТЕГІЧНІ ЗАВДАННЯ

Abstract. Purpose. Метою статті є дослідження особливостей правоохоронної діяльності в умовах воєнного стану в Україні, визначення ключових завдань та викликів, що постають перед правоохоронними органами у цей період. Стаття спрямована на аналіз теоретичних і практичних підходів до розуміння поняття «правоохоронна діяльність» у контексті війни, а також на виявлення відмінностей між функціонуванням системи правопорядку в мирний і воєнний час. **Results.** Стаття присвячена аналізу особливостей правоохоронної діяльності в умовах воєнного стану в Україні, її ключових завдань, викликів і трансформацій. Автори розглядають основні підходи до визначення поняття «правоохоронна діяльність» у правовій науці, зокрема концепції, запропоновані українськими дослідниками. У статті акцентується увага на розширенні функцій правоохоронних органів під час війни порівняно з мирним часом. Зазначено, що у мирний період правоохоронна діяльність спрямована на підтримання правопорядку та захист прав громадян, тоді як у воєнний час її завдання значно ширші. Розглядається специфіка діяльності правоохоронних органів, яка включає координацію з військовими структурами, організацію блокування, евакуацію населення, документування воєнних злочинів тощо. Підкреслюється стратегічне значення правоохоронної діяльності для національної безпеки. Стаття також звертає увагу на проблему відсутності усталеного визначення поняття «правоохоронна діяльність» у контексті воєнного часу. **Conclusions.** Пропонується адаптувати існуючі підходи до сучасних викликів. Вказується, що правовий режим воєнного стану включає специфічні завдання для правоохоронних органів, такі як протидія тероризму та воєнними злочинами, підтримання громадського порядку і територіальної цілісності. Також обговорюється необхідність ефективного правового регулювання та балансу між безпекою і захистом прав людини. Також, для ефективної діяльності в умовах війни правоохоронні органи мають бути адаптовані до нових викликів і функціонувати в умовах чіткої координації з іншими державними структурами. Традиційні підходи до розуміння поняття «правоохоронна діяльність» потребують адаптації до реалій воєнного часу, коли функції правоохоронних органів значно розширюються, як наслідок окрім класичних завдань із забезпечення законності та правопорядку, правоохоронні структури зобов'язані реагувати на специфічні виклики.

Ключові слова: правоохоронна діяльність, воєнний стан, правовий режим, національна безпека, правоохоронні органи, правопорядок, громадська безпека, воєнні злочини, координація, виклики війни, законність, права людини.