

## ADMINISTRATIVE LAW GOVERNING THE ACTIVITIES OF LAW ENFORCEMENT AGENCIES UNDER MARTIAL LAW

EL DERECHO ADMINISTRATIVO QUE REGULA LAS ACTIVIDADES DE LAS AGENCIAS DE  
APLICACIÓN DE LA LEY BAJO LA LEY MARCIAL

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**Abstract:** Effective and timely performance of duties by law enforcement officers under martial law is an important step on the way to restoring law and order disturbed by the armed conflict. The aim of the study was to analyze the structure of the mechanism of administrative law governing the activities of law enforcement agencies under martial law. The multiple-aspect research object determined the use of a wide range of methods, such as the comparative analysis and the method of comparative law. In this sense, implementing measures by the police to provide a technical forensic

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examination of the scene upon the discovery of suspicious explosive devices and ammunition is considered effective for ensuring law and order during martial law. During an armed conflict, the law enforcement officers carry out their activities in compliance with the provisions of administrative law governing law enforcement activities under martial law. A coordinated structure of law enforcement agencies during martial law helps to establish law and order and observe human rights and freedom. Further research on the activities of law enforcement agencies under martial law may focus on developing practical recommendations regarding the effectiveness of police activities, and these may be demining the territory and inspecting the scene by the police in the event of the discovery of explosive devices.

**Keywords:** law, order; enforcement agencies; legal regime; martial law; national resistance.

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**Resumen:** *El desempeño eficaz y oportuno de las funciones por parte de los agentes encargados del cumplimiento la ley bajo la ley marcial es un paso importante en el camino hacia el restablecimiento del orden público perturbado por el conflicto armado. El objetivo del estudio fue analizar la estructura del mecanismo de derecho administrativo que rige las actividades de los organismos encargados de hacer cumplir la ley bajo la ley marcial. El objeto de investigación de múltiples aspectos determinó el uso de una amplia gama de métodos, como el análisis comparativo y el método de derecho comparado. En ese sentido, la aplicación de medidas por parte de la policía para realizar un examen técnico forense del lugar de los hechos tras el descubrimiento de artefactos explosivos y municiones sospechosas se considera eficaz para garantizar el orden público durante la ley marcial. Durante un conflicto armado, los agentes del orden llevan a cabo sus actividades de conformidad con las disposiciones del derecho administrativo que rigen las actividades de aplicación de la ley bajo la ley marcial. Una estructura coordinada de los organismos encargados de hacer cumplir la ley durante la ley marcial ayuda a establecer la ley y el orden, y a respetar los derechos humanos y libertades. Investigaciones futuras sobre las actividades de los organismos encargados de hacer cumplir la ley bajo la ley marcial pueden centrarse en desarrollar recomendaciones prácticas sobre la eficacia de las actividades policiales, y estos pueden ser el desminado del territorio y la inspección del lugar por parte de la policía en caso de descubrimiento de artefactos explosivos.*

**Palabras clave:** *ley, orden, organismos de cumplimiento, régimen legal, ley marcial, resistencia nacional.*

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**Summary.** *I. Introduction. I.1. Literature review. I.2. Materials and methods. II. Results. III. Discussion. IV. Conclusions. References.*

## **I. INTRODUCTION**

The introduction of the legal regime of martial law in order to put up national resistance to an open armed conflict is a forced measure to preserve the statehood and independence of the country. Martial law violates people's constitutional rights and restricts their freedom of movement. The United Nations (UN) Charter calls on the international community to resolve international disputes and armed conflicts through peaceful means. At the same time, the same institution recognizes the State's right to self-defense against aggression, the use of UN armed forces, and the exercise of the right to self-determination.

Convention relative to the Opening of Hostilities of 1907 establishes the procedure for military actions and self-defense against aggression. International Humanitarian Law –Convention on Certain Conventional Weapons of 1980– defines the legal status of the subjects of a military conflict and the provision of assistance to victims of an armed conflict. Likewise, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 1949 establishes the procedure for using a permissible type of weapon for the self-defense against aggression. In the same way, Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997 establishes a ban on the use of anti-personnel mines, alloys and their transfer to third countries for self-defense against aggression and disposal to avoid an environmental disaster.

Therefore, open international armed conflicts become a factor of arbitrariness, lawlessness and massive violation of people's rights and freedom. The crime rate in Ukraine increased 1.5 times during the year and a half of the military conflict as a result of Russia's military aggression against Ukraine (Rozumkov Center, 2023). Moreover, military operations in Ukraine increased the rates crimes committed with the use of weapons, ammunition, and explosives 33 times compared to the pre-war period. Russia's open aggression against Ukraine has increased the area and volume of mining tenfold compared to the pre-war period, and these statistics indicate the need for prompt and timely law enforcement activities to restore law and order, effectively fight crime, and provide a prompt response of law

enforcement officers to numerous calls to identify suspicious explosive items that are a consequence of the armed conflict.

A coordinated mechanism of administrative and legal regulation of law enforcement agencies is an urgent issue for the State authorities of Ukraine, as the life and health of people who are daily exposed to danger caused by armed conflict depend on the work of law enforcement officers. The restoration of law and order, as well as the safety and health of people, is an integral element of the national resistance of Ukrainians on the way to the struggle for Ukraine's independence. Therefore, the analysis of the activity of law enforcement agencies under martial law and administrative law governing these activities becomes a relevant issue of research.

In that sense, the aim of this study was to analyze the mechanism used in the administrative law to govern the activities of law enforcement agencies during the legal regime of martial law and determine ways for its improvement. The aim was achieved through the fulfilment of the following research objectives:

- Consider the mechanism used in the administrative law to govern the activities of law enforcement agencies during the legal regime of martial law.
- Determine the status of law enforcement agencies under martial law established under administrative law.
- Identify measures and methods of law enforcement provided by administrative law aimed at establishing law and order and fighting crime under martial law.
- Analyze the effectiveness of the law enforcement agencies of Ukraine in establishing law and order and fighting crime in the context of Russia's open military aggression against Ukraine.

### ***1.1. Literature review***

The authors Drozd et al. (2022) and Bakaianova et al. (2019) studied social relations that arise and are implemented under the legal regime of martial law. In their opinion, law enforcement activities under the legal regime of martial law should focus on protecting the rights of citizens, which are limited and violated because of the introduction of the legal regime of martial law. Prytyka (2022) support this position when studying the functioning of law enforcement agencies under martial law. According to them, the State should ensure the functioning of its authorities, including law enforcement officers under martial law, directing their activities to the restoration and observance of constitutional human rights. Bagrii and Klimchuk (2022, pp. 6-7) and Andrusyshyn et al. (2023), in the same way,

analyzed the peculiarities of the functioning of State authorities during the armed military conflict.

In their opinion, martial law becomes a challenge for all State authorities, which carry out their activities under a special legal regime. However, the activities of State authorities under such conditions must be carried out by observing a special legal regime through legally defined means and procedures. That is the reason why Ilnytslyi and Ilkiv (2023) analyzed the legal regime of martial law through the prism of public administration, and they concluded that the activities of law enforcement agencies occupy a key place in the system of entities whose activities are aimed at ensuring the functioning of the legal regime of martial law.

A well-coordinated mechanism for the functioning of law enforcement during the war becomes the basis for the functioning of other State authorities. Bakaianova et al. (2019, p. 2254) and Avramova and Korniyenko (2022, pp. 7-8) analyzed the role and place of law enforcement agencies when guaranteeing the rights of citizens under martial law. In their opinion, the State should introduce the best methods of law enforcement under martial law in order to improve the effectiveness of law enforcement activities.

On the other hand, Karpa et al. (2022, pp.16-17) and Burlaka et al. (2023) studied the administrative law governing social security for law enforcement officers under martial law. They concluded that, for the effectiveness of law enforcement activities during martial law, the State increases the level of social security of law enforcement officers. In particular, it provides State and regional guarantees of social protection to law enforcement officers and their families, and such guarantees include the rights of law enforcement officers to housing, education, health care, free travel, property maintenance benefits, and free higher education for the children of law enforcement officers.

Moreover, Lamb (2018) analyzed the administrative law governing policing under martial law in South Africa. They concluded that the effectiveness of the police in South Africa during constant military conflicts is possible only through the acquisition of the status of military personnel. Currently, the South African Military Police Service remains a militarized organization, despite political efforts in the 1990s to demilitarize it. The researchers believe that the constant armed conflicts in this region are a forced factor in the militarization of law enforcement agencies engaged in combating crime.

This position is supported by Stuurman (2020, p. 44), who studied aspects of the administrative law governing the military police service in Brazil and South Africa. This is also supported by Sung et al. (2022, p.311), who examined the organizational and legal management of military policing in Latin America. However, according to these researchers, the creation of military police services under the legal regime of martial law is a forced measure and, therefore, it is ineffective in peacetime. The level of law enforcement practice of the military police service when combating crime and ensuring the safety of servicemen is equivalent to the level of the performance indicators for a police officer without the status of a serviceman. Studying the state of effectiveness of the military police service, Mummolo (2018) and Flores-Macías and Zarkin (2021) reached the same conclusion.

In the case of Grynchak and Grynchak (2022) and Engler et al. (2021), they explored the experience of the European Union (EU) member states regarding the management of higher State bodies in a state of emergency. They mentioned that there is no single approach to the introduction of a legal regime of martial law for all EU countries, since it has its own peculiarities for each country, and considers the State system, the structure of the State machinery, and the system of national legislation. However, despite a rather wide range of studies on the activities of law enforcement officers under legal regime of martial law, many questions in this area remain fragmentarily covered. In particular the following:

- Peculiarities of the implementation of the mechanism of administrative law governing the activities of law enforcement agencies under martial law.
- The status of law enforcement officers during a military conflict determined by the administrative law.
- Peculiarities of the legal regime during which law enforcement officers perform the functions of protecting the integrity of the State and protecting the rights and freedom of citizens. All this determines the relevance of the issue under research.

## ***1.2. Materials and methods***

The procedure of this research included three stages. The first stage involved a review of the academic literature regarding the grounds for the introduction of martial law and the exercise of the State's right to self-defense against aggression. Law enforcement activities under martial law, grounds for its means and methods provided by administrative law were also considered. Likewise, the provisions of international law and national

legislation of Ukraine on national resistance against Russian aggression and on law enforcement activities under martial law were selected. Finally, the materials of reporting on the criminal offences committed in Ukraine during the Russian-Ukrainian armed conflict, as well as the results of a social survey on the effectiveness of law enforcement agencies during martial law, were selected.

The second stage involved theoretical and experimental research by comparing their results and analyzing discrepancies. The provisions of the UN Charter and the Convention relative to the Opening of Hostilities on the self-defense against armed conflict were considered. Also, provisions of international humanitarian law on the means of national resistance and martial law enshrined in administrative law were analyzed. Provisions of Ukrainian legislation on the functioning of law enforcement agencies in wartime were studied. Finally, the comparison of the indicators of reported committed criminal offences during 2021-2023 revealed the dynamics of increasing crime because of Russian aggression in Ukraine.

The third stage provided the arrangement of indicators of crime in Ukraine during the Russian-Ukrainian armed conflict. For this, the level of trust of Ukrainians in law enforcement agencies during the period of martial law was assessed, and an academic discourse on the effectiveness of law enforcement activities in combating and fighting crime during martial law was also systematized.

Moreover, theoretical, legal, statistical and practical information about the national resistance to aggression and the legal regime of martial law were analyzed using the method of comparative analysis. The method of comparative law was applied to analyze the international legal grounds for the exercise of the State's right to self-defense against aggression, and to determine the conditions for the use of permitted means and methods of such self-defense. In the same way, the system-structural approach was employed to analyze the mechanism of administrative law governing law enforcement activities under martial law and describe the content of its structural elements.

On the other hand, the system-logical approach evaluated the effectiveness of police officers under martial law conditions and determined the level of public trust of Ukrainians in law enforcement agencies during Russia's open military aggression against Ukraine. The combination of empirical and theoretical methods was used for an empirical interpretation of the theory and theoretical interpretation of empirical data, as well as revealing the legal principles of measures and methods of law enforcement under martial law provided by administrative law. The doctrinal analysis of studies on the

activities of law enforcement officers during armed conflicts and under martial law determined ways of improving the mechanism of administrative law governing law enforcement activities under martial law. The sample included:

- Provisions of international law regarding international military conflicts.
- Grounds and procedure for military armed conflicts.
- Conditions for the use of weapons permitted under international law for the exercise of the State's right of self-defense against aggression.
- The mechanism of administrative law governing the activities of law enforcement agencies during the legal regime of martial law and its structure.
- Status of law enforcement agencies under martial law established by administrative law.
- Measures and methods of law enforcement provided by administrative law aimed at establishing law and order and fighting crime under martial law.
- Effectiveness of law enforcement agencies of Ukraine when establishing law and order and fighting crime under the conditions of Russia's open military aggression against Ukraine.

The main materials on which the research was based were sources of international law: UN Charter (1945), Convention relative to the Opening of Hostilities (1907), Convention on Certain Conventional Weapons (1980), Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), and Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997). The provisions of the national legislation of Ukraine regarding the introduction of national resistance to Russian aggression and the introduction of a legal regime of martial law were also considered. Furthermore, the research was carried out on the basis of the practice of the National Police of Ukraine under martial law.

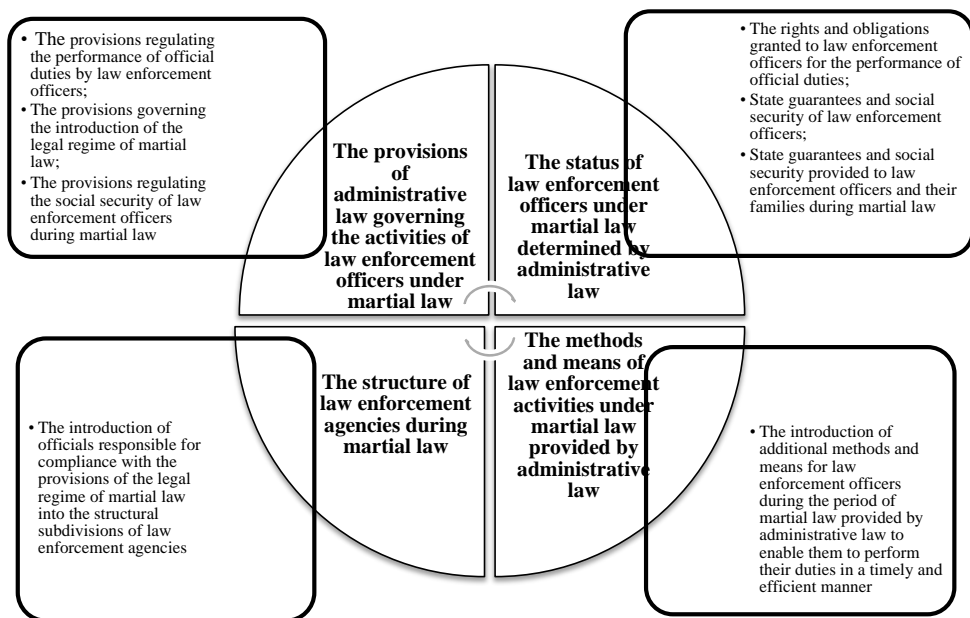
Likewise, a social survey developed by the Rozumkov Center (2023) regarding the public trust of Ukrainians in the State authorities in the context of the Russian-Ukrainian war was analyzed. This study also relied on academic literature on the issues of martial law and doctrinal analysis of the problems of the activities of law enforcement agencies during the legal regime of martial law.

## **II. RESULTS**



In connection with the introduction of the legal regime of martial law, the mechanism of administrative law governing the activities of law enforcement agencies (Illustration 1) acquires several features. This is determined by the fact that law enforcement agencies carry out important tasks by preserving the statehood, monitoring the observance of law and order and legality, as well as protecting State borders and the foundations of national security during martial law.

**Illustration 1.** The mechanism of administrative law governing the activities of law enforcement



Source: developed by the author.

The realization of self-defense against aggression is determined by national legislation regarding the introduction of the legal regime of martial law and putting up national resistance. The procedure for the functioning of State authorities under the conditions of an armed conflict is determined by the Commander-in-Chief of the State. The activities of law enforcement agencies aimed at maintaining law and order and ensuring the protection of the country’s national security interests under martial law are governed by

the provisions of administrative law regulating law enforcement activities and martial law.

The country's government undertakes to expand the status of law enforcement officers provided by administrative law for their timely and efficient performance of official duties in order to ensure law and order under martial law. With the introduction of a legal regime of martial law throughout the territory, the Ukrainian government expanded the functions of law enforcement officers to protect the interests of national security to put up national resistance to Russia's open aggression against Ukraine. In order to ensure the prompt performance of official duties, employees of the National Police of Ukraine may perform the functions of other law enforcement agencies with the introduction of martial law (Ukraine's National Government 2022).

Likewise, police officers are given the right to carry out operations related to operational demining and decontamination, and destruction of explosive items, as well as independent inspection of the scene related to fires caused by explosive devices or by carrying out blasting upon the discovery of suspicious explosive items. These duties were performed by employees of the State Emergency Service of Ukraine in peacetime. The police officers were also given the functions of escorting detainees to court premises for court hearings during the martial law, which were performed by the National Guard of Ukraine in peacetime. During official investigations, police officers also have the right to receive information from public and private bodies or local self-government bodies free of charge, including the information related to prisoners of war.

Police officers could partially exercise these powers with the consent of the Prosecutor's Office. Expanding the methods and means of conducting police service under martial law provided by administrative law in terms of independent work regarding the inspection of the scenes with the involvement of explosive items or related to fires is extremely necessary and urgent. The reason for this is that the number of crimes committed with the use of weapons, ammunition and explosive items increased during the war in Ukraine (Table 1).

**Table 1.** Criminal indicators for Ukraine 2021-2023

<b>Criminal offences</b>	<b>01-06.2021</b>	<b>01-06.2022</b>	<b>Dynamics of crime 2021-2022</b>	<b>01-06.2023</b>	<b>Dynamics of crime 2021-2023</b>
Crimes total	189 962	163 403	-86 %	258 424	+136 %
High crimes	7681	42 464	+553 %	63 393	+825 %
Grave crimes	62 349	49 539	-80 %	104 364	+167 %
Minor crimes and misdemeanours	117 905	70 996	-60 %	89 907	-76 %
Crimes committed with the use of weapons and ammunition	404	2010	+497 %	13 135	+3251 %
Crimes committed with the use of firearms, cold, gas and pneumatic weapons	334	955	+277 %	1271	+380 %
Crimes committed with the use of ammunition	58	1 043	+1 800 %	11 852	+20 434 %
Crimes committed with the use of explosives	12	12	100 %	13	+108 %
Crimes against the foundations of national security of Ukraine	332	10 394	+313 %	3790	+114 %
Crimes against life and health of a person	21 785	20 518	-94 %	33 192	+152 %
Crimes against the will, honour and dignity of a person	451	1498	+332 %	293	-65 %
Crimes against property	93 041	49 239	-53 %	96 146	+104 %
Crimes against economic activity	3861	1504	-40 %	2671	-70 %
Crimes against public safety	3977	3908	-98 %	4491	+113 %
Crimes against protection of state secrets, inviolability of State borders, provision of conscription and mobilization	550	1203	+218 %	3783	+687 %
War crimes	1576	4425	+280 %	11 564	+733 %
Crimes against peace, human security and international legal order	125	20 788	+16 630 %	35 989	+28 787 %

**Note.** Developed by the author based on the information provided by the Office of the Prosecutor General of Ukraine (2023).

The indicators given in Table 1 show a significant increase in crime rates in Ukraine because of Russia's open military aggression against the first. The massive nature of the violation of the foundations of Ukraine's national security, peace, human security, State borders, international legal order; as well as the commission of crimes against human life and health, will, honour and dignity of people, requires timely and operational measures and methods provided by administrative law for the performance of duties by law enforcement officers. The high crime rate testifies to the priority of the State's law enforcement function to maintain law and order and legality under the legal regime of martial law. In this sense, the activity of the structure of law enforcement agencies coordinated and harmonized by the Ukrainian government contributes to the establishment of law and order and the observance of human rights and freedom in wartime. The results of the effectiveness of such law enforcement activities are evidenced by the high level of public trust of Ukrainians in the employees of the entire range of law enforcement agencies (Illustration 2).

**Illustration 2.** Public trust of Ukrainians in law enforcement officers, 2021-2023



**Note.** Developed by the author based on Razumkov Centre (2023).

During the year and a half of Russian aggression against Ukraine, Ukrainians began to trust law enforcement by almost 30 % more on average

(27 % for 2022, and 31 % for 2023). These dynamics show the desire of Ukrainians to destroy arbitrariness and restore law and order. This can be achieved only through the effective activities of law enforcement agencies, both in peacetime and, unfortunately, under the legal regime of martial law. The introduction of the legal regime of martial law changes the usual regime and procedure for the performance of official duties by law enforcement officers. National resistance to Palestinian aggression in Israel has expanded the powers of law enforcement officers to provide law and order and reduce arbitrariness on the streets.

Moreover, the Israeli military police, under the conditions of martial law, carry out tasks related to the control of prisoners of war and the observance of law and order in the line of movement of military units and combat operations. The military service of law and order of the armed forces of Ukraine has broader powers under martial law. The Ukrainian military police, as in Israel, is engaged in escorting and guarding prisoners of war, restoring law and order in military units.

The Ukrainian military police also takes measures to fight against enemy sabotage and intelligence groups, monitor compliance with curfew rules in garrisons, guard military facilities and military settlements, and control over the movement of military transport and cargo. As in Ukraine, the open aggression of a strong neighbour has become one of the factors in the increased crime rates in Israel. Over the past three years, the crime rate in Israel has increased by a third (Crime in Israel, 2023). However, the high level of security in Israel (Security Index: 67.68; Crime Index: 32.32) also indicates the effectiveness of the mechanism of administrative law governing the activities of law enforcement officers.

Putting up national resistance during armed military conflicts and ensuring law and order requires the forced transfer of law enforcement agencies to the functioning under the legal regime of martial law. This leads to the introduction of changes in the structure of law enforcement agencies, as well as their subordination, which relates to the creation of military administrations and the expansion of official powers for the operational fight against the high crime rates caused by the war. Law enforcement officers are provided with State guarantees, social security and deferment from military conscription for the performance of law enforcement activities under the legal regime of martial law. However, law enforcement activity under martial law is effective only during the time of national resistance, while it should be carried out in the usual legal regime in peacetime.

### **III. DISCUSSION**

The introduction of the legal regime of martial law forces law enforcement agencies to work under conditions of violation and restriction of the constitutional rights and freedom of citizens. It also extends its powers for the period of martial law. Therefore, observance of law and order during the war becomes a priority to preserve statehood. The priority of performing the law enforcement function of the State during martial law determines the law enforcement officers of one of the main subjects of State authorities. Martial law significantly changes the mechanism of administrative law governing the activities of law enforcement agencies. However, the effectiveness of the functioning of this mechanism during the war contributes to the functioning of other government agencies.

In that sense, guaranteeing human rights and freedom under the legal regime of martial law is a challenge for the law-based State. During the war, maintaining law and order becomes a real challenge not only for the State, but also for the entire system of government agencies. The performance of law enforcement functions by the State during martial law is a key task on the way to restore and defend its statehood. According to Ilnytsyi and Ilkiv (2023) and Koropatnik et al. (2020), law enforcement agencies occupy a central place in the system of government agencies when ensuring the functioning of the legal regime of martial law. Drozd et al. (2022) and Shvets et al. (2022) noted that law enforcement activities should be based on legal means and methods permitted by the legal regime of martial law.

According to this, such legal regime of martial law restricts and violates the constitutional rights and freedom of citizens and reduces them to a minimum (Bakaianova et al., 2019, 2254; Vilchuk, 2022, p.254). The mechanism of introducing the legal regime of martial law in each country has its own peculiarities, which are related to the State system, the structure of the hierarchy of government agencies, and the system of national legislation (Grynchak and Grynchak, 2022). The introduction of the legal regime of martial law becomes a challenge for all State authorities, the effective operation of which is the basis for preserving statehood (Bagrii and Klimchuk, 2022; Guyvan, 2022).

Under martial law, the State should focus on improving the conditions for observing human rights by implementing an effective and coordinated law enforcement policy. Such activities of law enforcement agencies during a declared war should be carried out by the means provided for by the current legislation (Prytuliak, 2022, p.50). The effectiveness of law enforcement activities under martial law significantly depends on the level of State guarantors and the level of social security of law enforcement officers

(Karpa et al., 2022; Burlaka et al., 2023). That is why long-term armed conflicts become a factor in the traditional rooting of expanded functions by law enforcement officers, which are provided to them when martial law was introduced. Militarization of police officers on the territory of South Africa (Lamb, 2018; Loenen, 2021), Brazil and Latin America (Stuurman, 2020; Sung et al., 2022) attests to the ineffectiveness of the performance of the functions of military personnel by the police. The reason for this is that the restoration of the balance between public security and civil liberties is impossible under martial law and in the presence of militarized law enforcement agencies (Mummolo, 2018, p. 9182; Nix et al., 2018, pp. 34-36).

The doctrinal analysis of the specified problems of the organizational and legal support of the activities of law enforcement agencies under the legal regime of martial law revealed the tendency of researchers to study the direction chosen in this research. Legal researchers see the expediency of further researching the structure of the functioning of the system of law enforcement entities under a military conflict, which generally adjusts the content and directions of the legal regime of martial law.

#### **IV. CONCLUSIONS**

The mechanism of administrative and legal regulation of law enforcement agencies during the legal regime of martial law is a system of administrative and legal means and methods that are comprehensively implemented by law enforcement officers to achieve law and order, fight crime, and protect human rights and freedom under the conditions of the legal regime of martial law. The functioning of the specified mechanism is ensured by clearly defining its structural elements, in particular methods and means of law enforcement activities provided by administrative law under the legal regime of martial law, as well as administrative and legal status of law enforcement officers under martial law, the provisions of administrative law governing the activities of law enforcement officers under martial law, and structures of law enforcement agencies during martial law.

The prospect of further research is the development of practical recommendations to improve the functioning of law enforcement agencies under the legal regime of martial law as the main subject that contributes to the observance of law and order. Therefore, we see a further prospect in empirical research, as well as a theoretical and methodological justification of effective mechanisms of administrative law governing law enforcement

activities under martial law. The obtained results can be used to develop effective ways for the operation of the system of State authorities during the introduction of the legal regime of martial law.

## REFERENCES

- Andrusyshyn, B., Bilozorov, Y., Opolska, N., Kupina, L., & Tokarchuk, O. (2023). Right to a Fair Trial in Extraordinary Conditions. *The Age of Human Rights Journal*, (20), e7539. <https://doi.org/10.17561/tahrj.v20.7539>.
- Avramova, O., & Korniyenko, G. (2022). The Ukrainian Experience of Tenure and Food Security in the State of Martial Law. *Baltic Journal of Legal and Social Sciences*, 6-14.
- Bagrii, T., & Klimchuk, M. (2022). Ensure the Constitutional Right to a Fair Trial in Ukraine. *Visegrad Journal of Human Rights*, 6-11.
- Bakaianova, N., Kryzhanovska, O., & Kubaienko, A. (2019). The Role of Law Enforcement in Ensuring the Rights of Citizens. *Journal of Advanced Research in Law and Economics*, 2253-2261.
- Burlaka, O., Parpan, T., Leshchukh, D., Lasko, I., & Pylypenko, S. (2023). Realization of social rights of ukrainian citizens under martial law. *Cuestiones Politicas*, 41(76). <https://produccioncientificaluz.org/index.php/cuestiones/issue/view/3801>
- CIDH. (1907). *III Convetion relative to the opening of hostilities*. ICRC: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iii-1907>
- Drozd, O., Kobzar, O., Romanov, M., Hryhorii, D., & Pohoretskyi, M. (2022). Aspects of implementation of the law enforcement function of the state under the legal regime of martial law in Ukraine. *Cuestiones Politicas*, 40(75), 569-580. <https://doi.org/10.46398/questpol.4075.34>
- Engler, S., Brunner, P., Loviat, R., Abou-Chadi, T., Leemann, L., Glaser, A., & Kübler, D. (2021). Democracy in times of the pandemic: explaining the variation of COVID-19 policies across european democracies. *West European Politics*, 1077-1102.
- Flores-Macías, G., & Zarkin, J. (2021). The militarization of law enforcement: evidence from Latin America. *Perspectives on Politics*, 519-538.
- Grynchak, A., & Grynchak, S. (2022). Features of higher state bodies in the state of emergency (Martial Law) in european countries; Constitutional and Legal Regulation. *Problems of Legality*, (158), 6–28.
- Numbeo. (2023). *Crime in Israel*. [https://www.numbeo.com/crime/country\\_result.jsp?country=Israel](https://www.numbeo.com/crime/country_result.jsp?country=Israel)
- Guyvan, P. (2022). Certainty of law enforcement as the basis of a fair trial. *Scientific Collection «InterConf»*, (126), 126-135.
- Ilnytslyi, O., & Ilkiv, N. (2023). *Features of Public Administration Ensuring Security under the Legal Regime of Martial Law in Ukraine*. <https://ajee-journal.com/features-of-public-administration-ensuring-security-under-the-legal-regime-of-martial-law-in-ukraine>
- Karpa, M., Akimov, O., & Kitsak, T. (2022). Social protection of military personnel in Ukraine: state and regional guarantees. *Public Administration and Law Review*, 16-23.



- Koropatnik, I., Karelin, V., Boikov, A., Shopina, I., & Khrystynchenko, N. (2020). Activities of the Ministry of Defense and Military Administration during the special period. *Legal Ethical & Regul*, 23(1). <https://n9.cl/vuymo>
- Lamb, G. (2018). Militarisation and the 'War on Crime' in South Africa. *Journal of Southern African Studies*, 44(5), 933-949.
- Ukraine's National Government. (2022). *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" for the purpose of optimizing police activities, including during martial law"*. Ukraine's National Government.
- Loenen, T. (2021). Shifting the Frontiers of International Human Rights Law. *Furthering the Frontiers of International Law: Sovereignty, Human Rights, Sustainable Development*, 171-183.
- Mummolo, J. (2018). Militarization fails to enhance police safety or reduce crime but may harm police reputation. *Proceedings of the National Academy of Sciences*, 9181-9186.
- Nix, J., Wolf, S., & Cambell, B. (2018). Command-level police officers' perceptions of the "war on cops" and de-policing. *Justice Quarterly*, 33-54.
- Ukraine's General Prosecutor Office. (s.f.). *Unified report on criminal offences, 2021-2023*. <https://gp.gov.ua/ua/posts/pro-zareyestrovani-kriminalni-pravoporushennya-ta-rezultati-yih-dosudovogo-rozsliduvannya-2>
- Poliuk, Y., But, I., Zhyvotovska, I., & Synytsyn, P. (2022). Constitutional human rights under martial law: legal realities. *Amazonia Investiga*, 76-83.
- Prytuliak, V., Hofman, O., Verba, O., Shcherbak, S., & Leshchenko, O. (2022). Protection of individual rights in enforcement proceedings under martial law. *Amazonia Investiga*, 11(54), 50-56.
- Prytyka, Y., Izarova, I., Maliarchuk, L., & Terekh, O. (2022). Legal Challenges for Ukraine under Martial Law: Protection of Civil, Property and Labour Rights, Right to a Fair Trial, and Enforcement of Decisions. *Access to Just. E. Eur*, 5(3), 1-20.
- Rozumkov Center. (2023). *Citizens' assessment of the situation in the country and the actions of the authorities, trust in social institutions*. <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-gromadianamy-sytuatsii-v-kra>
- Shvets, D., Loshytskyi, M., Zhukova, Y., & Kobko, Y. (2022). Perspective directions of the public administration development in a modern state: new views under martial law. *Lex Humana*, 503-516.
- Stuurman, Z. (2022). Policing inequality and the inequality of policing: A look at the militarisation of policing around the world, focusing on Brazil and South Africa. *South African Journal of International Affairs*, 311-340.
- Sung, H., Capellan, J., & Barthuly, B. (2022). Trust in the police and the militarisation of law enforcement in Latin America. *Policing and Society*, 311-340.
- ICRC. (1997). *Anti-personnel mine ban convention. 1997 anti-personnel mine ban convention*. <https://www.icrc.org/en/document/1997-convention-prohibition-anti-personnel-mines-and-their-destruction>
- ICRC. (1949). *The Geneva conventions of 12 august 1949*. <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>
- United Nations. (1945). United Nations Charter. <https://www.un.org/en/about-us/un-charter>

Vilchyk, T. (2022). Advocacy of Ukraine in the period of martial law and restoration after the war: problems of legal regulation of the organization and activities. *Revista Jurídica Portucalense*, 32, 254-273.