

## **ADMINISTRATIVE COERCION IN THE CONTENT OF THE LEGAL REGIME OF MARTIAL LAW**

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On February 24, 2022, the Russian Federation began with a large-scale war against Ukraine. According to the Constitution of Ukraine, the legal regime of martial law was immediately introduced. The legal regime of martial law is the main institution of legal security of Ukraine's national security. In our opinion, it is the administrative coercion (an integral part of state coercion) that forms the basis of the legal content of such a legal phenomenon as the legal regime of martial law.

Some scientists believe that administrative coercion is necessarily the character of administrative punishment and is carried out only in connection with the wrongful harmful acts for society, as a reaction of the state to the harmful behavior of the individual. But we adhere to the opinions of other scientists. Who believe that administrative coercion measures can be applied both in relation to offenders and persons who have not committed offenses.

Administrative coercion in the introduction of a legal regime of martial law becomes the basis of legal regulation of social relations, it allegedly penetrates all social relations: labor, civil-legal, constitutional, environmental and other. In order to eliminate the impact of the negative factor on the public, legal measures of an extraordinary nature are applied to the public, which cause intensive restriction of citizens in the regime territory.

The legitimate restriction of the administrative and legal status of citizens, acting as the implementation of an extraordinary regime, was the basis for the allocation of a special form of administrative and legal regulation. Its specificity in the nature of legal influence on the relation in these conditions and is expressed in establishing the regime of administrative restrictions. Expanding the competence of governing bodies enables them to change the nature of forced influence on citizens and legal entities. The action on restrictions on the restriction of rights and freedoms in the context of an extraordinary legal regime applies not to specific persons, but to the population of the whole territory. In extraordinary conditions, this type of regulation becomes predominant.

In order to find out what additional, other than others, administrative and legal measures are used in the context of an extraordinary regime, it is appropriate for us to turn to the widespread classification of administrative coercion measures to following groups (depending on the method of provision and purpose of application): administrative-preventive measures, administrative measures, administrative measures. Let's take a closer look at each group of administrative coercion measures on the examples of extraordinary administrative and legal regimes, which are enshrined in the relevant constitutional laws of Ukraine.

Administrative and preventive measures.

It is generally recognized that the main purpose of administrative preventive measures is to prevent the offense and ensure public safety in special conditions. The peculiarity of these measures is that they are clearly pronounced. If we turn to the legal norms that are in the laws of Ukraine "On the legal regime of emergency", "On the legal regime of martial law", "On the zone of emergency environmental situation", then we will see that a significant number of measures applied in these conditions refers to the categories of administrative-warning. Such measures in our opinion reflect the legal nature of extraordinary regimes. These include: special entry and exit mode; restriction of traffic and inspection; prohibition of mass events; prohibition of strikes; curfew; quarantine establishment; restriction or ban on the sale of weapons, toxic substances, alcohol; Temporary seizure of firearms and cold weapons, as well as ammunition, poisonous and explosives, and enterprises, institutions and organizations also of educational military equipment and radioactive substances and more.

Of particular importance is the considered event of the administrative warning in the face of extraordinary regimes. In the presence of an acute social conflict, special control on the part of the state bodies in the composition of the contingent arrives in the regime zone and removed from it, by the number and types of cargoes transported. In these circumstances, a special procedure for entering the territory where the emergency regime may be introduced. This regime is necessary to normalize the situation, restore law and order.

One of the widespread legal means of ensuring public order and safety in the emergency area is the introduction of such a limitation as a curfew. Commandant hour is defined as a ban on the streets and in other public places without specially issued gaps and documents certifying the identity at the established hours of the day.

Based on tactical considerations, the curfew is usually established in the evening and at night, since it is at this time that it is objectively difficult to monitor compliance with public order outside the living and other premises. The specific period of validity of the commanding hour is determined by the

authorities of the management of which the management of the regime territory is entrusted. The establishment of a curfew is a number of organizational measures. In practical activity, this means an assessment of the operational situation in a particular locality, the calculations of forces and means necessary to ensure the curfew, their placement, the organization of control over the service and so on. In addition to the prohibition of finding citizens in public places without passes in the established hours, the curfew also limits free traffic, the work of trade and catering, the functioning of educational institutions, household services, and some other organizational measures that provide a curfew. The list of persons to whom passes, the type of pass, their details and the order of issuance are determined by the bodies to which the management of the regime territory is entrusted.

The next group of licenses of administrative-preventive nature is the measures to restrict or prohibit the sale, as well as the temporary removal of means, objects and substances, the uncontrolled use of which can entail complications of the situation. The following items include: sound amplifiers and multiplication equipment; weapons, ammunition, poisonous and explosives; educational military equipment and radioactive substances; Alcohol.

Measures of administrative termination.

Many different powers of law enforcement agencies provided for by law, starting with the delivery of offenders, seizure of things and documents, and ending with the use of weapons in exceptional situations, are used to terminate public order violations and exercise the emergency regime. The essence of such measures is in the forced termination of unlawful acts of citizens, officials, enterprises, institutions and organizations that violate the order. In addition to the general measures of administrative termination, extraordinary legal regimes provide for such a specific measure as suspension after a relevant warning, the activities of political parties, organizations and movements that interfere with the normalization of the situation. In our view, we can also include a temporary ban on the production of information material, which can complicate the operational situation to the abolition of the emergency regime, as well as the removal of prohibited substances and objects.

The Constitution of Ukraine guarantees the right of citizens to association, at the same time, it is prohibited to create and activities of public associations, the purpose or action of which is aimed at a violent change of the foundations of constitutional structure and violation of the integrity of Ukraine, undermined the security of the state, the creation of armed formations, ignition of social, racial, national and religious.

In the context of extraordinary legal regimes, acute social conflicts and political parties arise, public organizations and massive movement often

accept one or another party in the conflict. At the same time, their activities can acquire the Ectomisi direction, promote further ignition of the conflict situation. In this case, the authorities and management, in the territory of the emergency regime, were given the right to suspend the activities of such public organizations for the period of the regime.

Measures of administrative procedural support.

It should be emphasized that one of the specific features characteristic of administrative and procedural measures is that the measures under consideration are used to identify offenses, consolidate and identify evidence of the offense, create other conditions necessary for comprehensive and objective consideration of the case.

A number of ordinary measures of administrative procedural support, such as: care, verification of documents, administrative detention are the legal arguments of extraordinary legal regimes and are filled in these conditions with special content, which is different from the usual conditions.

So, along with the general basis for care, there are special basis. One of these is under the laws of Ukraine “On the Legal Regime of A state of emergency”, “On the legal regime of martial law” and “On the area of emergency environmental situation” is the presence of prohibited things in the population.

In the face of extraordinary regimes, the basis of document verification is significantly expanding. If, under normal conditions, sufficient information about the offense or what is being prepared, that is, in relation to specific persons, and when entering an extraordinary regime, the verification of documents in an indefinite range of persons is possible. The condition of such inspection is the fact of the gathering of citizens. The purpose here is not only to identify possible offenders, but also to establish a qualitative composition of those gathered, which in turn helps to predict and influence the further development of events in the regime territory.

Administrative penalties.

Administrative penalties, unlike other types of administrative coercion, are punished for an administrative offense and has its ultimate goal to have an educational impact on the offender and other persons and thus prevent new administrative misconduct.

As emphasized, different requirements can be set extraordinary regimes. These are: a ban on mass events, quarantine, the introduction of a curfew and a number of others. The list of such legal limits is contained in the Decree of the President of Ukraine, which introduced the relevant extraordinary legal regime. Further detailed regulation of the requirements of the extraordinary regime is reflected in the regulations of the governing body, which manages the regime zone, for example in the orders of the local administration, orders

of the operational headquarters. Administrative liability arises in the implementation of unlawful acts that violate the requirements.

Considering the administrative penalties imposed in emergency conditions, it can be emphasized that their main feature is to increase responsibility in comparison with the one that comes for the commission of an offense under normal conditions. To summarize, we have the opportunity to say that extraordinary regimes are characterized by significant changes in the legal status of the subjects of administrative legal entities, the competence of public authorities and management is expanding at the expense of the legal limits of individuals and legal entities, which is mainly reflected by a sharp increase in the mechanism of legal regulation.

Summarizing all of the above, it can be emphasized that extraordinary administrative and legal regimes are a system of legal norms of predominantly administrative nature, which have an expression in the restrictions of the rights and freedoms of citizens, rights of legal entities, in increasing the powers of state bodies and management, which are introduced in a specific territory in the presence.

2. Оптимізація системи органів виконавчої влади в умовах воєнного стану та повоєнної відбудови

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## **ОСОБЛИВОСТІ ДІЯЛЬНОСТІ ЦНАП В УМОВАХ ВОЄННОГО СТАНУ**

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Одними з ключових документів, що визначають напрями адміністративної реформи в Україні, є Стратегія реформування державного управління на 2022–2025 рр., Державна стратегія регіонального розвитку на 2021–2027 рр., Концепція розвитку системи електронних послуг, Концепція розвитку електронного урядування та цифрової інфраструктури України [1, с. 59]. Ці документи спрямовані на створення і розвиток системи надання адміністративних послуг, що