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**PERSONNEL POTENTIAL OF THE NATIONAL GUARD OF UKRAINE:  
ORGANIZATIONAL AND LEGAL PROBLEMS DURING  
MARTIAL LAW**

*The article is devoted to a comprehensive study of organizational and legal issues of personnel potentials of the National Guard of Ukraine during martial law. Emphasis is placed on the factors of influence and features of personnel management (NGU personnel) as a powerful potential of our country. The author's vision of the general principles of the NGU activity as a subject of counteraction to threats to the national security of Ukraine is formulated.*

**Key words:** *personnel potential, organizational and legal problems, National Guard of Ukraine, personnel management (NGU personnel).*

**Formulation of the problem.** Ukraine's transition to sustainable development, especially during martial law, depends on human development and rational use. A serviceman is a specialist, a person who has the professional qualities and capabilities to defend his country.

The protracted war of 2014 and the full-scale invasion of Ukraine on February 24, 2022 by the Russian Federation made adjustments not only to the personal qualities of servicemen, but also to the system of public administration in general and the National Guard of Ukraine (NGU) in particular.

This is due to the fact that the imposition of martial law throughout Ukraine has entailed appropriate legal consequences. As practice has shown, enterprises, institutions, organizations were not ready for a quick transition to martial law. The National Guard of Ukraine, like other law enforcement agencies, although prepared to perform its assigned tasks, had some misunderstandings on the organizational and staffing structure and issues of interaction between forces and branches of the military, local governments in wartime. Therefore, the chosen topic, its scientific novelty, significance and relevance in the new realities of today acquire special meaning and significance.

**Object of research:** social relations that arise in the process of carrying out the activities of the National Guard of Ukraine during martial law.

**Subject of research:** organizational and legal problems of the personnel potential of the National Guard of Ukraine during martial law.

Analysis of recent research and publications. Scientific and theoretical basis of the work are scientific works of scientists in the field of theory of state and law, administrative, constitutional, other branches of law: VB Averyanov, GV Atamanchuk, Yu.V. Allerov, OM Bandurka, T.E. Kaganovskaya, DN Bakhrakh, YP Bytyak, VO Bonyak, PP Bogutsky, VM Garashchuk, DO Gorbach, IV Zozuli, OS Konoplyanik, OG Komissarov, AT Komzyuk, SO Kuznichenko, VK Kolpakov, OV Krivenko, NP Matyukhina, MM Orlova, B. M. Rynazhevsky, V.Ya Tatsiya, V.Yu Bogdanavich, VK Golovenko, VP Tyutyunnyk, VH Pylypchuka , OP Dz'obanya, SA Kapelyushnoho and others.

**Presenting main material.** On February 24, 2022, in connection with the military aggression of the Russian Federation against Ukraine, the Decree of the President of Ukraine № 64/2022 imposed martial law from 05:30 on February 24, 2022 for 30 days [1]. Subsequently, on March 14, 2022, the Decree of the President of Ukraine № 133/2022 extended the martial law in Ukraine for 30 days [2]. On April 18, 2022, the Decree of the President of Ukraine issued two Decrees on martial law [3; 4].

According to Article 1 of the Law of Ukraine "On the Legal Regime of Martial Law" martial law is a special legal regime imposed in Ukraine or in certain localities in

case of armed aggression or threat of attack, threat to state independence of Ukraine, its territorial integrity and provides appropriate public authorities, military command, military administrations and local self-government bodies with the powers necessary to deter the threat, repelling armed aggression and ensuring national security, eliminating the threat to Ukraine's independence, its territorial integrity, as well as temporary, threatened, restriction of constitutional rights and freedoms of man and citizen and the rights and legitimate interests of legal entities indicating the duration of these restrictions [5].

The article 64 of the Constitution of Ukraine emphasizes that in conditions of martial law certain restrictions on rights and freedoms may be established, indicating the term of these restrictions. At the same time, the rights and freedoms provided for in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63 of this Article may not be restricted. Constitution [6].

An exhaustive list of constitutional rights and freedoms of man and citizen, which are temporarily restricted in connection with the imposition of martial law, indicating the term of these restrictions, as well as temporary restrictions on the rights and legitimate interests of legal entities. imposition of martial law in accordance with subparagraph 5 of paragraph 1 of Article 6 of the Law of Ukraine "On the legal regime of martial law".

As a result, the military command together with military administrations with the involvement of executive authorities, local governments have introduced and are implementing measures of martial law, defense, civil protection, public safety and order, protection of rights, freedoms and legitimate interests of citizens [7; 8].

In turn, the recruitment of personnel (personnel) in connection with these events have undergone appropriate changes. Thus, in compliance with the requirements of current legislation, organizational and staffing structures of institutions, enterprises, organizations of all forms of ownership and law enforcement agencies have moved to the legal regime of martial law. This has led not only to a revision of staff positions, but also to their reduction. The National Guard of Ukraine is no exception.

NGU, being a participant in legal relations in the field of combating threats to national security of Ukraine, carries out activities regulated by military, public and

administrative law, which is based on and changes depending on public and administrative regimes; has statutory powers to detect, deter, destroy and reduce the negative impact of the aggressor.

On the example of the National Guard of Ukraine, we can describe some of the problems that arose in the first days of the war. On February 24, 2022, some local officials, having the appropriate legal framework for terminating (terminating) contracts and dismissing servicemen, without explanation, said: "Women have no place here" dismissed women servicemen from military service. This was especially true for women raising children under the age of 18. Only those who were legally aware wrote a report on the desire to continue the service - remained in place for service. In the future, the relevant leaders, fearing complaints and lawsuits from female servicemen, will resume their military service in about two weeks, leaving them without a proper position. In the future, the relevant leaders, fearing complaints and lawsuits from female servicemen, resumed their military service in about two weeks, leaving at his disposal without holding a proper position.

This fact recalled the words of Bismarck: "With bad laws and good managers, you can run the state. But if there are bad managers, the best laws will not help. " It will be recalled that the grounds for termination (rupture) of contracts and release of servicemen serving under contract from military service in peacetime, during a special period and during mobilization are provided by part five of Article 26 of the Law of Ukraine Law of Ukraine "On Military Duty and Military Service" [9].

The next problem faced by servicemen performing assigned tasks is the quality of personnel potentials (personnel). It is participation in hostilities and the ability to control one's emotions in long-term extreme conditions that have become especially important. And as the practice of the first days of the war has shown, not all men in the military have shown themselves to be on the right side. In some of them, fears exaggerated women's fears. Women, whether military or civilian, have shown themselves to be courageous individuals. Someone as a volunteer, someone in a position to defend the object. Another factor influencing the quality of human resources is the physical and emotional exhaustion

of servicemen. Being on the verge of their physical capabilities in combat in a confined space for a long time, soldiers feel depressed and poor moral and psychological condition. The moral and psychological condition of the soldiers is worsened by the fact that many of them have families and parents in the temporarily occupied territories of the Russian Federation. There is almost no possibility of telephone communication with relatives. Which, in turn, affects the quality of the tasks assigned to them. To eliminate this shortcoming, HR specialists (personnel) are constantly working to improve it. Confirmation of these words is the definition given by VN Slinkov: " Personnel potential - are quantitative and qualitative indicators of human resources, which reveal unused opportunities, strengths, internal laws, values that can be used in the work" [10; with. 69]. In other words, the quality of personnel potential (personnel) has become a priority, has become a strategic resource.

The third problem is the issue of interaction between public authorities, military command, military administrations and local governments. This problem existed to a small extent in peacetime, but during the full-scale invasion of the Russian Federation by Ukraine, this problem intensified. For the most part, she proved herself in matters of logistics and the range of necessary goods. Volunteer organizations have made a significant contribution to solving this problem. Their activity in the first days of the war still remains heroic.

In the first days of the war, the weak point was also the issue of interaction between law enforcement agencies. Being in the occupied positions, after a counter-battle with the enemy, some units of the security forces, not having information about the location of the interacting defense forces, perceived them as the enemy and fired. As a result, servicemen were wounded, which was reflected in the quantitative and qualitative indicators of personnel in the performance of tasks. These negative manifestations have been isolated in isolated cases, but this is enough to take preventive measures to eliminate them.

There were also cases when "our" Forces seized an enemy tank and other military equipment in battle. After that, the servicemen passed on the appropriate information on command to their leadership with positive emotions, but forgot to set the flag of Ukraine

on the tower of the enemy tank. As a result, other members of the Ukrainian military saw the achievement as a threat. What was the risk to the lives and health of soldiers.

The fourth problem was the unpreparedness of those called for mobilization and sent to the Territorial Defense. The unpreparedness of this category of people, for the most part, concerned issues of ignorance and inability to use modern weapons, to shoot accurately. In addition, many people who have the right to drive a vehicle but do not have sufficient practical experience sat behind the wheel of a vehicle, which created a danger on the roads.

These problems are not final, they can be continued indefinitely. Therefore, in the article we focused only on the more significant ones.

**Conclusions.** Summing up the above, it is safe to say that the peculiarities of the mechanisms of public administration in the National Guard of Ukraine should be considered as forms of ensuring its activities. Namely: organizational-structural, normative-legal, theoretical-methodological, etc. By the nature of managerial influence, factors of direct (legal regulation, public administration) and indirect action (democratization, management optimization, etc.) are used. In terms of functional content - organizational and legal, motivational, innovative, social, financial. Factors influencing personnel management (NGU personnel) are: motivation, authority (both manager and subordinate), workplace organization, etc.

During the performance of combat missions during martial law, servicemen face a large number of problems, the solution of which is entrusted to personnel management specialists (personnel). In other words, personnel potentials are a strategic resource in the defense of our state.

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