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### **TO THE ISSUE OF EFFICIENCY AND RESTRICTIONS ON THE ACTIVITIES OF PUBLIC AUTHORITIES UNDER THE LEGAL REGIME OF MARTIAL LAW**

The article provides a general theoretical analysis of the issues of efficiency and restrictions on the activities of public authorities under the legal regime of martial law. It is emphasized that the introduction of martial law in Ukraine has necessitated a prompt response to external threats, which, in turn, has led to the expansion of the functions and powers of military administrations. In critical conditions of war, the balance between security and freedom often shifts towards security, which poses a potential threat of turning temporary restrictions into a sustainable practice. It is noted that the restrictions imposed must be justified, temporary and comply with the Constitution of Ukraine and international human rights standards.

**Key words:** *public authorities, martial law, military administrations, executive power, national security, restriction of rights.*

**Relevance of the study.** The Ukrainian system of public authorities began to be formed in a normal period, and the goals set for it had differences due to fundamentally different conditions of life of a person, society and the state than during the period of martial law. Solving the complex tasks faced by the national system of public authorities requires systematic improvement of the activities of all public authorities, which, in turn, requires updating their tasks, functions and principles of functioning in accordance with the challenges and threats of our time. Therefore, it is necessary to continuously monitor the state of public administration in the country, to timely identify existing problems and challenges that require prompt organizational, legal and personnel changes, which confirms the relevance of this topic.

The imposition of martial law in Ukraine has led to global transformations in the functioning of public authorities, with a special emphasis on the executive branch, and local gov-

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ernments. The need for a prompt and effective response to internal and external challenges and threats has set new tasks for the state that required the transformation of management approaches. In this regard, there is a need to rethink the role of public authorities in wartime and to adapt governance mechanisms to new socio-political realities and challenges in key areas of public life.

**Recent publications review.** Various aspects of the essence and content of the functioning of public authorities, their exercise of the control function in normal times and under martial law have been the subject of scientific research by such scholars as O. Andriyko, O. Bandurka, O. Batanov, F. Venislavskyi, M. Vilgushynskyi, V. Garashchuk, S. Denysiuk, I. Zharovska, V. Zui, V. Kostytskyi, A. Krusian, V. Lemak, Ye. Minakova, O. Morgunov, O. Muzychuk, O. Petryshyn, A. Selivanov, O. Yarmysh and others.

**The article's objective** is to provide a general theoretical characterization of the effectiveness and limitations of public authorities' activities under the martial law regime.

**Discussion.** According to the Law of Ukraine «On the Defense of Ukraine», martial law is a special legal regime imposed in Ukraine or in specific regions in the event of armed aggression, threat of attack, or danger to Ukraine's state independence or territorial integrity. It provides the relevant state authorities, military command, military administrations, and local self-government bodies with the powers necessary to repel aggression, ensure national security, and eliminate threats to state independence and territorial integrity. It also includes temporary restrictions – necessitated by the threat – on constitutional rights and freedoms of individuals and legal entities, clearly indicating the duration of such restrictions [7].

A specialized legal act regulating public relations under martial law is the Law of Ukraine «On the Legal Regime of Martial Law», which defines the content of the legal regime of martial law, the procedure for its introduction and cancellation, the legal basis for the activities of public authorities, military command, military administrations, local self-government bodies, the legal status and restrictions on the rights and freedoms of citizens and the rights and legitimate interests of legal entities [8]. In turn, the Law of Ukraine «On Defense of Ukraine» establishes the principles of defense of Ukraine, as well as the powers of state authorities, the main functions and tasks of military administration, local state administrations, local self-government bodies, the duties of enterprises, institutions, organizations, officials, rights and duties of Ukrainian citizens in the field of defense [7]. Primarily, the introduction of martial law has led to legislative changes and served as a catalyst for the creation of temporary executive authorities and the reorganization of existing structures.

Public authorities in a democratic society perform the basic function of ensuring public order, security and realization of public interests. In a normal period, the authorities function in conditions of openness, accountability, publicity, compliance with the principle of separation of powers and other principles [11, p. 121; 10, p. 184]. However, under martial law, the balance between the restrictions and effectiveness of government and human freedoms and restrictions on their rights shifts significantly [12]. Martial law or a state of emergency force the state to react quickly, sometimes resorting to extraordinary powers, which, in turn, creates complex ethical and legal dilemmas.

It is known that the system of executive power has three levels: the highest – the Cabinet of Ministers of Ukraine; central – ministries, public services, agencies, inspectorates, commissions and other central executive bodies with special status; and administrative-territorial – related to the implementation of executive functions on the ground [1, p. 113; 6]. Under martial law, the role of the executive branch has significantly increased, especially in terms of ensuring defense capability, public security, management of national resources and support for the functioning of critical infrastructure.

In accordance with the Law of Ukraine «On the Legal Regime of Martial Law», temporary state bodies – military administrations – may be established in the territories where mar-

tial law has been introduced to ensure the operation of the Constitution and laws of Ukraine, to ensure, together with the military command, the introduction and implementation of measures of the legal regime of martial law, defense, civil protection, public safety and order, protection of critical infrastructure, protection of the rights, freedoms and legitimate interests of citizens [8]. When analyzing the nature of state authorities, scholars identify several characteristics that emerge under martial law conditions:: 1) an adaptive approach to the formation of the staff of a certain public authority, including the use of shift methods, the possibility of working remotely; 2) expanding the competence of public authorities by performing tasks and functions which were not previously characteristic of them, especially in the regions of active hostilities; 3) rethinking the territory of the executive authorities with the possibility of redeployment to other territories in the actual exercise of their powers; 4) increasing the role of interaction between different public authorities within the framework of martial law. Given the above, scholars argue that new principles of activity of public authorities, characteristic of the martial law regime, are being formed – the principle of complementarity and adaptability [4, p. 107]. Thus, the legal regime of martial law not only requires improvement of the activities of public authorities, but also the introduction of new functions, tasks and principles of their work.

The introduction of martial law always causes a shock effect on various spheres of state and society. This is due both to the institutional and legal changes that follow in this case, and to the main reason for the introduction of such a state – military aggression from outside, and thus to the sharp transformation of a number of informal institutions that follows it [2, p. 32]. The authorities are focusing their efforts on ensuring the defense capability of the state, protecting the population and maintaining the stable functioning of basic life systems. To this end, the processes of mobilization, logistics and support of the Armed Forces of Ukraine and other military formations are being intensified.

The introduction of martial law in Ukraine necessitated a prompt response to external threats, which in turn led to the expansion of the functions and powers of military administrations. They were able to act as key governing bodies in an emergency situation, ensuring stability, public order and the defense capability of the state. As part of these expanded powers, military administrations have the right to:

- control the activities of local self-government bodies – if necessary, they can partially or fully take over their powers if they are unable to effectively perform their functions under martial law;
- ensure public order and security – by coordinating the actions of law enforcement agencies, imposing curfews, restricting the movement of citizens, and regulating the operation of strategically important facilities;
- organize the evacuation of the population from high-risk areas, while ensuring the accommodation of evacuees and providing them with the necessary resources;
- mobilize both material and human resources for defense needs, including temporary seizure of property from individuals or legal entities with subsequent compensation for damages;
- to ensure the functioning of critical infrastructure, from energy supply to communications, cooperating with relevant services and enterprises for the stable functioning of life support systems;
- to inform the citizens about threats and security measures by organizing alerts about emergencies and military operations.

Based on this analysis, it can be concluded that the expansion of powers of executive authorities under martial law is not only appropriate, but also essential to ensure effective public administration in times of crisis, as well as to guarantee the safety and well-being of the population. Decisions are often made in a simplified or urgent manner, especially in situations

requiring immediate response. Additionally, coordination headquarters, commissions, and operational groups are formed to ensure effective management of crisis processes. At the same time, it is important to note that the expanded powers are temporary and operate exclusively under the legal regime of martial law to ensure maximum efficiency in times of threat to national security.

War poses an unprecedented challenge to the public administration system in any country, as it requires the simultaneous mobilization of all its resources, ensuring stability in the home front and respect for human rights. The effectiveness of public authorities in such conditions is determined not only by the speed of decision-making, but also by the ability to adapt the functioning of public authorities to martial law. At the same time, the war reveals a number of systemic problems that impede the full-fledged operation of public authorities, including in normal times. Among them are the following:

1. Centralization of decision-making, which leads to the weakness of local self-government. In the context of martial law, centralization of decisions is, on the one hand, a justified step, as it allows for prompt action, avoidance of duplication of functions and coordination of defense efforts; on the other hand, excessive centralization leads to marginalization of local authorities, lost feedback from the population, and limits initiative and flexibility on the ground. Local governments are the primary link in communication with citizens [3, p. 245–247; 9; 5], but they often have neither real powers nor sufficient resources to respond to crisis situations.

2. Unbalanced interagency coordination between military administrations, executive authorities, law enforcement agencies and local governments, which leads to duplication of functions, bureaucratic confusion or, conversely, dangerous gaps in decision-making. This slows down the response to challenges and reduces public trust in public authorities.

3. Information asymmetry and non-transparency of management decisions. Restricting access to information in times of war is a necessary step to ensure security. However, excessive secrecy in the decision-making process or lack of explanations by the authorities generates information speculation and, as a result, distrust of the authorities.

4. Legal uncertainty. Under martial law, there is a shift in legal emphasis – some provisions of the Constitution are restricted (under martial law, certain rights of citizens may be temporarily restricted, in particular: freedom of speech (censorship), freedom of movement (curfew), right to assembly, right to property (requisition of property for defense needs)), temporary regulations are in force, and procedural standards are changed. This often leads to legal uncertainty, when government officials do not have a clear framework of responsibility and citizens do not have guarantees of legal protection. Such a situation is fraught with abuse, blurred legal responsibility of government officials, and a decline in the quality of public administration.

5. Limitation of administrative resources. With the introduction of martial law, many government officials were mobilized or evacuated from dangerous regions. In addition, the administrative system often operates under constant threat, destroyed infrastructure and lack of funding. This creates significant challenges to maintaining governance capacity, especially at the community level.

6. Risks of losing democratic control. In order to respond effectively to threats, the authorities are forced to take extraordinary measures that restrict civil liberties, such as freedom of speech, assembly, privacy, etc. Without proper parliamentary and public oversight, such restrictions may go beyond what is permissible and become a new norm even after the war is over.

The public authorities are operating in a state of emergency mobilization during the war: decisions are made quickly and centrally, the executive branch is strengthened, a special regime of information secrecy is in place, and military and civilian structures are closely cooperating. The authorities are actively engaging the population in defense activities by creating territorial defense

units and supporting volunteer initiatives. Transparent information policy of public authorities remains important.

However, the emergency mobilization regime, which involves the concentration of administrative resources and rapid response, is accompanied by a number of challenges that call into question the long-term effectiveness and legitimacy of public authorities. First of all, we are talking about the risks of excessive restrictions on democratic mechanisms of control and public participation in decision-making. In critical conditions of war, the balance between security and freedom often shifts towards security, which poses a potential threat of turning temporary restrictions into a permanent practice. It should be noted that the restrictions imposed must be justified, temporary and comply with the Constitution of Ukraine and international human rights standards.

**Conclusions.** Summarizing the results of the study, the following should be noted.

1. Public authorities under martial law demonstrate their ability to adapt, mobilize resources and respond quickly. The main task is to ensure effective governance of the state, guided by the principles of the rule of law, legality, and humanism. In the context of the introduction of martial law, the public administration system is undergoing significant transformations aimed at improving the effectiveness of responding to challenges and threats to national security, the state's defense capability and the stability of key areas of public life. The central executive authorities are granted expanded powers to ensure coordination of actions at the national level, prompt decision-making and efficient allocation of resources.

2. Under the legal regime of martial law, local governments partially lose their autonomy, which is a necessary measure to implement a unified state policy in the field of security and defense. The introduction of military administrations on the ground allows maintaining stable governance in the face of threats or disruption of local authorities. At the same time, the functioning of executive authorities under martial law is accompanied by a number of problems: overload of central structures, difficulties in communication between different levels of government, legal uncertainty and potential risks to democratic governance. Thus, although strengthening the executive vertical is necessary in an emergency situation, it remains an important task to maintain a balance between centralization of power and adherence to the principles of democratic governance.

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#### **АНОТАЦІЯ**

**Ольга Чепік-Трегубенко, Катерина Петриченко. До питання ефективності та обмеження діяльності органів публічної влади в умовах дії правового режиму воєнного стану**

У статті здійснено загальнотеоретичний аналіз ефективності та обмеження діяльності органів публічної влади в умовах дії правового режиму воєнного стану. Наголошено, що запровадження воєнного стану в Україні зумовило необхідність оперативного реагування на зовнішні виклики та загрози, що, своєю чергою, спричинило розширення функцій та повноважень військових адміністрацій. Центральні органи виконавчої влади отримують розширені повноваження, що дає змогу забезпечити координацію дій на загальнодержавному рівні, оперативне ухвалення рішень та ефективний розподіл ресурсів.

Акцентовано, що публічна влада в умовах воєнного стану демонструє свою здатність до адаптації, мобілізації ресурсів та швидкого реагування. Головне завдання – забезпечити ефективне управління державою, керуючись при цьому принципами верховенства права, законності, гуманізму та ін. Публічна влада в умовах війни працює у режимі надзвичайної мобілізації: рішення приймаються швидко і централізовано, посилюється виконавча вертикаль, здійснюється тісна взаємодія військових та цивільних структур, влада активно залучає населення до оборонних заходів. Ураховуючи дію особливого режиму інформаційної секретності, важливо все ж дотримуватися відкритої інформаційної політики органів публічної влади, співмірної періоду воєнного стану.

Зауважено, що в критичних умовах війни баланс між безпекою та свободою часто зміщується в бік безпеки, що створює потенційну загрозу перетворення тимчасових обмежень на сталу практику. Тож запроваджені обмеження повинні бути обґрунтованими, тимчасовими і відповідати Конституції України та міжнародним стандартам прав людини. Необхідним є здійснення постійного моніторингу стану публічного адміністрування у державі, вчасно виявляти існуючі проблеми та потенційні виклики, які потребують своєчасних організаційних та правових змін.

**Ключові слова:** публічна влада, воєнний стан, військові адміністрації, виконавча влада, національна безпека, обмеження прав.