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THE POWERS OF THE NATIONAL GUARD OF UKRAINE TO SUPPRESS MASS DISORDERS UNDER THE LEGAL REGIME OF MARTIAL LAW IN UKRAINE

The article examines the issue of the National Guard of Ukraine's powers to suppress mass disorders under the legal regime of martial law in Ukraine. The author describes scholars' main trends and views on the institution of powers of the National Guard of Ukraine in general and its expansion under the legal regime of martial law.

The author establishes that the powers of the National Guard of Ukraine to suppress mass disorders under the legal regime of martial law are more stringent since they are exercised in the context of an increased threat of sabotage and special operations aimed at undermining the State. At the same time, the legal regime of martial law in Ukraine has significantly limited the possibility of sudden mass disorders (those that have been transformed from peaceful assemblies), as the very institution of peaceful assemblies in areas of active hostilities has not previously used by citizens and is prohibited by decisions of the heads of military administrations.

Based on the analysis of the researchers' scientific ideas, the regulatory and legal framework and other materials studied within the scope of the subject and object of the study, the author argues that it is necessary to expand the range of powers of the National Guard of Ukraine aimed not only at stopping the already started mass disorder but also at implementing effective preventive measures preceding it.

At the same time, the observance of human and civil rights and freedoms, which must be observed in accordance with Ukraine's legislation, is prominently placed since the National Guard of Ukraine, as a public authority, is obliged to act exclusively within the limits and in the manner prescribed by Ukraine's legislation.

The prospect of further scientific research is the need to conduct sociological surveys and comparative studies on preventing and suppressing mass riots in emergency legal regimes.

Keywords: service; powers; riots; guard; National Guard of Ukraine; concept; content.
Statement of the problem. The legal regime of martial law in Ukraine has led to the need to significantly strengthen and optimise the functioning of all law enforcement institutions. Given that the institution of human and civil rights and freedoms is fundamental to the structure of the State, and its foundations determine the content and direction of the State policy, we believe that the most critical area is to analyse the powers of key law enforcement agencies to ensure its stable and coordinated operation.

Mass riots, as a general social, illegal, and criminal phenomenon, affect the level of human and civil rights and freedoms in general and those of certain segments of the population and groups in particular. Therefore, to stop them, law enforcement agencies must respond highly effectively.

Since all state authorities and their officials are obliged to act exclusively within the limits and in the manner determined by the Constitution and laws of Ukraine, the key issue in the implementation of the capabilities of any law enforcement agency, including the National Guard of Ukraine, is the availability of a wide range of tools regulated by the legislation of Ukraine to influence the manifestation of socially dangerous forms of behaviour. Therefore, the content and scope of the powers of the National Guard of Ukraine, particularly concerning issues related to the suppression of mass disorder, are of significant importance and require substantial scientific study.

Recent research and publications analysis. It is worth noting that the relevant topic is the subject of study by many reputable law and military science researchers. O. Bandurka, O. Batiuk, S. Belai, A. Berlach, V. Boyarov, S. Husarov, R. Kaliuzhnyi, O. Komisarov, O. Köbzar, M. Kornienko, S. Kuznichenko, O. Levnichenko, O. Ostopenko, A. Podoliaka, A. Solonar, V. Fomin, O. Shmakov, H. Yarmaki, O. Yarmysh and others raised the pertinent issues. At the same time, a fundamental change in the coordinate system defining the boundaries and methods of activity of the National Guard of Ukraine, including with due regard to the changes introduced during the martial law regime and the high public danger of the relevant offences for others, necessitate additional study of the issues raised.

The article aims to provide a theoretical and legal characterization of the powers of the National Guard of Ukraine to suppress mass disorders under the legal regime of martial law in Ukraine. This goal, in turn, requires solving the following research tasks: 1) to characterize the scope and content of the powers of the National Guard of Ukraine to suppress mass disorders; 2) to study the issue related to the impact of the legal regime of martial law in Ukraine on the exercise of the relevant powers by the National Guard of Ukraine; 3) to develop the ways of possible optimization of the functioning of the relevant institution in the general legal sense.

The object of the article is public relations in the sphere of service activities of the National Guard of Ukraine.

The subject of the study is the powers of the National Guard of Ukraine to suppress mass disorders under the legal regime of martial law in Ukraine.

Summary of the primary material. Human and civil rights and freedoms are inviolable, and this is why the system of law enforcement agencies functions and directs its efforts to ensure their comprehensive and continuous protection. The content and scope of powers of each law enforcement agency, depending on the content and nature of its tasks, correlate still the term "powers" and its interrelation in the context of military service and the need to perform a wide range of duties have not yet been precisely established.

Powers are defined as a set of rights and obligations of state bodies and public organisations, as well as officials and other persons assigned to them under the procedure established by law for the exercise of their functions [1, p. 639], or they are interpreted as the right granted to someone to do something, competence, authority, power [2, p. 469]. At the same time, it should be noted that powers cannot be rights since this would entail a terminological internal contradiction, and the right has an alternative to its use or non-use, and powers, their totality and content are potentially dogmatic and cannot have an alternative to non-use in a situation where an official is entrusted with specific duties, for example, to stop a mass disorder.

The researcher A. Solonar advocates a related position that law is the possibility of the particular behaviour of an individual subject of legal relations, which is ensured by a corresponding obligation, which in its entirety constitutes a certain authority. There is another form - a power of attorney, and this concept refers to the sphere of representative relations between one entity and another, as a result of which one of them is entrusted with the performance of specific procedural actions [3]. Therefore, we unambiguously define the powers of the National Guard of Ukraine to suppress mass disorder as a tool clearly defined by the legislation of Ukraine to perform duties and functions,
particularly on issues related to the suppression of mass disorder in Ukraine.

The scholar V. Boyarov notes that mass riots are violent mass (group) crimes committed for various reasons (hooliganism, revenge, racial, national or religious intolerance, etc.) by persons as part of a rioting crowd, which infringe on public safety and public order, as a criminal manifestation of dissatisfaction with the activities of the authorities and administration, and are aimed at complete or temporary paralysis of their activities and are accompanied by violence against a person, pogroms, arson, destruction of property, seizure of buildings or structures, forced eviction of citizens, resistance to authorities with the use of weapons or other objects used as weapons [4, p. 17]. At the same time, in a narrower sense, O. Shmakov characterises the term riot as a manifestation of protest by an indefinite number of people (an organised group of people) over a large territory, actions of certain organised groups of people, which may be characterised by the creation of a crowd, as well as without it, and the direction of actions to protest by holding demonstrations, rallies, demonstrations, picketing, strikes. Riots may occur simultaneously or sequentially in one or more districts on the state territory, region, in certain areas, settlements, industrial facilities, railways, air and water transport facilities, etc.

The scholar O. Lavniachenko also notes that riots as a mass phenomenon manifest indignation of a part of the population, mainly by certain actions of state bodies, a certain part of the population, a religious denomination and directed against them. Such actions can be peaceful, and at certain stages, in the face of inaction by law enforcement agencies, they can turn into negative phenomena characterised by a violation of public order. Mass riots should be considered primarily as a social emergency, which has its own stages of development [5, p. 18-23]. That is why the need for a timely and effective response of law enforcement agencies in general and the National Guard of Ukraine in particular to facts and events related to mass disorders is a crucial issue.

It is worth noting that according to the Law of Ukraine "On the National Guard of Ukraine", the main functions of the National Guard of Ukraine include participation in the suppression of mass disorder (Article 2, paragraph 11, part one) and that "the National Guard of Ukraine is the main subject of suppression of mass disorder. When taking measures to stop mass disorders, the National Guard of Ukraine coordinates the activities of law enforcement agencies involved in suppressing these unlawful acts" (part three of Article 2). In addition, it provides for the possibility of using extraordinary means to stop mass disorders and group violations of public safety and order (Article 17(1)(7)) [6]. Also, the Procedure for Organising the Activities and Interaction of the National Guard with Authorised State Authorities and Local Self-Government Bodies for the Suppression of Mass Disorders determines, by the Laws of Ukraine, "On the National Guard of Ukraine", "On the National Police" and other legislative acts, the mechanism for organising the activities and interaction of the National Guard with law enforcement agencies, other authorised state authorities and local self-government bodies for the suppression of mass disorders [7]. The above legal and terminological complex provides for the possibility and extent of the use of powers related to measures to suppress mass disorder by the service members of the National Guard of Ukraine. A prominent place in the system of powers of the National Guard of Ukraine is occupied by the indication that the relevant officials have the right to use special means by the legislation of Ukraine, which, in the conditions of armed aggression of the Russian Federation and other complicating circumstances can significantly affect the outcome of the relevant measures.

It should be noted that among the methods of law enforcement actions, non-contact methods allow law enforcement forces to influence the crowd from a certain distance (use of unique technical means (water cannons, gases, soap foam, etc.). The advantage of non-contact methods is that the result (cessation of mass disorder) is achieved with the most minor losses of civilians and law enforcement forces. Whereas contact methods inevitably lead to hand-to-hand combat, which increases the aggressiveness of the crowd and causes serious injuries, non-contact methods are inherently bloodless. This, in particular, makes it possible to effectively stop a mass riot by exercising the powers of the National Guard of Ukraine, which are most effective in the context of Ukraine's legal martial law regime.

**Conclusions and Prospects for Further Research.**

Thus, considering scholars' main trends and views on the institution of powers of servicemen of the National Guard of Ukraine in general and its expansion under the legal regime of martial law, in particular, the following has been established. The powers of the National Guard of Ukraine to suppress mass disorders under the legal regime of martial law are more stringent since they are exercised in conditions when there is an increased threat of sabotage and special
operations aimed at undermining the State. At the same time, the legal regime of martial law in Ukraine has significantly limited the possibility of sudden mass disorders (those that have been transformed from peaceful assemblies), as the very institution of peaceful assemblies in areas of active hostilities has not previously been used by citizens and is prohibited by decisions of the heads of military administrations.

Based on the analysis of the scientific ideas of researchers, the legal framework and other materials studied within the scope of the subject and object of the study, the author argues that it is necessary to expand the range of powers of the National Guard of Ukraine aimed not only at stopping the already started mass disorder but also at implementing effective preventive measures preceding it. Such powers are especially important when performing combat missions in the de-occupied territories and areas close to hostilities. However, this problem requires more detailed research, particularly in establishing and further ensuring law and order in these territories.

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