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V. Dudurych

MAIN WAYS FOR IMPROVING REGULATORY AND LEGAL BASIS THAT DETERMINES THE DEVELOPMENT OF FORMS OF DEFENSE FORCES APPLICATION DURING THE REPULSION OF ARMED AGGRESSION

The state of defense force application within the system of ensuring Ukraine's national security has been studied and analyzed. The necessity for improving the regulatory and legal basis that determines the development of the forms of defense forces application during the repulsion of armed aggression has been substantiated. The regulatory and legal support for contemporary terminology has been examined: the concepts of "defense", "defense forces", etc. The ways to enhance the regulatory and legal basis regarding the development of the forms of defense forces application during the repulsion of armed aggression have been proposed.

Keywords: *defense, defense forces, armed aggression, repulsion of armed aggression, forms of defense forces application.*

Statement of the problem. In today's geopolitical environment, where military conflicts and threats of armed aggression become a reality, the issue of the development and optimization of defense forces application becomes particularly crucial. In the light of geostrategic and political transformations, the government and military structures of each country must systematically reconsider and improve the forms of defense forces (national armed forces) application to repel possible armed aggression, in order to ensure national security and protect their own people. This problem has become particularly acute today in Ukraine due to the full-scale invasion by a powerful aggressor and requires deep analysis and the development of ways to increase the effectiveness of defense forces application, including the National Guard of Ukraine, and their further regulatory and legal consolidation.

In the context of the rapid development of forms and methods of defense forces application, the transition from massive human resource application to employing modern means of armed combat, the relevance of researching the mentioned problem for military science and specialists at various levels of military command becomes unquestionable.

Analysis of recent research and publications. In the context of studying the forms of defense forces application in response to armed aggression, it is worth noting the significant role played by leading scholars and representatives of the modern generation of senior military officers, such as T. Azarova [1], L. Abramov [1], A. Maltsev [4], P. Simchuk [4], V. Zalozh [4], I. Omelko [5], F. Sahaniuk [7], V. Frolov [7], O. Ustymenko [7], M. Lobko [7], O. Semotiuk [8], H. Sytnyk [9], M. Koval [12], V. Telelym [11], V. Zaluzhnyi [3, 10], and others. Their research and practical experience make a significant contribution to the development of military science while also leaving room for further scientific inquiry in the sphere of refining the regulatory and legal basis regulating the system of defense forces application as a whole.

The purpose of the article is to determine the ways to improve the regulatory and legal basis regulating the system of defense forces application during the repulsion of armed aggression, as well as the role of the National Guard of Ukraine within this system.

Summary of the main material. The unfolding events in our country since February 24, 2022, can be characterized without exaggeration as war in all its manifestations. The invasion of the Russian Federation into the territory of Ukraine has led to devastating consequences that have affected all spheres of life and the well-being of citizens: the economic system has been struck, logistic and transport infrastructure has been destroyed,

residential buildings and structures have been ruined. All of this necessitates a reassessment of the concept of military personnel training in all existing areas with the aim of enhancing the effectiveness of resistance by the Ukrainian people against the aggressor. Defending sovereignty and territorial integrity becomes the most important function of the state. Threats to national security require the development and implementation of an effective state policy and its mechanisms, which necessitates an understanding of the conceptual foundations of Ukraine's military security research, as well as the policy-legal and organizational-management aspects of its provision. It is also crucial to conduct timely a set of measures aimed at identifying, forecasting, preventing, and neutralizing any form of military danger.

Against the backdrop of growing geopolitical tensions and the advancement of military technologies, it is essential to consider not only the quantitative aspect of armed forces but also their flexibility, innovation, and ability to adapt quickly to changes in threats. The global dynamics of changes in military, political, and technological environments require a review and improvement of methods for repelling possible armed aggression. The reality of cyber threats, terrorist attacks, hybrid warfare, as well as armed conflicts where the use of advanced technologies and flexible strategies take precedence, calls into question traditional defense approaches.

The significant change in the nature of threats demands active responses and the exploration of innovative ways to improve defense forces. Ensuring the country's security is no longer limited to the presence of a large number of military personnel and equipment, but requires modern technologies, advanced cyber defense, intelligent strategies, and the ability to adapt to rapidly changing or transforming environments. Therefore, the development of the forms of defense forces application becomes a paramount issue, and the study and justification of recommendations for their further development are critically important for effectively addressing modern challenges and ensuring national security.

At the same time, as General V. Zaluzhnyi rightly pointed out, in the current situation, a number of factors undoubtedly influence the decisions regarding the search for new forms of defense forces application: the imperfection of the regulatory and legal basis regulating the defense industry complex in our country and the partial monopolization of this sector. They create difficulties in the production of domestic ammunition and, as a result, deepen Ukraine's dependence on supplies from allies [3, 10].

The Law of Ukraine "On Defense of Ukraine" dated December 6, 1991, is one of the first pieces of legislation regulating the defense sector during the period of the country's independence. Since then, it has undergone numerous changes, including three times in 2014. Throughout this time, the basic terms and concepts have not acquired new meanings.

The defense of Ukraine is defined as a system of state measures, which includes political, economic, social, military, scientific, scientific and technical, informational, legal, organizational, and other measures. This system is aimed at preparing for armed defense and self-defense in the event of armed aggression or conflict. The defense capability of the state is seen as its ability to defend itself in case of armed aggression or conflict and includes material and spiritual elements. This concept encompasses the military, economic, social, and moral-political potential in the defense sphere and the corresponding conditions for its realization.

It is important to note that the content of these concepts experiences some inertia of Soviet approaches, which is manifested in their similarity to the interpretations presented in the Soviet Military Encyclopedia of 1978. This indicates the affinity of terms and their similarity to the classical model of defining military power, which has become synonymous in scientific and everyday usage.

Military power is one of the key components of the defense capability of the state but not the sole determining factor. A country's defense capability is influenced by various aspects: the quality of foreign policy, the presence of enemies and allies, the balance of power of military and political groupings opposing each other, etc. Moreover, it should be noted that the level of the state's defense capability in a specific period is determined by the ratio of different potentials (defense, foreign policy, etc.) to the corresponding potentials that a specific subject of military danger (for example, an armed grouping of another state, a state, or a group of states) can use for aggression.

When considering the issue of the application of the state's defense forces, it is necessary to define the very concept of "defense forces". According to paragraph 18 of Article 1, "defense forces are 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 bodies with law enforcement functions entrusted by the Constitution and laws of Ukraine with functions to ensure the defense of the state" [6].

As mentioned above, the defense forces include not only the Armed Forces of Ukraine but also the National Guard of Ukraine, the State Border Guard Service of Ukraine, the State Service of Special Communications and

Information Protection of Ukraine, the State Special Transport Service, other military formations, as well as law enforcement and intelligence agencies that may be involved in carrying out the state defense tasks.

The components of the defense forces in their structure usually include military command and control bodies, formations, military units, subunits, higher military educational institutions, military training units of higher education institutions, establishments, and organizations.

In today's environment, the enhancement of the combat capabilities of the Armed Forces of Ukraine and other components of the defense forces for effective resistance to the aggressor becomes increasingly relevant. One of the important procedures in the development of defense forces is the analysis and consideration of the impact of certain factors, both external and internal.

Factors are considered as determinants that affect the objectivity of planning measures and the effectiveness of their implementation in practice. External factors are defined as conditions that objectively arise in the external environment. Analyzing these factors allows identifying positive aspects that can be used to achieve strategic goals, as well as negative aspects that may pose threats or limit the development of the Armed Forces of Ukraine and other components of the defense forces. This also concerns the organization and principles of activity in this management system, the quality and speed of obtaining information related to their activities, as well as the creation of appropriate motivation for personnel engaged in this field. However, these factors are not sufficiently studied in strategic and defense planning for the development of defense force capabilities.

Thus, factors determine the conditions and driving forces that influence the nature of any process, determining its main features [5].

In the field of normative-legal regulation of the application of defense forces, such factors may include:

- inertial use of elements of Soviet military science and Soviet military legislation;
- lack of an up-to-date Doctrine of the Defense Forces Application;
- rapid development of unmanned (uncrewed) air, ground, and underwater systems (vehicles);
- shifting the focus in military conflicts to asymmetric application of military force, using not only military but also non-military instruments (economic, political, informational and psychological, etc.), which significantly changes the nature of armed struggle;
- inconsistency of the organizational and staff structures of the Armed Forces of Ukraine and other military formations with the military-administrative division of the territory of Ukraine, in particular the discrepancy in military land zones, military air zones, division of airspace, deployment and areas of responsibility of operational commands of the Armed Forces of Ukraine, regional departments of the Territorial Defense Forces, territorial departments of the National Guard of Ukraine, regional directorates of the State Border Guard Service of Ukraine, etc.;
- violation of the norms and principles of international law;
- expansion of the scale of terrorism, piracy, and other phenomena related to the application of armed violence;
- spread of the practice of conducting special operations and provocations aimed at creating conflict situations;
- increasing internal instability and attempts by ethnic entities to solve problems separately;
- spread of militarization and active destabilizing foreign policy towards neighboring states, as well as international organizations, including NATO and the EU;
- refusal or evasion of fulfilling obligations under international treaties;
- combining open acts of aggression with the application of elements of hybrid warfare, etc.

The above factors should be taken into account during strategic and defense planning to determine the most appropriate forms of state's defense forces application. It is important to remember that the defense capability of a country is largely determined by the ability of the defense forces to achieve necessary results in conducting military (combat) operations in specific conditions and with available resources.

The presence of negative factors also provides a broad field for developing recommendations regarding the regulatory aspects that significantly affect the application of the state's defense forces.

It is also worth noting that these conditions and action scenarios should be taken into account in the process of analyzing the defense status of the Armed Forces of Ukraine and other components of the defense forces, as well as in the planning of the deployment of troops (forces) and resources. [7]. Thus, the procedure for analyzing factors influencing the achievement of strategic goals is defined as a crucial one [1]. The main purpose of such analysis is to identify the nature and consequences of the factors' influence. On the one hand, factors may strengthen or improve the object of influence (forms of defense forces application), while on the other hand, they may decrease or worsen the indicators and characteristics of the object of influence. Therefore,

significant factors affecting the development of forms of defense forces application may have both positive and negative effects. Establishing such characteristics allows for the formation of basic ways for improving the regulatory and legal basis that determines the development of the forms of defense forces application during the repulsion of armed aggression.

Table 1 – Main ways for improving regulatory and legal basis that determines the development of forms of defense forces application during the repulsion of armed aggression

Factor	Impact of the factor	Ways for improving regulatory and legal basis
Lack of an up-to-date Doctrine of the Defense Forces Application	Negative	Development and implementation of a modern Doctrine of Defense Forces Application with the introduction of such forms of defense forces application as deterrent actions, military actions, and specific actions
Inertial use of elements of Soviet military science and Soviet military legislation	Negative	Development and implementation of the Military Codex of Ukraine with simultaneous cancellation of the statutes of the Armed Forces of Ukraine and the specified list of laws of Ukraine
Inconsistency of the organizational and staff structures of the Armed Forces of Ukraine and other military formations with the military-administrative division of the territory of Ukraine, in particular the discrepancy in military land zones, military air zones, division of airspace, deployment and areas of responsibility of operational commands of the Armed Forces of Ukraine, regional departments of the Territorial Defense Forces, territorial departments of the National Guard of Ukraine, regional directorates of the State Border Guard Service of Ukraine	Negative	Amendments to the military-administrative division of the territory of Ukraine, organizational and staff structures of the Armed Forces of Ukraine, regional departments of the Territorial Defense Forces, territorial departments of the National Guard of Ukraine, regional directorates of the State Border Guard Service of Ukraine, with simultaneous consideration of NATO principles and standards
Arsenal of cheap, advanced, and extremely effective means of destruction that are rapidly developing	Positive	Appropriate amendments to the Field Manuals for the branches of the Armed Forces of Ukraine regarding the main normative indicators for the organization and conduct of combat
Ability of unmanned systems and other advanced technological systems to positively influence the course of combat operations and encourage the search for new forms and methods of application, which will undoubtedly affect both the structure of the Armed Forces and other components of the defense forces of Ukraine	Positive	Amendments to organizational and staff structures at the tactical, operational and strategic levels to create appropriate units for the application of unmanned (uncrewed) air, ground, and underwater systems (vehicles)

The proposals presented in Table 1 are not exhaustive; however, it can be confidently stated that the implementation of the proposed changes in the regulatory and legal field will provide a significant impetus for further development of the forms of defense forces application and may serve as a basis for revising the fundamental provisions of military science. Additionally, it will enable the modern Armed Forces of Ukraine, the National Guard of Ukraine, and other military formations to finally get rid of the Soviet legacy in the sphere of military security.

Conclusions

Well-founded ways to improve the development of the forms of defense forces application during the repulsion of armed aggression are proposed, particularly through the regulation of key and related factors, which will enable even in conditions of numerical superiority of the enemy to neutralize their approaches to the organization and conduct of military operations. This will allow inflicting maximum damage on the enemy with minimal losses to their own troops, thereby demonstrating to the world and to the Ukrainian people that the lives and health of defenders of Ukraine, as well as citizens of Ukraine, are the highest social value.

One of the promising directions for further research is seen in considering the implementation of modern forms of defense forces application or their components in organizing the execution of service-combat tasks by formations, military units, and subunits of the National Guard of Ukraine.

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В. Г. Дудурич

ОСНОВНІ ШЛЯХИ ВДОСКОНАЛЕННЯ НОРМАТИВНО-ПРАВОВОЇ БАЗИ, ЩО ВИЗНАЧАЮТЬ РОЗВИТОК ФОРМ ЗАСТОСУВАННЯ СИЛ ОБОРОНИ ПІД ЧАС ВІДСІЧІ ЗБРОЙНОЇ АГРЕСІЇ

Вивчено та проаналізовано стан застосування сил оборони в системі забезпечення національної безпеки України. Обґрунтовано необхідність удосконалення нормативно-правової бази, що визначає розвиток форм застосування сил оборони під час відсічі збройної агресії. Розглянуто нормативно-правове забезпечення сучасної термінології: поняття «оборона», «сили оборони» тощо. Запропоновано шляхи вдосконалення нормативно-правової бази щодо розвитку форм застосування сил оборони під час відсічі збройної агресії.

Визначено загальну потребу в розробленні та запровадженні сучасної Доктрини застосування сил оборони та Військового кодексу України, внесенні змін до військово-адміністративному поділу території України, організаційно-штатних структур Збройних Сил України та інших складових сил оборони, а також внесення відповідних змін до бойових статутів видів (родів) Збройних Сил України з урахуванням принципів і стандартів НАТО.

Наукова новизна статті полягає в розробленні конкретних пропозицій, запровадження яких дасть змогу суттєво підвищити загальну ефективність застосування сил оборони. Напрямок подальших досліджень вбачається розроблення механізму застосування форм сил оборони під час відсічі збройної агресії.

Ключові слова: оборона, сили оборони, збройна агресія, відсіч збройної агресії, форми застосування сил оборони.

Dudurych Vasyl – lecturer at the Department of Management of the National Guard of Ukraine Units of the Kyiv Institute of the National Guard of Ukraine
<https://orcid.org/0000-0002-3085-8089>