

UDC 355.4;351.746.1;342.1



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RETROSPECTIVE OF THE INVOLVEMENT OF THE STATE BORDERGUARD SERVICE OF UKRAINE IN ENSURING NATIONAL SECURITY

In 2014, the Russian Federation launched a hybrid war against Ukraine, which escalated into a full-scale invasion in February 2022. The State Border Guard Service of Ukraine, along with other security and defense forces, defends the state sovereignty and territorial integrity of our country. The article outlines some of the issues that negatively affect the effectiveness of the State Border Guard Service in carrying out its tasks. Using theoretical and logical methods of scientific inquiry, the article examines the transformation of the tasks assigned to the border agency from its creation to the present day. Recommendations are provided on improving the use of the State Border Guard Service during martial law.

Keywords: State Border Guard Service of Ukraine, Border Troops, martial law, state border, interaction, forces and means.

Statement of the problem. With the start of the Russian Federation's undeclared war against our state in 2014, Ukrainian border guards were among the first to defend their homeland. The State Border Guard Service of Ukraine (hereinafter referred to as the SBGS) is a special-purpose law enforcement agency and is part of the security and defense forces, which are entrusted by the Constitution and laws of Ukraine with the functions of ensuring the defense of the state. In accordance with the provisions of current legislation, during martial law, border units may be involved by the relevant military command bodies of the Armed Forces of Ukraine (hereinafter referred to as the AFU) in the elimination (neutralization) of armed conflict on the state border of Ukraine, international armed conflict, and repelling armed aggression against Ukraine [1]. At the same time, as practice shows, the main way of involving the State Border Guard Service units in operations is to transfer them to the operational control of commanders of units (brigades, battalions) of the Armed Forces of Ukraine and the National Guard of Ukraine. The experience of using State Border Guard Service units and formations as part of the defense forces allows us to identify some aspects that negatively affect the effectiveness of task performance, namely: differences in the working methods of State Border Guard Service and Armed Forces commanders and staff when making combat (action) decisions; the management bodies of border guard detachments (rapid response border command posts) are not prepared to act at the level of the operational staff of brigades (battalions) of the Armed Forces of Ukraine; the State Border Guard Service bodies and units receiving tasks that are not inherent to them and do not correspond to their capabilities; the imperfection of the organizational and staffing structure of the State Border Guard Service bodies in terms of quality functioning in wartime conditions. Thus, there are a number of contradictions and inconsistencies between the tasks assigned to the State Border Guard Service bodies (subdivisions) and the possibilities for their implementation. There is a need to analyze the tasks and provide recommendations on the use of the State Border Guard Service during martial law.

Analysis of recent research and publications. The issues of the development of the border agency and the role of the State Border Guard Service in ensuring national security were addressed by renowned scholars V. Gorbulin, V. Lipkan, V. Servatyuk, A. Mysyk and others [2, 3, 4, 5]. A comprehensive analysis of the historical and legal, regulatory and legal bases for the functioning and operational activities of the Border Troops of Ukraine during 1991–2003, as well as research into the history of the formation and development of these branches of the armed forces, was carried out by V. Protsyk [6] and M. Kabachynskyi [7] in their works. At the same time, the process of transformation of the functions of the border agency that took place over time and its impact on the fulfilment of national security tasks has not yet been comprehensively examined in scientific works.

The purpose of the article It analyses the transformation of the border agency's tasks in the field of national security since Ukraine's declaration of independence and provides recommendations for more effective use of the State Border Guard Service's forces and resources in the security and defense sector under martial law.

Summary of the main material. Since our country declared independence, protecting the state border has been seen as a key part of defending our sovereignty and national security. In accordance with the Law of Ukraine of 04.11.1991 "On the Border Troops of Ukraine" (repealed on 01.08.2003), the protection of the state border was entrusted to the Border Troops, a military-operational unit whose main duties under this law were to "repulse incursions into the territory of Ukraine by armed formations, stop armed and other provocations on the state border of Ukraine, and protect the population and property in all its forms from criminal encroachments."

The Border Troops were in a state of constant combat readiness to defend the sovereignty and independence of the state by force of arms. At the time of the declaration of independence, the Border Troops of Ukraine, given the specific nature of their activities, were special forces. The main method of service and combat operations to protect the state border was the simultaneous use of a complex of diverse forces and means directly protecting the state border, and their gradual build-up in threatening areas with the aim of suppressing any enemy actions, as well as conducting decisive combat operations to destroy the invading enemy.

The main tactical unit of the Ukrainian Border Guard Service was the border guard post, which ensured:

- maintenance of the state border regime and its protection in the area of responsibility;
- search for offenders in one or two directions;
- in defense – repelling attacks by up to two enemy platoons;
- in an offensive – the destruction of an invading enemy platoon;
- searching for and eliminating one enemy sabotage and reconnaissance group;
- performing other tasks (conducting military reconnaissance, stopping armed and other provocations on the state border).

Thus, the Border Troops of Ukraine were focused on the "physical" protection of the state border. Combat training was planned and organized with the understanding that the Border Troops, as part of the Armed Forces, had to be in constant combat readiness to repel armed provocations by the enemy.

With the entry into force of the Law of Ukraine "On the State Border Service of Ukraine" of 01.08.2003, the Service acquired the status of a special-purpose law enforcement agency, and the concept of "operational and service activities" (hereinafter referred to as OSA) was introduced as a set of measures aimed at fulfilling the tasks assigned to the State Border Service of Ukraine. According to the Law, the inviolability of the state border of Ukraine is ensured through the implementation of law enforcement, special and defense functions. The defense function consists in coordinating the activities of military formations and law enforcement agencies involved in the protection of the state border. In accordance with the plan of operational and service activities of the State Border Guard Service for a special period, after the transfer of a section of the border to the Armed Forces, it was envisaged to use the bodies and units of the State Border Guard Service to strengthen other sections of the border, combat sabotage and reconnaissance groups in the controlled border area, and participate in territorial defense measures.

With the introduction of martial law, the State Border Service was tasked with the following:

- receiving and transferring foreign citizens and military personnel seeking political asylum to the relevant authorities;
- conducting searches of a person's home or property without a court order in cases related to saving lives and property, conducting special measures to search for offenders and enemy agents, and other persons suspected of committing crimes;
- restricting movement in the controlled border area and leaving it without the appropriate permission;
- preventing the leakage of mobilization resources across the state border in the area of responsibility;
- preventing rallies, marches and demonstrations near the state border and at border crossing points;
- alienation of objects of private property of legal entities and individuals to ensure reliable protection of the state border with subsequent full compensation for their value;
- suspension of the departure of persons engaged in entrepreneurial activity and the export (import) of products;
- introduction of compulsory labour for the working population of border areas to carry out work to eliminate natural disasters, accidents, catastrophes, epidemics and epizootics that have arisen in controlled border areas;

- participation in measures to enforce curfews, as well as the establishment and control of blackout regulations;
- evacuation of family members of border guard personnel from places and areas that are dangerous for habitation.

The main unit of the State Border Guard Service responsible for the direct protection of a specific section of the state border is the border guard department (hereinafter referred to as the department). The main functions of the border guard department are defined by the relevant Regulations [8].

From this, we can conclude that the activities of the State Border Service of Ukraine were focused on law enforcement functions. The main efforts of the border agency were aimed at transforming it into a special-purpose law enforcement agency of the European model, fully capable of performing its tasks in peacetime. It can be assumed that the decision to weaken the combat capabilities of border guards in favour of control functions was a mistake and that this is one of the reasons for the insufficient protection of the border in 2014.

From 24 February 2023, a series of amendments to legislative acts [9] assigned the following functions to the State Border Guard Service:

- in cooperation with the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine, and relevant law enforcement agencies, to stop armed and other provocations on the state border of Ukraine, including through direct combat operations;
- participating, in cooperation with the Armed Forces of Ukraine and other military formations, in the elimination (neutralization) of armed conflict on the state border of Ukraine, international armed conflict and repelling armed aggression against Ukraine by directly conducting combat operations;
- participation in measures to ensure national security and defense, repel and deter armed aggression against Ukraine, mine clearance activities, as well as measures to restore territorial integrity within the internationally recognized state border of Ukraine;
- participation in the implementation of territorial defense measures, as well as measures aimed at maintaining the legal regime of martial law and states of emergency [10].

At the same time, the diversity of tasks assigned to the State Border Guard Service (including those not specific to the State Border Guard Service), and the difference in the levels of training of the management bodies (headquarters) of the Armed Forces and the State Border Guard Service indicate the need to improve the performance of tasks by the bodies (subdivisions) of the State Border Guard Service.

Recommendations for improving the use of the State Border Guard Service's forces and resources within the defense forces system under martial law:

- define at the legislative level the tasks to be performed by the state border guard service's bodies (units) as part of the defense forces during martial law;
- focus the collective training of state border guard service management bodies at all levels on achieving operational capabilities and a level of coordination that will ensure readiness for joint actions with interdepartmental defense force formations;
- ensure a common understanding among military management bodies of the issue of the operational subordination of state border service bodies (units) (to be enshrined in policy documents);
- approve a unified mechanism for the acceptance and transfer of border sections by military management bodies during their coverage by units of the armed forces and the national guard;
- approve a unified plan for interaction between the military command of the armed forces of Ukraine and the state border guard service formations during the strengthening of the state border;
- focus efforts on improving the state border guard service's readiness to perform tasks related to the protection of the state border and acquiring the capabilities to perform combat tasks;
- organize preparations for the protection of temporarily uncontrolled sections of the state border after the restoration of Ukraine's territorial integrity.

Conclusions

The article analyses the transformation of the tasks assigned to the border agency since its creation to the present day and provides recommendations for improving the application of the State Border Guard Service during martial law. Further research should consider the theoretical and organizational foundations of the work of the State Border Guard Service management bodies within the defense forces system and their impact on the efficiency and effectiveness of the activities of the border guard service bodies and units.

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The article was submitted to the editorial office on 24 September 2025

УДК 355.4;351.746.1;342.1

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РЕТРОСПЕКТИВА ЗАЛУЧЕННЯ ДЕРЖАВНОЇ ПРИКОРДОННОЇ СЛУЖБИ УКРАЇНИ ДО ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ

З 2014 року російська федерація розпочала гібридну війну проти України, яка переросла в повномасштабне вторгнення у лютому 2022 року. Державна прикордонна служба України (далі - ДПСУ) є правоохоронним органом спеціального призначення та входить до складу сил оборони, на які Конституцією та законами України покладено функції з забезпечення оборони держави, і на рівні з іншими суб'єктами сил безпеки і оборони відстоює державний суверенітет та територіальну цілісність нашої держави. Відповідно до норм чинного законодавства під час дії воєнного стану прикордонні загони можуть залучатися відповідними органами військового управління Збройних Сил України до ліквідації (нейтралізації) збройного конфлікту на державному кордоні України, міжнародного збройного конфлікту, відсічі збройній агресії проти України [1]. При цьому основний спосіб залучення підрозділів ДПСУ до дій, як показує практика, є їх передача в оперативне підпорядкування (під оперативний контроль) командирам частин (бригад, батальйонів) ЗСУ та НГУ. У статті робиться наголос на деякі аспекти, які негативно впливають на ефективність виконання завдань ДПСУ та надані рекомендації щодо застосування сил та засобів ДПСУ в системі сил оборони в умовах воєнного стану. Також в статті проаналізовано трансформацію завдань, які виконувало прикордонне відомство та його роль в забезпечені національної безпеки держави з моменту проголошення незалежності України до сьогодення.

Ключові слова: Державна прикордонна служба України, Прикордонні війська, воєнний стан, державний кордон, взаємодія, сили та засоби.

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