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PROJECTED CHALLENGES TO BE ADDRESSED BY THE STATE IN THE POST-WAR PERIOD: TASKS OF THE NATIONAL GUARD OF UKRAINE TO ENSURE STATE SECURITY

The article examines the predicted challenges that the state will face after the end of the legal regime of martial law. The main tasks of the National Guard of Ukraine to ensure state security have been considered. The functions of the National Guard of Ukraine and other actors of the security sector of Ukraine have been distinguished. The authors analyze the normative and legal framework regarding the transition of the state from the legal regime of martial law to the stabilization (post-war period), as well as the role and place of the National Guard of Ukraine in this activity. The main tasks of the National Guard of Ukraine in the post-war period are defined as follows: participation in the restoration of constitutional law and order, participation in the suppression of riots, protection of public safety and order, and protection of critical infrastructure. It has been proposed to change the focus of the higher military educational institutions of the National Guard of Ukraine from direct military direction to training specialists in the field of state security and law enforcement.

Keywords: *National Guard of Ukraine, post-war period, stabilization measures, security sector, law enforcement functions, state security, riots, protection of public safety and order.*

Statement of the problem. At the beginning of 2022, due to the full-scale invasion of the territory of our state by the aggressor, the National Guard of Ukraine (NGU), along with other components of the security and defense sector, was transferred to function under the legal regime of martial law. The servicemen of the NGU are directly involved in repelling the armed aggression. In particular, the newly created brigades such as *Spartan, Azov, Rubizh, Chervona Kalyna, Kara-Dag, Burevii, and Khartiia* successfully perform combat missions and take an active part in the liberation of the temporarily occupied territories of Ukraine.

However, all wars eventually end, as there has never been a military conflict in human history that lasted indefinitely. Therefore, scholars already need to analyze and provide various state institutions (both legislative and executive) with proposals for projected challenges to be addressed in particular by the National Guard of Ukraine in the post-war period. This states the relevance and necessity of studying this issue.

Analysis of recent research and publications. Topical problems of the activity of the National Guard of Ukraine under different legal regimes have been studied in the publications by Yu. Allerov, S. Belay, S. Hodlevskiyi, H. Drobakha, V. Yemanov, O. Kryvenko and other scholars [1–4]. These issues have also been raised in scientific publications by the authors of the article [5–7].

The development of the State in the post-war period has been considered by scholars Z. Hontar, O. Shevchenko, N. Shevchenko, O. Bondarenko, Y. Kryvytskyi [8–11] and others.

However, no research has been conducted to determine the tasks of the National Guard of Ukraine in ensuring state security in the post-war period, as well as the projected security challenges that the State will face at this time.

The purpose of the article is to analyze the projected challenges to be addressed by the State in the post-war period and to define the tasks of the National Guard of Ukraine in ensuring the state security at this time.

Summary of the main material. The legal regime of martial law was introduced in Ukraine on 24 February 2022. According to Art. 6-1 of the Law of Ukraine "On the National Guard of Ukraine", with the introduction of martial law, to perform tasks for the defense of the State, the National Guard of Ukraine is put in readiness to perform assigned tasks and is subordinated to the Commander-in-Chief of the Armed Forces of Ukraine, except for military units (subdivisions) that provide convoy and protection of diplomatic missions and representations [12]. According to Article 5, the total strength of the National Guard of Ukraine shall not exceed 60 thousand people. During a special period, its strength increases by the number of personnel called

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to military service pursuant to the decrees of the President of Ukraine on mobilization approved by the laws of Ukraine. Thus, the maximum strength of the NGU has been increased due to mobilization, and today the National Guard servicemen are performing combat missions on the front line.

At the same time, the curricula of higher military educational institutions and training military units (centers) of the NGU have been changed, and the training of personnel has been reoriented to the period of martial law. Given Russia's full-scale aggression, the main functions of the NGU (law enforcement) have been put aside. However, as already noted, all wars end and the NGU should return to its functionality envisaged by Article 2 of the Law of Ukraine "On the National Guard of Ukraine".

The law defines the conditions for the termination of the legal regime of martial law as the expiry of the period for which it was introduced, as well as before the expiry of this period and provided that the threat of attack or danger to the state independence of Ukraine, its territorial integrity is eliminated, the President of Ukraine may issue a decree on the cancellation of martial law throughout Ukraine or in certain areas of Ukraine, which must be immediately announced through media [13].

The Law of Ukraine "On Mobilization Preparation and Mobilization" defines a special period as the period of functioning of the national economy, state authorities, other state bodies, local self-government bodies, defense and security forces, enterprises, institutions and organizations, as well as execution by citizens of Ukraine of their constitutional duty to protect the motherland, independence and territorial integrity of Ukraine, which begins from the moment the declaring the decision on mobilization (except for targeted mobilization) is announced or providing it to the executors in respect of hidden mobilization or from the moment of introduction of martial law in Ukraine or in some of its areas and covers the time of mobilization, wartime and the time of demobilization after the end of hostilities. At the same time, demobilization is a set of measures, the decision on the procedure and timing of which is taken by the President of Ukraine, aimed at the systematic transfer of the national economy, state authorities, other state bodies, local self-government bodies, enterprises, institutions and organizations to work and function in peacetime, and the Armed Forces of Ukraine, other military formations, civil defense forces – to peacetime organization and personnel organizational structure [14].

Thus, after the end of the martial law regime, the NGU will be scheduled to transition to the post-war period functioning.

According to the Law, the NGU performs law enforcement functions in peacetime and in special periods. 22 of the 24 functions are purely law enforcement (not related to defense).

The specificity of the National Guard lies in the fact that as a military formation it has the duty and ability to carry out law enforcement activities in special, extraordinary circumstances that pose a danger of causing significant harm to life, health, public and state security. This makes it possible to characterize the National Guard as a law enforcement (police) body that performs the law enforcement function, including during the performance of service and combat activities in special circumstances that pose a threat to the security of society and the State [5].

It is worthwhile to consider the provision of state security by the National Guard of Ukraine. According to the Law of Ukraine "On National Security of Ukraine" [15], state security is the protection of state sovereignty, territorial integrity and democratic constitutional order and other vital national interests from real and potential non-wartime related threats. To a large extent, the functions of ensuring state security are entrusted to the National Guard of Ukraine as a military formation and a law enforcement agency. Among these functions there are the following: protection of the constitutional order of Ukraine and the integrity of its territory from attempts to change them by force; protection of public safety and order; protection of life, health, rights, freedoms and legitimate interests of citizens; protection of state authorities; protection of nuclear facilities, nuclear materials, radioactive waste; protection of critical infrastructure, etc.

With regard to the NGU's activities, we will outline the following projected challenges for the state.

Threats to public safety. Public safety, along with other components of national security, characterizes the reliability of existence and sustainability of the development of the state's social and political system. By its nature, it is an integral part of national security. Public safety requires a special type of activity of the NGU and other law enforcement agencies of the state to ensure it, which consists in the implementation of a set of measures aimed at preventing dangers and eliminating threats of various kinds to individuals and society, usually in emergency or crisis situations.

The main threats to public safety in Ukraine are the following:

1. Deterioration of the crime situation in the regions of the country (criminal acts, escalation of violence,

cruelty, theft, robbery, assault and other crimes against an individual; armed and technically equipped criminals; increased criminal activity of juveniles and young people; criminal terror against representatives of state authorities, including judicial authorities, etc.)

The greatest threat to human and civilian security is street crime – crimes committed in the streets, parks, squares, on transport, at railway stations and in other public places.

2. Illegal activities of political parties, movements, public organizations, religious and other associations; political extremism and terrorism; holding unauthorized mass events (demonstrations, rallies, protests, picketing and blocking of state and local authorities, strikes, etc); actions aimed at organizing group and mass violations of public order, disobedience to the authorities, particularly in the form of riots (in several regions of the country simultaneously); mistakes in national policy, the spread of separatist ideas, violation of the rights, freedoms and national interests of certain peoples, provocation and support of interethnic and interconfessional conflicts, etc.

3. Violation of the legitimate rights and interests of an individual in all spheres of life, the inability of the state to ensure their reliable and effective implementation and protection; spread of drug addiction, alcoholism, so-called social diseases; lower social standards for the population of the country, reduced opportunities for quality education for representatives of low-income groups of society; manifestations of moral and spiritual degradation of society, etc.

4. Occurrence of man-made and natural emergencies (accidents, disasters, major fires, mudslides, explosions at industrial enterprises and military facilities) that lead to massive loss of human life, deterioration of the environmental situation in the country, and cause significant material damage.

5. The "transparency" of the state border of Ukraine, which is dangerous for the penetration of criminal elements, weapons, drugs and explosives into the territory of Ukraine from abroad, etc.

6. Lack of proper legal regulation of the activities of public safety actors, laws and bylaws regulating relations in this area; adoption of laws, decrees and other regulations that contradict the Constitution of Ukraine, violate the vital interests of citizens, public associations, national minorities, religious organizations, etc.

7. Road traffic accidents, crashes, catastrophes; driving malfunctioned vehicles, driving under the influence of alcohol and drugs.

8. Low efficiency of public security agencies; lack of high executive discipline of employees, abuse and violation of the law, unresolved problems of legal, logistical, financial, personnel and social security.

Threats to state security. Ensuring state security requires a special type of activity of law enforcement, intelligence, special bodies and subdivisions of the state, state authorities, and the National Guard of Ukraine aimed at protecting state sovereignty, territorial integrity and democratic constitutional order and other vital national interests from real and potential non-wartime related threats.

Given the foreign and domestic political conditions, the following threats to Ukraine's state security should be considered in the medium term:

- encroachment on the state sovereignty of Ukraine and its territorial integrity, territorial claims by other states, in particular the Russian Federation, Hungary and Belarus;
- manifestations of separatism, attempts to autonomize certain regions of Ukraine on ethnic grounds;
- attempts to create and operate illegal paramilitary and armed groups, attempts to use the activities of military formations and law enforcement agencies of the state in the interests of certain powers;
- reconnaissance and subversive and sabotage activities of foreign special services, actions aimed at inciting interethnic, interconfessional, social enmity and hatred, separatism and terrorism in Ukraine, creation of puppet quasi-state entities on the temporarily occupied territories and their comprehensive support by the Russian Federation, including military support;
- temporary occupation of the territory of the Autonomous Republic of Crimea and the city of Sevastopol and further actions to destabilize the situation in the Baltic-Black Sea-Caspian region;
- radicalization of society, which spreads the ideas of political extremism;
- threat of terrorist use of nuclear and other facilities on the territory of Ukraine;
- information and psychological warfare, humiliation of the Ukrainian language and culture, falsification of Ukrainian history, formation of an alternative reality and a distorted information picture of the world by the Russian media;

- corruption in the Ukrainian government, the merger of business and politics, and the active interference of financial and industrial groups in political processes, which increases the threat of a coup d'état;
- the activities of organized crime, including international crime, in the country.

Threats to the military security of the state and the security of the state border. Given the current and projected military and political situation around Ukraine, the following threats to its military security and state border security should be considered:

- military and political instability, regional and local wars (conflicts) in different regions of the world, primarily near the borders of Ukraine;
- the possibility of Ukraine being drawn into regional armed conflicts or into confrontation with other states;
- weak effectiveness (crisis) of the existing international security system, the spread of the practice of threats of force and the impunity of the use of military force by individual states to pursue their own interests in international relations;
- militarization of the Russian Federation, deployment of new weapons systems on the territories of states bordering Ukraine, massive increase of the Russian troops strength near the northern and eastern borders of Ukraine, which violates the existing balance of power; deployment of tactical nuclear weapons in the Autonomous Republic of Crimea and the Republic of Belarus;
- normative enshrining of the possibility of using military force outside its borders and gross interference in the internal affairs of sovereign states in the legislation of the Russian Federation;
- Russia's hybrid war against Ukraine;
- activities of pro-Russian illegal armed groups, subversive and terrorist groups on the territory of Ukraine;
- incomplete contractual and legal arrangements and insufficient arrangement of the state border of Ukraine;
- insufficient overall level of capability of the Armed Forces of Ukraine and other military formations to perform combat tasks in defense of the State, given the significant reduction in their strength in the post-war period.

Given the existing and potential threats to the state and military security of Ukraine, the *probable scenarios of crisis situations* on its territory in the medium term should be considered as follows:

- armed aggression against Ukraine by other states or a coalition of states;
- dragging Ukraine into a conflict between other states;
- armed conflict within the state, supported from the outside;
- armed conflict in the border area;
- terrorist acts;
- simultaneous mass riots in different regions of the country;
- mass crossing of the state border of Ukraine from the territory of neighbouring countries;
- natural disasters on the territory of Ukraine;
- man-made disasters in Ukraine, including those caused by terrorist acts and sabotage.

Table 1.1 illustrates the role of the NGU in responding to crisis situations that may arise as a result of these scenarios.

Table 1 – The role of the National Guard of Ukraine in crisis response

Possible scenarios of crisis situations on the territory of Ukraine	Participation of Ukraine's defense and security sector components in responding to crisis situations												
	Ministry of Defense and the Armed Forces of Ukraine	Security Service of Ukraine (SSU)	Ministry of Internal Affairs					State Service of Special Communications and Information Protection of Ukraine (SSSCCIP)	State Special Transport Service of Ukraine (SSTSU)	Department of the State Protection of Ukraine (DSPU)	Intelligence agencies of Ukraine	Bodies of General Legal Competence	Defence Equipment and Industrial Complex
			National Guard of Ukraine (NGU)	National Police of Ukraine (NPU)	State Emergency Service of Ukraine (SESU)	State Border Guard Service of Ukraine (SBGSU)	State Migration Service of Ukraine (SMSU)						
Armed aggression against Ukraine by other states or a coalition of states	MR	DP	DP	–	DP	DP	–	SP	SP	SP	SP	SP	Sup
Involving Ukraine in a conflict between other states	MR	DP	DP	–	DP	DP	–	SP	SP	SP	DP	DP	Sup
Armed conflict within the state, supported from outside	DP	DP	MR	DP	SP	SP	SP	SP	–	DP	DP	DP	SP
Armed conflict in the border area	MR	DP	DP	–	SP	DP	–	SP	DP	–	DP	SP	Sup
Terrorist acts	DP	MR	DP	DP	SP	DP	–	SP	DP	DP	DP	Sup	SP
Simultaneous riots in different regions of the country	DP	DP	CM	MR	SP	DP	–	SP	–	DP	SP	DP	SP
Mass crossing of the state border of Ukraine from the territory of neighbouring countries	DP	DP	DP	DP	–	MR	–	SP	SP	–	SP	DP	Sup
Natural disasters in Ukraine	DP	SP	DP	DP	MR	SP	–	SP	DP	–	SP	Sup	SP
Man-made disasters on the territory of Ukraine, including those caused by terrorist acts and sabotage	DP	DP	DP	DP	MR	DP	–	SP	DP	–	–	Sup	SP

Notes: MR – main responsibility; DP – direct participation; CM – Coordination of measures (actions); SP – supporting role (assistance in performing tasks); Sup – Support (political, diplomatic, organizational, resource, technical, production, economic, information, etc.).

We will separately identify other possible challenges that the NGU will face in the post-war period. *First, demobilization within the NGU.* After the end of the legal regime of martial law, the NGU, like other

military formations, will be demobilized, which will significantly reduce its strength of personnel. We will reveal the essence of the issue by making approximate calculations, making certain assumptions. From the maximum strength of 60.000 servicemen of the NGU (excluding servicemen called to active duty for mobilization) according to the relevant law, we will take away about 15.000 servicemen who served in the NGU under conscription [16] since conscription in Ukraine was cancelled in 2024. We will take away relative undermanning as of February 2022, – approximately up to 7.000 people. We will remove the number of servicemen who are eligible for retirement and will be released from military service – approximately 5.000 people. We will also deduct the number of people whose contracts have expired and who do not wish to continue their military service (due to the duration of the legal regime of martial law, actual participation in hostilities, and the availability of a large number of vacancies in the civilian sector of the country's economy with competitive wages). The number of such servicemen could reach 10.000. Thus, according to the pessimistic scenario, within six months after the end of the legal regime of martial law, about 20.000 servicemen may remain in the NGU, and according to the optimistic scenario – up to 30.000 that will significantly reduce the NGU's ability to perform the law enforcement functions provided for by the law. Given this, improving the personnel policy, increasing salaries, and raising social standards for NGU servicemen should already be a priority for the leadership of the Ministry of Internal Affairs and the NGU.

Thus, such a possible reduction in the strength of the NGU, combined with an increased list of threats to the state in the post-war period, will significantly affect the provision of state security.

Second, military institutions of higher education of the NGU will also face challenges. With the introduction of the legal regime of martial law, training in higher education institutions has been entirely focused on training military specialists, and the curricula have been changed accordingly. In the post-war period, the NGU will return to performing law enforcement functions as provided for by law. Thus, it is already necessary to prepare appropriate changes to the curricula that would provide for a rapid transition to the study of law enforcement disciplines by NGU servicemen. This applies both to the direct training of military cadets and learners of training (retraining) courses. The educational process should focus on teaching disciplines of the legal and law enforcement (police) blocks.

We should also consider the position of scholars on the restoration of Ukraine as a state in the post-war period.

In Z. Hontar's opinion, Ukraine, as a country that has gone through war, needs reforms in many areas. The author suggests several possible areas that could contribute to Ukraine's modernization. Among them are the reform of the army and national security: strengthening the country's defense, increasing the combat readiness of the troops, introducing modern technologies and communications, and cybersecurity. For the country to overcome the crisis and start developing, it is necessary to carry out reforms in the economic sphere, stimulate investment, develop small and medium-sized enterprises, and improve living standards. The education reform is also urgent: we need to improve the quality of education, develop inclusive and innovative learning, and promote professional development in all sectors. Infrastructure development: construction of new roads, railways, airports, development of Internet infrastructure, access to energy resources and water supply. Legislation should be changed to ensure real protection of human rights and fight corruption in all spheres of life [8].

Scholars O. O. Shevchenko and N. O. Shevchenko consider it necessary to develop national projects for the country's revival now for the sake of a promising post-war recovery. First of all, it is the creation of a catalogue or portfolio of projects that can include:

- standard projects to rebuild schools, kindergartens, infrastructure facilities, etc;
- projects to strengthen security and defense;
- environmental restoration projects;
- energy independence projects;
- projects to modernize healthcare and education.

Based on world best practices, the scholars identify the main criteria for developing national recovery projects for Ukraine:

- social resonance, i.e. the tangibility of the project results for improving the quality of life of citizens;
- ample opportunities for integration of government and business efforts within the project;
- the duration of the effect achieved after the project is implemented;
- focus on the modernization of economic, social, and legal systems [9].

In his scientific work Y. V. Kryvytskyi speaks about the importance of taking full-scale measures, not only in the military sphere, but also in the economic, information, political, legal spheres, etc. The scholar attributes a special

role in ensuring the stability of legal development to legal reform, which involves progressive legal changes (transformations, innovations) in the wartime and post-war periods in order to restore and affirm such values as inalienable human rights, the rule of law, the constitutional state and civil society [11].

Therefore, it is necessary to combine civilian measures to rebuild our state with the use of security sector components for the prosperity and renewal of Ukraine, with the NGU becoming the main instrument of the State in ensuring state security and law and order in the post-war period.

Conclusion

1. In the post-war period, the number of threats to the State will increase, and their nature will become more complex than before the war. Among the most significant threats there are: increase in the level of crime of various types; growth in illegal arms trafficking; increase in the number of mass manifestations of citizen dissatisfaction; increase in the number of man-made emergencies, etc. Therefore, in the post-war period, the NGU as a military formation with law enforcement functions will play a crucial role in ensuring state security and law and order in the country.

2. The period of demobilization and the time after demobilization (the reconstruction period) will be characterized by reduced capacity of the NGU to perform its assigned tasks, in particular as a result of significant reduction in its human resources. Therefore, an effective personnel policy of the MIA of Ukraine and the NGU HQ will be of priority during this period.

3. In the post-war period, the activities of higher education institutions and training centers of the NGU will need to be refocused as soon as possible from training military specialists to training personnel for state security and law enforcement.

Further research will aim to improve the law enforcement activities of the NGU in the post-war period.

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**ПРОГНОЗОВАНІ ВИКЛИКИ, ЩО СТОЯТИМУТЬ ПЕРЕД ДЕРЖАВОЮ
У ПІСЛЯВОЄННИЙ ПЕРІОД: ЗАВДАННЯ НАЦІОНАЛЬНОЇ ГВАРДІЇ УКРАЇНИ
ІЗ ЗАБЕЗПЕЧЕННЯ ДЕРЖАВНОЇ БЕЗПЕКИ**

Досліджено прогнозовані виклики, що стоятимуть перед державою після закінчення правового режиму воєнного стану. Розглянуто основні завдання Національної гвардії України із забезпечення державної безпеки. Проведено розмежування функцій Національної гвардії України й інших суб'єктів сектору безпеки України. Проаналізовано нормативно-правову базу щодо переходу держави із правового режиму воєнного стану у стабілізаційний (післявоєнний період), а також роль і місце Національної гвардії України в цій діяльності.

Наголошено, що у післявоєнний період зросте кількість загроз для держави, а характер їх порівняно з довоєнним ускладниться. Серед найсуттєвіших із них зазначено: підвищення рівня злочинності за різними її видами, зростання обсягів нелегального обігу зброї, збільшення кількості масових проявів невдоволення громадян, збільшення кількості виникнення надзвичайних ситуацій техногенного характеру тощо. Відповідно Національна гвардія як військове формування з правоохоронними функціями в післявоєнний період відіграватиме вирішальну роль у забезпеченні державної безпеки і правопорядку в державі. Основними завданнями Національної гвардії України в цей період визначено

такі: участь у відновленні конституційного правопорядку, участь у припиненні масових заворушень, охорона громадської безпеки й порядку, охорона об'єктів критичної інфраструктури.

Надано також пропозиції щодо перепрофілювання вищих військових навчальних закладів Національної гвардії України із безпосередньо військового спрямування на підготовку фахівців у сфері державної безпеки та правопорядку.

Ключові слова: *Національна гвардія України, післявоєнний період, стабілізаційні заходи, сектор безпеки, правоохоронні функції, державна безпека, масові заворушення, охорона громадської безпеки та порядку.*

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