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## TRANSFORMATION OF FUNCTIONS OF THE NATIONAL POLICE AS AN ENTITY ENSURING LAW AND ORDER UNDER MARTIAL LAW

**Abstract. Purpose.** The purpose of the article is to study the transformation of the functions of the National Police as an entity ensuring law and order under martial law. **Results.** The scientific article studies the transformation of the functions of the National Police as an entity ensuring law and order under martial law. It is stated that at the legislative level, for the period of martial law in Ukraine, the range of powers of police officers has been temporarily expanded, and changes have been made to the procedure for performing police activities. Priority tasks in the activities of the National Police during the period of martial law are highlighted. It is established that the legislator has significantly expanded the powers of the National Police during martial law with the purpose of taking the necessary measures to normalise the situation under its service area as soon as possible, and to ensure and restore law and order and legality. The opinion on the introduction of such concepts as 'combat environment', 'combat situation', 'combat mode of operation of police units' in the context of the National Police's activities during martial law is supported. It is concluded that the activities of the National Police under martial law undergo profound changes, acquire new features, and undergo organisational restructuring. It is underlined that transformation of the functions of the National Police of Ukraine under martial law is aimed at expanding and developing the competence of the National Police, increasing the efficiency and effectiveness of its activities, accumulating forces and means of the National Police during emergency conditions, as well as achieving the main goal of the National Police, that is, ensuring the protection of human rights and freedoms, combating crime, and maintaining public security and order. **Conclusions.** It is determined that a characteristic feature of such transformations is the flexibility and adaptability of the National Police, which depends on the current operational situation, available forces and means, as well as on the influence of external factors and opportunities of the modern world, such as the development of technology.

**Key words:** law and order, entity ensuring law and order, police, function, competence, powers, martial law, transformation, police, MIA.

### 1. Introduction

The legal regime of martial law in Ukraine in connection with the armed conflict between Russia and Ukraine has become a decisive destabilising factor that has affected the development of legal relations between the state and society. There has been a transition to a military mode in various sectors of public life. The activities of the National Police have also undergone innovations, some previously unused methods and techniques have been developed, some functions have been expanded, the principles of respect for human rights and freedoms have been developed, and ensuring public safety and order has acquired new challenges, etc. The tasks assigned to the police

by society under martial law have been implemented due to the creation of a legal framework and mechanisms for its administration. Moreover, the implementation of one of the main tasks of the police – ensuring law and order on the territory of Ukraine – has been developed under the new extraordinary conditions of society and has reached European standards of observance of human rights and freedoms.

The activities of the National Police in general and its individual types and areas have been repeatedly studied by foreign and domestic scholars. The specific features of the functioning of the National Police have been the focus of research interests of such scholars as V.V. Abroskin, O.I. Bezpalova, I.S. Drok, O.F. Kobzar,

R.V. Myroniuk, O.M. Muzychuk, H.V. Muliar, V.O. Neviadovskyi, A.A. Nikitin, V.V. Sokurenko and many others. However, the transformation processes of the National Police during the period of martial law have not been studied in general. The purpose of the article is to study the transformation of the functions of the National Police as an entity ensuring law and order under martial law.

## **2. Legal and regulatory framework for transforming the functions of the National Police**

Since the beginning of the full-scale invasion of Ukraine by Russian troops in February 2022, law enforcement bodies have been operating under increased pressure due to the performance of both crime-fighting functions and tasks to repel and deter Russian armed aggression. The issues of ensuring public order and security, observance and protection of human rights, rights and freedoms of citizens have always been within the competence of national authorities. Meanwhile, the tasks to be solved regarding public order and security, especially under martial law, require coordinated actions of all actors of the national security and defence sector, with the National Police being one of the central actors. The National Police, as an entity that ensures law and order, has faced new challenges due to external emergencies.

However, Ukrainian legislation does not always keep pace with developments in society. We will analyse the provisions of two Laws of Ukraine that dealt with changes in the activities of the National Police under martial law: "On Amendments to the Laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" in order to optimise the activities of the police, including under martial law" (The Law of Ukraine on Amendments to the Laws of Ukraine "On the National Police" and "On the Disciplinary Statute of the National Police of Ukraine" in order to optimize police activities, including during martial law, 2022); "On Amendments to the Law of Ukraine "On the legal status of a missing person" and other legislative acts of Ukraine on improving the legal regulation of social relations associated with the acquisition of the status of a person who has disappeared under special circumstances" (Law of Ukraine On Amendments to the Law of Ukraine "On the legal status of a missing person" and other legislative acts of Ukraine on improving the legal regulation of social relations associated with the acquisition of the status of a person who has disappeared under special circumstances, 2022). The main statements of these legal regulations in the context of the topic under study are as follows:

1. Temporary expansion of the range of police powers for the period of martial law in Ukraine,

implementation of measures to ensure national security and defence, repulsion and deterrence of armed aggression of the Russian Federation and/or other states against Ukraine and 60 days afterwards, the list of which is provided for in Article 23 of the Law of Ukraine 'On the National Police' (Law of Ukraine on the National Police, 2015) (within the scope of competence, to carry out operational demining (detection, neutralisation and destruction of explosive objects with respect to which there are grounds to believe that they are objects, instruments or means of committing administrative or criminal offences); to organise work on granting, revoking and confirming police officers' access to special explosive works; to provide technical and forensic support for the inspection of the scene of an incident, including those related to fires and special explosive works on the facts of explosions, reports of detection of explosive objects, threat of explosion; to collect biometric data of persons, etc.)

2. Amendments to the procedure for police measures: police officers are entitled to check documents and record the data contained in the documents if a person has external features similar to those of a person who has unauthorisedly left a place of detention of prisoners of war; to stop vehicles if there is information indicating that the driver or passenger of the vehicle is a person who has unauthorisedly left a place of detention of prisoners of war; to use in their activities technical means such as unmanned aerial vehicles and special technical means to counteract their use; specialised software for analytical processing of photo and video information, including for identifying persons and vehicle licence plates; to use any means at hand, not only those special means provided for in Article 45 of the Law of Ukraine 'On the National Police'; to use coercive measures against persons participating in the armed aggression against Ukraine, without considering the requirements and prohibitions relating to the procedure for the use of coercive measures, the procedure for the use of special means and the procedure for the use of firearms (Law of Ukraine on the National Police, 2015).

## **3. Formulation of priority tasks in police activities**

An analysis of the events that took place in the country during the period of martial law, as well as the powers defined by law, enables to identify priority tasks in the police activities:

- Prevent, suppress and eliminate acts of massive violation of public order and mass disorder on the territory of Ukraine (this task was especially important for the police at the beginning of the full-scale invasion, when looting was widespread, as well as during evacuation measures, including forced evacuation

in Donetsk, Zaporizhzhia, Luhansk, Kharkiv and Kherson regions);

- Record the facts of crimes committed on the territory of Ukraine by the military of the armed forces of the rf, rb and their accomplices;

- Repulse and protect against the armed aggression of the rf against Ukraine by ensuring public order and security. These functions are directly entrusted to the interregional territorial body of the National Police – the Special Police Department ‘United Assault Brigade “Liut,” which is directly involved in hostilities along the entire contact line. In addition, certain local police units that do not directly perform combat missions, but are involved in certain tasks related to overcoming the consequences of the terrorist actions of the aggressor state against the civilian population of Ukraine under martial law;

- Ensure public order during major accidents, catastrophes, toxic and radioactive contamination, as well as during the elimination of the consequences of hits by enemy long-range weapons on civilian objects on the territory of Ukraine;

- Develop further the use of unmanned aerial vehicles in the territorial units of the National Police. The armed conflict with the Russian Federation forces prompted the development of technologies and their active implementation in the activities of the National Police. The active use of unmanned aerial vehicles in the territorial units of the National Police is effective in many areas: reconnaissance and combat activities; aerial reconnaissance in support of special operations; ensuring public safety and order; searching for missing persons; documenting and recording criminal offences; creating a source of information during the investigation of especially grave crimes; creating high-quality maps and terrain diagrams during investigative and operational activities; traffic monitoring; control over the activities of participants in mass events when a large number of people gather in public places; ensuring surveillance of protected objects and persons subject to protection by the National Police of Ukraine; providing assistance to people in places inaccessible to police until additional forces arrive, etc;

- Strengthen the protection of objects of strategic importance and critical infrastructure. The new realities require the use of more forces and means to protect such facilities, as well as new methods and forms of activity;

- Ensure control and access control at checkpoints;

- Ensure public safety and order during the curfew, as well as respond to violations of state-imposed restrictions for this period;

- Organise accounting and application of control and supervisory measures for the objects of the permit system;

- Involve the National Police personnel in demining the de-occupied territories of Ukraine;

- Provide humanitarian assistance to civilians and ensure the livelihoods of the population.

This list is not permanent and may be supplemented in view of changes in the operational situation. It is the flexibility of the National Police forces to the operational situation that characterises the transformation processes of the National Police under martial law.

It should be noted that the effectiveness of the forms and methods of the National Police in the context of martial law largely depends on the adaptability of the forces and means of police bodies and units to the dynamic conditions of the state of emergency. Under such conditions, it is important to improve the forms and methods of the National Police, including in terms of interaction with communities.

The procedure for transferring the forces and means of the National Police to the enhanced version of service, both throughout Ukraine and in its separate territories, is established by law (Order of the Ministry of Internal Affairs of Ukraine on the approval of the Instructions on the procedure for transferring the bodies of the National Police of Ukraine to the enhanced version of official activity, 2015). Moreover, the personnel of the National Police should have appropriate training, proficiency, abilities and skills, the ability to attract additional forces, material and technical resources, and the integrated use of preventive, organisational, legal, tactical and strategic forms and methods of activity to normalise the operational situation as soon as possible. All of this was demonstrated in the early days of the full-scale armed conflict, as well as in the subsequent changes in the operational situation and the emergence of new extraordinary circumstances related to the conflict.

At present the legislator has significantly expanded the powers of the National Police during martial law with the purpose of taking the necessary measures to normalise the situation under its service area as soon as possible, and to ensure and restore law and order and legality.

In this regard, we have to agree with a group of scholars (O.M. Muzychuk, V.O. Neviadovskyi and V.O. Naida) who insist on the introduction of such concepts as ‘combat environment’ and ‘combat situation’ in the context of the National Police’s activities during the introduction of martial law as states of objective reality, in which new organisational, logistical and technical directions are established under martial law (Muzychuk, Neviadovskyi, & Naida, 2023). In the activities of the National Police, the authors identify the category of ‘combat mode of functioning of police units’

as a set of activities of police units under martial law (Muzychuk, Neviadovskyi, & Naida, 2023). The list of actions of the personnel under such a regime, including interaction with other agencies and the public, should be defined at the regulatory level to avoid situations where the lack of instructions from superiors on further actions of the National Police personnel leads to chaotic actions of police officers at different levels, destabilisation of the already emergency situation in society, and serious consequences for civilians and police officers.

#### 4. Conclusions

To sum up, the activities of the National Police under martial law undergo profound changes, acquire new features, and undergo organisational restructuring. The transformation of the functions of the National Police of Ukraine under martial law is aimed at expanding and developing the competence of the National Police, increasing the efficiency and effectiveness of its activities, accumulating forces and means of the National Police during emergency conditions, as well as achieving the main goal of the National Police, that is, ensuring the protection of human rights and freedoms, combating crime, and maintaining public security and order. A characteristic feature of such transformations is the flexibility and adaptability of the National Police, which depends on the current operational situation, available forces and means, as well as on the influence of external factors and opportunities of the modern world, such as the development of technology.

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## ТРАНСФОРМАЦІЯ ФУНКЦІЙ НАЦІОНАЛЬНОЇ ПОЛІЦІЇ ЯК СУБ'ЄКТА ЗАБЕЗПЕЧЕННЯ ПРАВОПОРЯДКУ В УМОВАХ ВОЄННОГО СТАНУ

**Анотація. Мета** наукової статті – дослідити трансформацію функцій Національної поліції як суб'єкта забезпечення правопорядку в умовах воєнного стану. **Результати.** Наукова стаття присвячена дослідженню трансформації функцій Національної поліції як суб'єкта забезпечення правопорядку в умовах воєнного стану. Констатовано, що на законодавчому рівні на період введення в Україні воєнного стану тимчасово розширено коло повноважень поліцейських, внесені зміни в порядок здійснення поліцейських заходів. Виділені пріоритетні завдання в діяльності Національної поліції в період дії правового режиму воєнного стану. З'ясовано, що законодавець суттєво роз-

ширив повноваження Національної поліції під час воєнного стану з метою якнайшвидшого вжиття необхідних заходів для нормалізації ситуації на території обслуговування, забезпечення та відновлення правопорядку та законності. Підтримана позиція про введення в обіг в контексті діяльності Національної поліції під час введення режиму воєнного стану таких понять, як «бойова обстановка», «бойова ситуація», «бойовий режим функціонування підрозділів поліції». Зроблено висновок про те, що діяльність Національної поліції в умовах воєнного стану зазнає глибинних змін, набуває нових особливостей, зазнає організаційної перебудови. Акцентована увага на тому, що трансформація функцій Національної поліції України в період дії воєнного стану спрямована розширення та розвиток компетенції Національної поліції, підвищення оперативності та ефективності її діяльності, акумулювання сил та засобів Національної поліції в період дії надзвичайних умов, а також спрямована на досягнення основної мети діяльності Національної поліції – забезпечення охорони прав і свобод людини, протидії злочинності, підтримання публічної безпеки і порядку. **Висновки.** Визначено, що характерною особливістю таких трансформацій вважаємо гнучкість та адаптивність діяльності Національної поліції, яка залежить від оперативної обстановки, що склалася, наявних сил та засобів, а також від впливу зовнішніх факторів та можливостей сучасного світу, наприклад, розвиток технологій.

**Ключові слова:** правопорядок, суб'єкт забезпечення правопорядку, поліція, функція, компетенція, повноваження, воєнний стан, трансформація, поліція, МВС.

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