THE ROLE AND PLACE OF UNITS AND SUBUNITS OF OPERATIONAL PURPOSE OF THE NGU IN THE STRUCTURE OF THE DEFENCE FORCES UNDER THE LEGAL REGIME OF MARTIAL LAW

The article examines the role and place of the operational units of the National Guard of Ukraine (NGU) in the structure of other components of the defence forces in the context of the introduction of the legal regime of martial law. It has been proven that since the beginning of the full-scale armed aggression of the Russian Federation (February 2022), among the units available to the NGU, it has been the operational units that have been most actively involved in the combat zone. The author argues that in the current conditions of the introduced legal regime of martial law, the operational units of the NGU are second only to the Armed Forces of Ukraine in terms of the volume of forces and means used to perform the tasks of state defence and the results achieved in the structure of other components of the defence forces.

The author identifies further areas of research to improve the effectiveness and combat capability of the operational units of the NGU to perform the tasks of the defence forces under the legal regime of martial law, which is based on the introduction of NATO standards and takes into account the study and implementation of the best combat experience (After Action Review) of all the country's defence forces.

Keywords: National Guard of Ukraine; operational units; legal regime of martial law; defence forces.
Statement of the problem. In the context of providing a worthy rebuff to the armed aggression of the Russian Federation and the return of the occupied territories of Ukraine, the leading role is played by the country's security and defence forces, whose composition is determined by the current legislation, in particular, the Law of Ukraine "On National Security of Ukraine" [1]. The defence forces include: The Armed Forces of Ukraine, as well as other military formations established in accordance with the laws of Ukraine, law enforcement and intelligence agencies, special purpose agencies with law enforcement functions, which are entrusted with the functions of ensuring the defence of the state by the Constitution of Ukraine and the laws of Ukraine. Among these entities, a special place is occupied by military formations with law enforcement functions, which include the National Guard of Ukraine (from now on - the NGU). It should be noted that from the first days of the full-scale war (February 2022), the units of the NGU, units of the Armed Forces of Ukraine and other military formations, stood up to defend the Motherland.

Since the beginning of Russia's full-scale invasion of Ukraine (February 2022), the NGU has been deploying most of its forces and means, including operational units, special forces, public order units, formed mainly from mobilised personnel, and rifle units in brigades, since 2023 and to date, the concept and approaches of the Ministry of Internal Affairs of Ukraine and the NGU to deploying available forces and means for combat have changed somewhat. These changes consisted of strengthening the capabilities of the NGU's operational units and forming appropriate brigades on their basis, whose main task will be to directly participate in combat operations with the Armed Forces and other components of the defence forces. It can be assumed that the change in the concept of more active use of these NGU units in the combat zone, as before (2014-2016 - the active phase of the anti-terrorist operation in the East of the country), was mainly due to the following factors:

with the ineffectiveness of the practice of involving mixed units of the NGU, which had different levels of combat training and performed different functions in peacetime, in the ATO forces [2];

The fact that mixed units of the NGU were involved in combat missions with mixed units of the SBGS and the NPU, which also had different levels of training, could not but affect the final results.

In this regard, it is necessary to substantiate and clarify the role and place of operational units of the NGU, which are gradually transforming and increasing their capabilities in the structure of the defence forces in the current conditions of the introduction of the legal regime of martial law.

Analysis of recent research and publications.

The theoretical basis for the study of the NGU’s activities under the legal regime of martial law is provided by the following scientific works: Y. V. Allerov, M. I. Balan, O. M. Bandurka, S. V. Belyi, I. O. Kyrachenko, O. F. Kobzar, O. G. Komisarov, D. M. Kornienko, O. V. Kryvenko, A. V. Lunkov, S. T. Potorak, A. S. Spasskyi, O. M. Shmakov, S. A. Yarovoi and other domestic specialists [2-5]. At the same time, the analysis of the available literature showed the lack of sufficient development of the direction related to the definition of the role and strengthening of the capabilities of the operational units of the NGU to perform tasks of defence of the country in the conditions of full-scale aggression of the Russian Federation.

The purpose of this article is to substantiate and clarify the role and place of the NGU’s operational units in the structure of the defence forces under the legal regime of martial law.

Summary of the main material. In the period 2015-2023, there were significant changes in determining the place and role of the NGU in the system of components of the security and defence forces, which was associated with the transformation of the legal framework for the establishment of Ukraine's national security, in particular, with the adoption of the Laws of Ukraine "On National Security of Ukraine", "On the Legal Regime of Martial Law", approval of the National Security Strategy of Ukraine, and the Military Doctrine of Ukraine [6; 7]. This doctrine, in turn, influenced the introduction of amendments and additions to the Law of Ukraine "On the National Guard of Ukraine" and made it possible to clearly distinguish (specify) the functions of the NGU from other components of the security and defence forces. As it has been repeatedly noted in the scientific literature, the NGU in modern conditions is in a unique position when, according to the legislation, this entity belongs to both the defence forces (in case of introduction of the legal regime of martial law) and the security forces (in peacetime) [4, p. 4], which significantly affects the determination of its place and role among other components of the security and defence forces. As for the defence sector, according to the legislation, the NGU is entrusted with the following military functions: participation in the implementation of measures related to the termination of armed conflicts.
and other provocations at the state border, as well as measures to prevent mass crossing of the state border from the territory of neighbouring states; participation in the implementation of measures of the martial law regime; participation in the performance of territorial defence tasks; defence of important state facilities [8]. The list of military functions of the NGU, according to O. V. Kryvenko, under martial law can be expanded by the so-called dual functions which this entity can perform both in peacetime and in wartime [4, p. 5].

A selective content analysis of publications posted in the public domain on the Internet (in particular, information from the official websites of the MoD on the participation of individual components of the defence forces in combat operations since the beginning of the full-scale offensive) made it possible to determine the share of the NGU's involvement in the defence of the state in the structure of other components of the defence forces involved, where: AFU (in particular, the Armed Forces of Ukraine) together with the Defence Intelligence of Ukraine account for 80%, NGU - 10%, SSU, SBGSU, NPU - 10% [9-14]. Subsequently, the above data from our observation were additionally compared with the results generated by AI tools (Copilot, Claude AI) to the questions posed regarding the activity of the defence forces in repelling the armed aggression of the Russian Federation in 2022-2024. In particular, to the question "Which actors are more actively involved in the conduct of hostilities in Ukraine in the period from 2022 to 2024?", the answer was that "In the period from 2022 to 2024, the following actors are more actively involved in the combat zone in Ukraine: the Armed Forces of Ukraine (AFU) are in the 1st place: The Armed Forces of Ukraine are actively engaged in combat operations at the frontline, protecting the territorial integrity of the country; in 2nd place - the Defence Intelligence of Ukraine (DIU): The Defence Intelligence of Ukraine is responsible for intelligence and information gathering at the frontline and in the conflict regions; in third place is the Security Service of Ukraine (SSU): The SSU is responsible for counterintelligence, counter-terrorism and national security; and in 4th place is the National Guard of Ukraine (NGU): The NGU is involved in the protection of internal security and assists in the war zone; in 5th place is the State Border Guard Service of Ukraine (SBGS): The SBGS is responsible for guarding the borders and controlling the movement of people and goods across the borders; 6th is the National Police of Ukraine (NPU): The NPU ensures law and order and security on the territory of Ukraine, including the war zone. These actors play an important role in the defence of the country and the conduct of hostilities in the conflict."

To the question "Which of these actors: AFU, NGU, SBU, SBGS, NPU, DIU, are most actively involved in combat operations in Ukraine?" AI provided the answer: "Recently, the Defence Intelligence of Ukraine (DIU) has been most actively involved in the combat zone in Ukraine. This intelligence agency of the Ministry of Defence of Ukraine is responsible for the collection and analysis of information. Other actors, such as the Armed Forces of Ukraine (AFU), the National Guard of Ukraine (NGU), the Security Service of Ukraine (SSU), the State Border Guard Service of Ukraine (SBGS) and the National Police of Ukraine (NPU), are also involved in the defence of the country, but their level of activity may differ from the DIU."

To the question, "Is it correct to say that the NGU units play a significant role in the country's defence after the Armed Forces?" AI provided the answer: "Yes, the units of the National Guard of Ukraine (NGU) play a significant role in the defence of the country after the Armed Forces of Ukraine (AFU). While the Armed Forces are the main force, the NGU also has an important role to play. They are involved in protecting internal security, performing tasks at the frontline and assisting in the war zone. Both of these actors work together to ensure the national security and territorial integrity of Ukraine."

These examples generally confirm our observation about the significant role and active participation of the NGU units among the state defence forces in performing defence tasks after the AFU and the DIU (see Fig. 1).

Study of the issue of correlation between the scope of functions and responsibilities in the field of defence (including participation in hostilities) defined by national legislation, which is assigned to the NGU (Article 2 of the Law of Ukraine "On the National Guard of Ukraine") [8], SBGS (Articles 2, 19 of the Law of Ukraine "On the State Border Guard Service of Ukraine") [15], the SSU (Article 24 of the Law of Ukraine "On the Security Service of Ukraine") [16], the NPU (Article 24 of the Law of Ukraine "On the National Police") [17] also shows that the NGU has a greater functionality in this area than other entities.

An analysis of the provisions of the Laws of Ukraine "On National Security of Ukraine" [1], "On the Legal Regime of Martial Law" [18], "On Defence of Ukraine" [19], "On the National Guard of Ukraine" [8],
as well as the provisions of the Doctrine of the National Guard of Ukraine (VKP NGU 1-00) [20] shows that such an entity as the NGU, in order to ensure the implementation of measures of comprehensive defence of the state within the framework of the application (implementation) of the joint operational concept of defence forces and the Doctrine of the use of state defence forces (JS 3-00(04).01) is entrusted with the following defence tasks:

1) generation of a certain set of forces and means that are transferred to the Commander-in-Chief of the AFU with the introduction of martial law [20, p. 30];

2) performing the task of repulsing and deterring armed aggression by conducting defensive, offensive, stabilisation and special actions within the operational subordination to the commander (commander) of the defence force grouping, who is responsible for preparing and conducting the operation (combat and special actions), performing individual tasks;

3) During martial law, the demining (detection, neutralization, and destruction) of explosive objects in designated task areas is underway.

It should be noted that at the beginning of the full-scale Russian offensive, military units and subunits of operational, special forces, public order protection (which included rifle units), as well as separate units for the protection of especially important state objects (OVDO) were mostly involved in providing a decent response and defence against the NGU.

Among the NGU forces involved in the defence, the operational and special forces units were particularly distinguished. The heroic defence of Mariupol by the 12th Operational Brigade "AZOV" of the NGU is should be mentioning. In difficult conditions, when the enemy forces outnumbered the defence forces by several times, it was the NGU servicemen (who accounted for almost 90% of the defence forces in that area at the time), together with other units (the Coast Guard of the State Border Guard Service, the patrol police and the local terrorist defence), who resisted the Russian invaders and heroically held the city's defence. In total, the defence lasted 86 days, 82 of which were spent in complete encirclement. Subsequently, this made it possible to divert significant enemy forces from other parts of the front and regroup the available forces to repel the Russian offensive in other critical areas and prevent the implementation of the plan for the rapid capture of Zaporizhzhia, access to the administrative border of Donetsk and Zaporizhzhia regions and create conditions for the encirclement of the JFO group [21].

The NGU’s operational units also held the defence of the cities of Rubizhne, Lysychansk, Sievierodonetsk, Popasna in Luhans region, as well as the defence of Zaporizhzhia and Kyiv region. There are many other examples.

At the same time, there have been active processes of developing the existing capabilities of the NGU in the following areas: 1) institutional capabilities; 2) operational (combat, special) capabilities; 3) readiness capabilities; 4) activity support capabilities [5]. The
development of these capabilities is also envisaged in the updated Doctrine of the NGU (2023) [20]. To strengthen these capabilities, the NGU and the Ministry of Internal Affairs of Ukraine continued the process of forming operational brigades in 2023 as part of the Offensive Guard project. As a result, the NGU has formed 7 such brigades (6 operational brigades, 1 special purpose brigade), namely: 3rd Operational Brigade "Spartan", 4th Operational Brigade "Rubizh", 14th Operational Brigade "Chervona Kalyna", 15th Operational Brigade "Kara-Dag", 1st Presidential Operational Brigade "Bureviy", 13th Operational Brigade "Charter"), 12th Special Forces Brigade "Azov" [22-24].

Based on the analysis of open-source interviews with the Minister of Internal Affairs of Ukraine and the Commander of the National Guard of Ukraine on the implementation of the Offensive Guard project, it can be concluded that in terms of developing the capabilities of the NGU, these brigades are mostly deployed on the basis of existing operational units, but with increased functionality, changes in the organisational and staffing structure, and strengthening of weapons and military equipment [25-29]. However, it was planned that these units would not be equated to the assault brigades of the Armed Forces of Ukraine but rather closer in their capabilities to the mechanised brigades (units) of the Armed Forces of Ukraine, which, in addition to defensive actions, are also capable of performing offensive and assault actions (see Table 1). Undoubtedly, such operational brigades of the NGU is a significant strengthening of the AFU at the front.

The current organisational structure of the NGU's operational brigades is more similar to that of the Armed Forces mechanised brigade, which will further facilitate better interaction between these defence forces and the performance of combat missions in the combat zone.

Further development of the NGU operational units and strengthening their capabilities in the combat zone is also consistent with the matrix of the main capabilities of the defence forces (operational, combat and special capabilities), as set out in the Strategic Defence Bulletin of Ukraine [30]. In particular, this document defines the following tasks for the NGU in the future: achieving the ability of military units and subunits of the defence

<table>
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<tr>
<th>The organisational structure of the NGU's operational brigade</th>
<th>Organisational structure of the mechanised brigade of the Armed Forces of Ukraine</th>
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<tr>
<td>• management and headquarters</td>
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<td>• 1st operational battalion</td>
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<td>• 3rd operational battalion</td>
<td>• 1 tank battalion</td>
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<td>• 4th operational battalion</td>
<td>• 3 mechanised battalions with BMPs or APCs</td>
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<td>• 5th operational battalion</td>
<td>• brigade artillery group</td>
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<td>• 6th Operational Task Force Battalion</td>
<td>• anti-aircraft missile and artillery division</td>
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<td>• Special Forces reconnaissance company</td>
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<td>• a company of Special Forces snipers</td>
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<td>• tank battalion</td>
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<td>• supply battalion</td>
<td>• RAB company</td>
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<td>• motorised battalion</td>
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Table 1.
forces to autonomously perform combat (special) tasks; ensuring the survivability of troops (forces) of the defence forces; maintaining the legal regime of martial law in case of its introduction throughout Ukraine or in some of its areas; strengthening intelligence capabilities.

The uniqueness of the operational units of the NGU under the legal regime of martial law is that, according to their function, they are able to perform their tasks not only in the field of defence, but also in the field of security (in peacetime). These tasks are described in more detail in subpara. 10-12, para. 2.2 of the Regulation on Military Units of Operational Purpose of the National Guard of Ukraine, approved by the Order of the Ministry of Internal Affairs of Ukraine of 16.06.2014 No. 566 [31]. In the field of defence, these units are entrusted with the following tasks: 1) to conduct military (combat) operations in the event of an armed conflict or a threat of attack on Ukraine; 2) perform territorial defence tasks; 3) implement measures of the legal regime of martial law and the state of emergency; 4) to take measures to prepare for the transition from peacetime to martial law, to study mobilisation resources, to select them qualitatively for their intended purpose and to take measures to ensure logistical support for bringing the military unit to the highest levels of combat readiness during mobilisation; 5) in the performance of the tasks assigned to military units, to maintain interaction with the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine and law enforcement agencies.

In terms of security tasks (in peacetime), these units are mainly responsible for ensuring public order, participating in anti-terrorist operations, countering illegal paramilitary (armed) groups, countering provocations at the state border, measures of the legal regime of the state of emergency, etc.

**Conclusions and Prospects for Further Research.**

In connection with the above, given the conditions of the legal regime of martial law, the existing need to perform tasks of military (combat) operations to repel the armed aggression of the Russian Federation, an important role among the components of the defence forces is played by military units (subunits) of the NGU operational purpose. These entities can perform combat missions at the proper level, together with the units of the Armed Forces of Ukraine, and to engage the enemy on an equal level.

In the future, it remains important to study the issue of improving the efficiency and combat capability of the NGU operational units to perform the tasks of the defence forces under the legal regime of martial law and bring them closer to the level of capabilities of the AFU mechanised brigades. The solution to this issue is inextricably linked to the following tasks: updating and increasing the units' weapons and equipment; high-quality recruitment and training of personnel; improving combat training at the individual and collective levels, which takes into account the study and implementation of the best combat experience (After Action Review) of all defence forces, as well as the experience of NATO countries; ensuring coordination of these units (at the battalion and brigade levels) with related units of the Armed Forces of Ukraine; strengthening intelligence capabilities, etc.

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