

VIEWS ON UNDERSTANDING THE ADAPTATION OF PUBLIC ADMINISTRATION TO THE CONDITIONS OF MARTIAL LAW

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ABSTRACT

Purpose: The aggression by Russia has led to the introduction of martial law in Ukraine, the conditions of which affect all spheres of life in Ukrainian society. Public administration bodies are forced to adapt to the new working conditions, and, unfortunately, these conditions mostly complicate and sometimes even slow down the European integration processes in Ukraine.

Method: The article uses general and special scientific methods.

Results: The legal regime of martial law significantly restructures the system of public administration in Ukraine. However, it is possible to understand the mechanism, internal nature and further development of such restructuring only through the prism of analyzing the essence of the process of adaptation to martial law.

Conclusions: The authors distinguish two components of adaptation to martial law: first, in the field of economic and business activities; second, in the field of law enforcement activities. Based on the comprehended problematic aspects and components of adaptation of public administration to martial law, the following areas of its improvement are identified: interaction of security and defense forces; ensuring rational implementation of all types of management activities in the course of the digitalization of social relations; observance of the rights of persons with disabilities under martial law.

Keywords: adaptation, public administration, martial law, economic activity, law enforcement, security, defense, digitalization.

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OPINIÕES SOBRE A ADAPTAÇÃO DA ADMINISTRAÇÃO PÚBLICA ÀS CONDIÇÕES DA LEI MARCIAL

RESUMO

Objetivo: A agressão por parte da Rússia levou à introdução da lei marcial na Ucrânia, cujas condições afetam todas as esferas da vida na sociedade ucraniana. Os organismos da administração pública são forçados a adaptar-se às novas condições de trabalho e, infelizmente, estas condições complicam e, por vezes, até atrasam os processos de integração europeia na Ucrânia.

Método: O artigo utiliza métodos científicos gerais e especiais.

Resultados: O regime jurídico da lei marcial reestrutura significativamente o sistema de administração pública na Ucrânia. No entanto, é possível entender o mecanismo, a natureza interna e o desenvolvimento posterior de tal reestruturação apenas através do prisma de analisar a essência do processo de adaptação à lei marcial.

Conclusões: Os autores distinguem dois componentes da adaptação à lei marcial: primeiro, no campo das atividades econômicas e empresariais; segundo, no campo das atividades de aplicação da lei. Com base nos aspectos problemáticos abrangentes e componentes da adaptação da administração pública à lei marcial, identificam-se as seguintes áreas de sua melhoria: interação das forças de segurança e defesa; garantia da implementação racional de todos os tipos de atividades de gestão no decorrer da digitalização das relações sociais; observância dos direitos das pessoas com deficiência sob a lei marcial.

Palavras-chave: adaptação, administração pública, lei marcial, atividade econômica, aplicação da lei, segurança, defesa, digitalização.

1 INTRODUCTION

The martial law that has been in effect in Ukraine since February 2022 has had a negative impact on a wide range of administrative relations, creating new organizational, managerial, logistical, moral, ethical and ideological challenges for the national and international administrative and legal doctrine. In the context of an undeclared war, administrative authorities are forced to work in rather difficult conditions, primarily ensuring the personal safety of citizens staying on the territory of Ukraine. The situation in this regard is even more complicated in the occupied and frontline territories, which are subject to daily shelling by the aggressor state. Every day, the socio-economic, political, and cultural spheres are being rebuilt, which requires adaptation at the level of administrative and legal regulation. There is an urgent need to integrate internally displaced persons, including persons with disabilities, as well as to find new ways,



methods, and managerial solutions in the field of administrative and legal regulation of food security.

Certain issues of the essence, forms and methods of public administration have been studied in the scientific works of leading scholars, but this problem under martial law is emerging in the light of the latest challenges, in particular, the vision of the adaptation process itself is changing, including the vision of this process through the prism of public administration in the field of economic and business activities, as well as in the field of law enforcement.

2 PURPOSE AND OBJECTIVES OF THE STUDY

The purpose of the article is to determine the essence of the adaptation of public administration to the conditions of martial law. To achieve this goal, it is necessary to solve the following tasks:

- a) to form a comprehensive vision of the adaptation process itself by analyzing the positions of foreign scientists on the essence of adaptation to climate change;
- b) to analyze in detail the socio-political realities of public administration under martial law;
- c) to single out the components of adaptation of public administration to the conditions of martial law;
- d) to consider directions for improving the public administration system in modern realities.

3 METHODOLOGY

To achieve the purpose of the research and to fulfil the objectives, a number of general scientific and special methods of scientific knowledge were used in the article. The application of the dialectical method made it possible to comprehend the fact that public administration is a multifaceted concept which embodies the interaction of the State and society, as well as interaction with various elements of the social system. This is particularly important in the context of the legal regime of martial law in Ukraine, since public administration is based on state power, which must guarantee and ensure human rights and freedoms. Public administration covers the entire society and even beyond the borders of a single state, as it is carried out within the framework of the rule of law and



legality, in particular, through a legally regulated and practically effective control mechanism, including within the international community.

When working with scientific and regulatory sources, reference statistical and empirical data, the method of logic and formal legal methods were used. Their application made it possible to determine the specifics of public administration adaptation to martial law. The Government of Ukraine has declared the principles of human-centred and human-oriented development of Ukrainian society. The state policy is aimed at creating a system of public administration where human rights and freedoms are strictly protected. Today, as never before, an important state task is to reformat public opinion about the true unity and firmness of Ukrainian society, where free thought, democratic values and faith in the future prevail in the context of the principle of "man for the state" rather than "state for man".

The qualitative methods with analytical descriptive specifications are used in this study in order to gain a deeper understanding of the public administration's adaptation to martial law. The data were collected from secondary sources which include primary legal sources (regulations, laws) as well as secondary legal sources including books, articles and other relevant literature. The data collection methods include literature review to understand the theoretical framework and to obtain additional information regarding the adaptation of public administration to martial law. In analysing the data, a content analysis approach is used to examine and interpret the information systematically, identify patterns and compare them with relevant research findings. Based on the findings and interpretations, conclusions are drawn to answer the issues raised and provide potential recommendations for future research or implementation.

4 RESULTS AND DISCUSSION

The problem of effective provision of the protection of the aggrieved person's rights has always existed. However, as historical events testify, the Second World War radically changed views on guarantees of world peace because humanity understood the true value of human rights and freedoms, which led to a fundamental update of the legal mechanism for their protection. Starting from this time, protecting human rights is not a purely internal competence of states. It has gained international significance, embodied in the idea of creating a new international law and order, the basis of which is the respect for fundamental rights and freedoms (Ablamskyi et al. 2020, 2022; Sokurenko et al.



2023). International cooperation can help build trust and understanding between countries, which in turn will facilitate future cooperation in other areas. It is known that there have been many examples and operations of successful international cooperation in the field of criminal justice in the history of international cooperation in the field of criminal justice (Voitsikhovskiy, Bakumov, Ustyomenko, Lohvynenko, 2022).

The challenges of the Russian-Ukrainian war provide the entire international scientific community with the main vector for research in various fields of knowledge. Norwegian and Canadian scholars G. Anjum, M. Aziz and H. Hamid (2023), based on their own experience of practical work with Ukrainian refugees, note that the terror spread by the war destroys lives and tears families apart, leaving people and communities devastated. However, the full scale and depth of social transformations can be traced to the adaptation of various spheres of Ukrainian society to the new conditions of martial law.

Article 1 of the Law of Ukraine of 10.11.2015 No. 389-VIII "On the Legal Regime of Martial Law" stipulates that martial law is a special legal regime introduced in Ukraine or in certain areas of Ukraine in the event of armed aggression 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, military administrations and local self-government bodies necessary to avert the threat, repel armed aggression and ensure national security, eliminate the threat of danger to the state independence of Ukraine, its territorial integrity. As we can see, this legal regime significantly restructures the system of public administration in Ukraine. However, it is possible to understand the mechanism, internal nature and further development of such restructuring only through the prism of analyzing the essence of the process of adaptation to martial law. This process has not been sufficiently studied in international scholarship. At the same time, we believe it is appropriate to pay attention to the positions of some foreign researchers in the context of adaptation to climate change as a global problem of humanity.

Australian researchers J. Nalau, E. Torabi, N. Edwards, M. Howes and E. Morgan (2021) note that a huge amount of knowledge is currently being accumulated to guide climate change adaptation efforts. This knowledge is backed by a set of standardized empirical rules (heuristics) that define what climate adaptation is and what issues it covers. In turn, representatives of the Canadian scientific community J. Ford and D. King (2015, p. 505) in the context of climate change propose to consider adaptation readiness



as an additional category in the field of adaptive capacity, which captures the impact and nature of governance structures and political processes that determine whether adaptation will take place. The researchers propose a framework for assessing adaptation readiness, identifying six key factors necessary for adaptation: political leadership, institutional organization, adaptation decision-making and stakeholder engagement, access to science, adaptation financing, and public support for adaptation. This position of the researchers allows us to expand the idea of adaptation as a multidimensional process that requires consolidated efforts of certain authors, taking into account the fundamental directions, including strategic planning, and not only as a requirement of the time generated by a specific legal regime. Adaptation, in our deep conviction, is aimed precisely at the future by adapting current processes, including those of a managerial nature, to the existing challenges. In the course of studying the essence of such processes, a prominent place is given to the restructuring of public administration.

K. Buhaichuk (2018, p. 42) understands public administration as a type of activity of public administration, which is expressed, in addition to the provision of administrative services, in the implementation and enforcement of laws and regulations. In turn, other researchers (S. Shatrava, N. Tsybulnyk, O. Bezpalo, O. Muzychuk, 2020, p. 65), to the most important elements of effective public administration, include flexible and unambiguous legislation; clear accountability of business entities to control and supervision bodies in combination with an effective institution of responsibility; active implementation of the latest strategies and tools, the effectiveness of which is confirmed at the international level, in everyday activities. Separately, scholars note that it is equally important to exchange international experience in the implementation of managerial activities between countries.

Comprehending the peculiarities of the national system of public administration, V. Ivantsov (2019, p. 104) notes that the formation of Ukraine as a young and independent state is inextricably linked to the reform of the main branches of social and political life and to the permanent processes of improving the regulatory framework. The researcher emphasizes that, being the most voluminous, the sphere of administrative and legal regulation is obviously most often subject to changes, which is manifested in the adoption of new laws aimed at replacing the acts of previous regulation of relevant issues or without such, as well as the adoption of regulations aimed at detailing the provisions of a higher level of legal regulation and improving existing regulations. In the context of



analyzing this position, it should be noted that since 2014, it is the Ukrainian society that has outlined a clear vector for further development of the system of legislation, including administrative legislation, when the country's course towards integration with the European Union was proclaimed at the legislative level. Thus, O. Kyrychenko (2022, p. 143) calls for taking into account that the directions of harmonization of the main provisions of the national administrative and legal science with the European integration requirements set by the partner countries to Ukraine as a candidate for accession to the European Union should, first of all, be aimed at revising the basic principles and principles of administrative law in general and public administration in particular. These approaches are aimed at demonstrating to the world community the sustainable rise of Ukraine as a legal, democratic state. At the same time V. Komziuk, Yu. Zahumenna, A. Borko and S. Bortnyk (2023, p. 517), studying the latest social realities of the Russian-Ukrainian war, state that under martial law, which was introduced throughout Ukraine in connection with Russia's full-scale armed invasion on February 24, 2022, it is imperative to maintain an adequate level of ensuring the key components of national security in the State. Also, among other things, it is extremely important that the state guarantees the inviolability of one of the key objects of national security, namely the rights, freedoms and legitimate interests of citizens enshrined in the Constitution of Ukraine.

In the light of the above socio-political realities, in this study we have identified two components of adaptation to martial law: adaptation of public administration in the field of economic and business activities, and adaptation of public administration in the field of law enforcement activities.

In the field of adaptation of the economic and business sphere, O. Avramova and H. Korniienko (2022, p. 10) note that along with the housing need under martial law, the problem of food supply for Ukrainians is also emerging. Thus, the war requires new approaches to ensuring food security both in Ukraine and around the world. Without imperative regulation using administrative methods, it is impossible to achieve a balance between business, the state and the food consumer. An example of such regulation is the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Creating Conditions for Ensuring Food Security under Martial Law". The law establishes new temporary approaches to: automatic extension of agricultural land lease agreements for 1 year; simplification of the procedure for concluding new lease agreements for state and municipal land without holding auctions; signing agreements with qualified electronic



signatures; determining the rent at a level not exceeding 8 percent of the normative monetary value of a unit of arable land in the region, which is intended to reduce costs for the lessee. Such changes in the legal and regulatory framework should ensure Ukraine's national security, which is the basis for adaptation under martial law. It should be noted that ensuring food security under martial law also required coordinated interaction between the state and civil society institutions. Volunteers played an invaluable role in this process, delivering food packages, drinking and technical water to civilians in the affected areas. Such volunteer activities under martial law were carried out in close cooperation with law enforcement agencies, in particular with the National Police of Ukraine (hereinafter - the police).

Studying the adaptation of law enforcement agencies to the requirements of martial law, O. Bezpalova (2022, p. 22) identifies the following to the priority areas of police activity in ensuring the rights of citizens under martial law: recording and qualification of war crimes in Ukraine; investigation of war crimes in the conditions of active hostilities; demining of territories and buildings; protection of public order and provision of public safety; detection of cases of illegal actions against children; use of modern information technologies, systems and means of information protection; psychological support for the activities of police bodies under martial law and provision of primary psychological assistance by police officers to various categories of citizens. The directions indicated by the researcher mainly concern the performance of official tasks, including the latest content, while not taking into account the new services that police officers provide to the population on a daily basis, especially in the de-occupied and most affected by hostilities territories. The very social orientation of the concept of public administration is embodied in such services, their diversity and branching. In the conditions of martial law, we can talk about the temporary, forced nature of such orientation, however, the established practices of protecting humanitarian cargo, delivering targeted humanitarian aid, and psychological support of the population by public officials lay a solid foundation of trust in state institutions.

Based on the problematic aspects and components of adaptation of public administration to martial law, we have identified the following areas of improvement as vectors of further development of the public administration system in the new realities formed in domestic and foreign scientific thought.



1. Improving the interaction of security and defense forces. A. Rusetskyi, S. Lelet, V. Dopilka and N. Tsybulnyk (2020, p. 240) note that despite the significant successes of Ukrainian society in creating modern, powerful and combat-ready armed forces, the defense system of Ukraine still has its shortcomings. In particular, the system of coordination and communication between domestic military units, territorial defense bodies, local authorities and self-government bodies, and administrations of enterprises, organizations and institutions is quite outdated. In order to quickly and effectively overcome all the obstacles that hinder the development of Ukraine's defense capability, researchers suggest that the domestic scientific community, and especially the state leadership, should focus attention and all available resources on coordinating joint actions, clear and unambiguous legislative support for the country's territorial defense system.

In this area, we believe that an important issue is to improve the interaction of territorial defense with police bodies and units. Such interaction may concern the delivery of humanitarian aid, joint patrolling, organization of joint educational and national and patriotic events.

2. Ensuring the rational implementation of all types of management activities in the course of digitalization of social relations. According to O. Salmanova, Ye. Popovich, A. Nikitin and I. Tesliuk (2020, p. 421), this will significantly increase the innovative attractiveness of the national economic and managerial model. In addition, the research sector should be provided with an effective legislative framework, since the limits of technological improvement of the structure of social relations, as well as their legal regulation, should be clearly and unambiguously defined in the adopted regulations.

Under martial law, digitalization is the basis for ensuring the security of both public servants and the public in the course of providing public services. After all, it is with the help of digital tools that it is possible to organize effective remote work, to provide managerial decisions online.

3. Observance of the rights of persons with disabilities under martial law. N. Filipaska (2022, p. 73) is of the opinion that it is quite predictable that in areas located in the areas of hostilities, near the contact line or near it, the state bodies whose competence includes providing assistance to socially vulnerable groups of the population, in order to ensure the safety of personnel, work mostly remotely and are not able to provide the necessary assistance. In order to more effectively address issues related to the



implementation of the provisions of the UN Convention on the Rights of Persons with Disabilities, to realize and protect the rights of this category of persons, the researcher proposes to involve representatives of specialized non-governmental organizations in the creation and discussion of the regulatory framework relating to this group of persons (for example, involving such representatives to work in the relevant committees of the Verkhovna Rada of Ukraine), to introduce the position of adviser to the head of the regional military administration on issues of persons with disabilities from representatives of public associations (Filipska, 2022, p. 77–78). At the same time, the American researcher M. Waterstone (2010, p. 1081), considering the problem of returning veterans with disabilities to normal life, which is relevant for modern Ukrainian society, and analyzing the provisions of federal laws and the policy on employment of people with disabilities in general, emphasizes that anti-discrimination legislation, primarily the Americans with Disabilities Act, is based on the idea of empowerment, on the fact that people with disabilities can and should work after the elimination of discriminatory factors. But, as the scholar notes, the anti-discrimination law does not work. There is a separate area of social policy that provides more positive forms of assistance to people with disabilities. These older programs contain significant barriers to work and often do not allow such persons to work fully. Thus, the further development of the regional management system in conditions of decentralization, the regulatory, organizational and managerial implementation of new forms of interaction between the state and institutions of civil society can serve to prevent such collisions, to eliminate potential problems faced by persons with limited opportunities in the field of public administration, including in terms of implementation of the latest approaches and methods, in particular project management, into the daily activities of public servants, as well as further improvement of digitalization mechanisms in public administration.

5 CONCLUSION

Summarizing the above, it can be noted that the full scale and depth of social transformations can be traced to the adaptation of various spheres of Ukrainian society to the new conditions of martial law. The legal regime significantly restructures the system of public administration in Ukraine. However, it is possible to understand the mechanism, internal nature and further development of such restructuring only through the prism of analyzing the essence of the process of adaptation to martial law. This process has not



been sufficiently studied in international scholarship. At the same time, we have drawn attention to the positions of some foreign researchers in the context of adaptation to climate change as a global problem of humanity, on the basis of which we have expanded the idea of adaptation as a multidimensional process that requires consolidated efforts of certain actors, taking into account the fundamental directions, including strategic planning, and not only as a requirement of the times generated by a specific legal regime.

In the light of the outlined socio-political realities, we have identified two components of adaptation to martial law: adaptation of public administration in the field of economic and business activities, and adaptation of public administration in the field of law enforcement activities.

In the area of adaptation of the economic and business sphere to martial law, changes in legal regulation are aimed at ensuring the national security of Ukraine, which is the basis for adaptation under martial law.

The issue of adaptation of public administration in the sphere of law enforcement activities has been considered by us through the prism of the latest police tasks, as well as new services that police officers provide to the population on a daily basis, the multifaceted and extensive nature of which in many ways embodies the very social orientation of the concept of public administration.

Based on the problematic aspects and components of adaptation of public administration to martial law, the following areas of improvement are identified, which include improving the interaction of security and defense forces, ensuring the rational implementation of all types of management activities in the course of digitalization of social relations, and observance of the rights of persons with disabilities under martial law.

Promising areas for further research include further scientific comprehension of the essence and structural elements of the process of adaptation to martial law conditions based on an interdisciplinary vision, further analysis of the essence of adaptation of public administration in the field of economic and business activities and in the field of law enforcement to martial law conditions. We also emphasize the need to develop methodological recommendations aimed at maximizing the detail of such adaptation in the field of public administration, monographs, manuals, holding interdisciplinary roundtables and conferences.



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