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ON THE CHARACTERISTICS OF THE LEVELS OF IMPLEMENTATION OF THE ADMINISTRATIVE AND LEGAL MECHANISM OF MOBILIZATION PREPAREDNESS

Abstract. Purpose. The purpose of this article is to provide a comprehensive characterization of the levels at which the administrative and legal mechanism of mobilization preparedness is implemented. **Results.** The article emphasizes that the administrative and legal mechanism of mobilization preparedness is a complex and multifaceted phenomenon that operates across various levels. Based on an analysis of academic perspectives, current legislation, and implementation practices, the author identifies the following key levels of implementation of this mechanism: (1) national; (2) regional; (3) local; and (4) site-specific (object) level. It is noted that state policy represents the deliberate activity of public authorities aimed at ensuring the proper functioning of the national system of preparedness for potential emergencies of a technogenic, natural, or military nature. The essence of this policy lies in the coordinated application of legal, organizational, managerial, economic, and other instruments, which enable timely and effective responses to challenges related to national defense and security. **Conclusions.** The article concludes that it is most appropriate to distinguish four key levels in the implementation of the administrative and legal mechanism of mobilization preparedness: (1) the **national level**, where the normative and legal framework for the relevant activities is developed, and the foundations of state policy in the fields of defense and national security – including mobilization preparedness – are established; (2) the **regional level**, where mechanisms of mobilization preparedness are implemented within a particular oblast (region) through the activities of regional military state administrations (military administrations); (3) the **local level**, which involves engaging local self-government bodies in addressing mobilization preparedness issues, including the identification of mobilization resources (human, material, technical, etc.) and the notification of the population about potential threats (particularly relevant for frontline territories); and (4) the **site-specific (object) level**, where individual enterprises, institutions, and organizations are prepared and equipped to carry out tasks related to mobilization preparedness.

Key words: levels, implementation, administrative and legal mechanism, mobilization preparedness.

1. Introduction

Today, ensuring the effective functioning of the administrative and legal mechanism of mobilization preparedness is of critical importance. This is due to the fact that this mechanism: firstly, is aimed at safeguarding the state's defense capability under conditions of armed aggression, as well as ensuring stability in the event of other emergencies of natural or technogenic origin; secondly, provides for the timely deployment of the Armed Forces of Ukraine and other military formations to perform defense-related tasks; thirdly, enables the preparation of the economy and society for full and uninterrupted functioning under wartime conditions, including the conversion of enterprises to

the production of defense-related goods; fourthly, ensures the organization of state governance; and fifthly, creates the conditions for the formation, accumulation, and preservation of mobilization resources – human, material, financial, technical, and others.

Given these considerations, it is important to emphasize that the administrative and legal mechanism of mobilization preparedness is a complex and multifaceted phenomenon implemented at various levels – the analysis of which constitutes the focus of this research.

Certain issues related to the functioning of the administrative and legal mechanism of mobilization preparedness have been explored in scholarly works by D.M. Bielov,

Yu.M. Bysaha, P.B. Volotivskyi, O.P. Kutovyi, O.Yu. Savynets, Yu.A. Shevchuk, Ye.Yu. Yakovchuk, among others. However, despite the considerable theoretical contributions in this field, the question of the levels at which the administrative and legal mechanism of mobilization preparedness is implemented remains largely underexplored in academic literature.

Therefore, the purpose of this article is to provide a detailed characterization of the levels of implementation of the administrative and legal mechanism of mobilization preparedness.

2. Functioning of the Administrative and Legal Mechanism of Mobilization Preparedness

First and foremost, it is necessary to focus on the characterization of the levels at which this mechanism functions. In this context, the **national level** deserves particular attention, as it is at this level that the **normative and legal framework** for implementing mobilization preparedness is formed.

Yu.A. Shevchuk rightly points out that administrative and legal support for mobilization preparedness and mobilization itself constitutes one of the most important tasks of public authorities, the fulfillment of which is aimed at the implementation of legislation with the ultimate goal of strengthening the state's defense capability. The role of legal acts in regulating the process of mobilization preparedness and mobilization cannot be overstated, as they serve as the fundamental factor on which the entire system of mobilization management must be built (Shevchuk, 2024).

It is also crucial, within the scope of the present issue, to note that the **development and implementation of state policy** in the field under consideration takes place precisely at the national level. I. Petrenko argues that state policy is the activity of state authorities in governing and directing society based on unified goals, principles, and methods. This includes the development, legislative approval, and implementation of state-targeted programs in various spheres of public life aimed at solving pressing problems or meeting the needs of society. A significant aspect of state policy lies in the structuring of interests among different social groups and the search for compromise between them, since the ultimate decision must serve the public good to the greatest extent possible (Petrenko, 2011).

I.O. Kresina has observed that state policy represents a system of purposeful measures aimed at addressing specific societal problems, satisfying public interests, and ensuring the stability of the country's constitutional, economic, and legal order. In the process

of formulating state policy, the primary role is played not by the state itself, but by society – its diverse problems, interests, values, and priorities. Their connection is expressed through the process of legitimacy, which is particularly evident today. In light of the fundamental rethinking of the role and tasks of the state in relation to society – whereby the state is no longer viewed as a self-sufficient institution of domination but as a tool for serving public interests – state policy can no longer be assessed solely by the criterion of legality. It is widely recognized that legality does not always equate to justice or the rule of law (Kresina, 2006).

It is worth referencing the viewpoint of **Ye.Yu. Iakovchuk**, who, in the course of examining the conceptual definition of state policy in the field of mobilization, arrived at a number of insightful conclusions. According to the author, the key features of this scientific category include the following:

First, state policy is a **targeted course or direction of state activity** aimed at solving nationally significant tasks and goals that meet the interests of society, correspond to the functions of the state and public authorities, and influence the quality and regularity of people's lives.

Second, state policy is expressed through a system of **special, complex, large-scale operations and measures** of an economic, legal, managerial, law enforcement, fiscal, and other nature.

Third, it is implemented by **state authorities empowered by Ukrainian legislation**, using the state's financial and other resources. In certain cases, local self-government bodies may also participate in the implementation of state policy when delegated some functions and powers of state authorities.

Fourth, state policy possesses its own **legal structure and foundation**; its formation and implementation are carried out according to established legal principles and on the basis of a broad normative framework.

Fifth, state policy has a **structured administrative and legal mechanism** for its formation and implementation (Iakovchuk, 2023).

Based on these premises, the author concludes that **state policy in the field of mobilization** is a **targeted, legally substantiated and regulated course of comprehensive state activity**, carried out by authorized public authorities and, in certain cases, by local self-government bodies. This activity involves the implementation of legal, financial-economic, organizational-administrative, supervisory and other measures aimed at creating conditions

for and directly executing mobilization preparedness and mobilization across the territory of Ukraine (Iakovchuk, 2023).

Therefore, in the context of the present study, **state policy** should be understood as a **purposeful activity of public authorities** aimed at ensuring the proper functioning of the system that prepares the state for possible emergencies of technogenic, natural, or military origin. The essence of this policy lies in the coordinated application of legal, organizational, managerial, economic, and other tools that enable timely and effective responses to challenges related to national defense and security.

Thus, the **significance of state policy in the implementation of the administrative and legal mechanism of mobilization preparedness** lies in the following:

1. It defines the **priorities and directions** for the development of the mobilization preparedness system;

2. It creates the **conditions for optimal allocation and use** of financial, material, and human resources during periods of mobilization readiness;

3. It ensures the **effective interaction** of mobilization preparedness actors at all levels and across all domains;

4. It guarantees that mobilization measures are carried out **within the legal framework**, in full compliance with the Constitution and a wide range of legislative and subordinate legal acts.

3. Regional and Local Levels of Implementation of the Administrative and Legal Mechanism of Mobilization Preparedness

The next level to be distinguished, in our opinion, is the **regional level** of implementation of the administrative and legal mechanism of mobilization preparedness. Mobilization preparedness at the regional level in Ukraine constitutes a crucial component of the national system for ensuring defense capability and national security. It is carried out through the **coordinated activities** of regional and local state administrations, law enforcement agencies, and other relevant bodies.

At the regional level, mobilization preparedness involves **planning, organizing, and controlling the implementation of measures** related to staffing military formations, forming specialized units, preparing territories for defense, and deploying strategically important infrastructure facilities.

A clear example of regional state administrations' engagement in mobilization preparedness is the **"Program for Ensuring Mobilization Training and Defense Work in Ivano-Frankivsk Region for 2023–2027."**

The aim of this Program is to ensure **state sovereignty and independence of Ukraine**, maintain the combat and mobilization readiness of the Armed Forces and other military formations, and, in particular, to create appropriate conditions for conducting mobilization activities and preparing for territorial defense. The Program also seeks to ensure the readiness of state authorities and local self-government bodies, all components of the military organization, law enforcement agencies, civil protection (civil defense) bodies, as well as the population and territory of the region for participation in defense (Decision of the Regional Council on approval of the Program for ensuring mobilization training and defense work in Ivano-Frankivsk region for 2023–2027, 2022).

The implementation of the Program's measures will contribute to solving resource-related challenges in areas where there is a **shortage of state budget allocations**, and will facilitate the proper conduct of mobilization training, the establishment of a reliable military registration system, the accumulation of high-quality mobilization resources, the execution of territorial defense tasks, and the improvement of mobilization training and mobilization procedures in state authorities, local self-government bodies, enterprises, institutions, and organizations within the region. It also encompasses the **preparation of citizens for national resistance** and the **organization of defense** of settlements in Ivano-Frankivsk region (Decision of the Regional Council..., 2022).

Therefore, **mobilization preparedness at the regional level holds strategic importance**, as security-related challenges are often felt more acutely and urgently at this level. Consequently, the effectiveness of state policy in the sphere of mobilization largely depends on the **organization and readiness** of regional authorities to take **rapid action** in crisis situations.

The next level is the **local level**. During the period of martial law, the **village, settlement, or city mayor** of a territorial community, on whose territory no active hostilities are taking place and where no decision has been made to establish a military administration, is authorized—**exclusively for the implementation of martial law measures**—to make decisions (with obligatory notification of the head of the relevant regional military administration within 24 hours) regarding the following (Law of Ukraine "On the Legal Regime of Martial Law," 2015):

1. The **removal of illegally placed temporary structures** on communal land plots,

including those installed but not commissioned in accordance with legislative procedures;

2. The **inspection of buildings and structures damaged by hostilities**. Such inspections must be carried out in accordance with the Law of Ukraine "On Regulation of Urban Development Activities";

3. The **dismantling of buildings and structures** that, based on the aforementioned inspections, are determined to be structurally unsafe and pose a threat to human life (excluding defense and special-purpose facilities, cultural heritage sites, and objects governed by the Law of Ukraine "On the Use of Nuclear Energy and Radiation Safety").

Orders regarding the dismantling of such buildings and structures must be entered into the **Unified State Electronic Construction System** in accordance with the procedure established by the Cabinet of Ministers of Ukraine (Law of Ukraine "On the Legal Regime of Martial Law," 2015).

The final level to be considered is the **local (object-based) level**. According to the Law of Ukraine "On Mobilization Training and Mobilization", in particular **Section IV**, the obligations of enterprises, institutions, organizations, and citizens regarding mobilization training and mobilization are clearly defined. Moreover, the Law stipulates that:

"Enterprises, institutions, and organizations that are executors of mobilization tasks (orders) related to the production of goods shall conclude contracts (agreements) with enterprises, institutions, and organizations that are manufacturers (co-executors) of component products, as well as suppliers of material and technical resources and raw materials." (Law of Ukraine On Mobilization Training and Mobilization, 1993)

It is further emphasized that:

"Enterprises, institutions, and organizations may not refuse to conclude contracts (agreements) for the fulfillment of mobilization tasks (orders), provided that their capabilities, taking into account mobilization deployment and the resources allocated to them, enable them to fulfill these mobilization tasks (orders)." (Law of Ukraine On Mobilization Training and Mobilization, 1993)

4. Conclusions

The analysis conducted allows us to reasonably distinguish four key levels of implementation of the administrative and legal mechanism of mobilization training:

1. **National level**, at which the formation of the regulatory and legal framework for relevant activities takes place, along with the development of the foundations of state policy in the field of defense and national

security, and consequently, the implementation of mobilization training.

2. **Regional level**, where the implementation of mobilization training mechanisms is carried out within a particular region through the activities of regional military state administrations (military administrations).

3. **Local level**, at which local self-government bodies are involved in addressing issues related to mobilization training. This includes the identification of mobilization resources—human, material, technical, etc.—as well as notifying the population about potential threats (particularly relevant in frontline areas).

4. **Local (object-based) level**, at which enterprises, institutions, and organizations are prepared and ensured to be capable of fulfilling tasks related to mobilization training.

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ДО ХАРАКТЕРИСТИКИ РІВНІВ РЕАЛІЗАЦІЇ АДМІНІСТРАТИВНО-ПРАВОВОГО МЕХАНІЗМУ МОБІЛІЗАЦІЙНОЇ ПІДГОТОВКИ

Анотація. *Мета* статті полягає у наданні характеристиці рівням реалізації адміністративно-правового механізму мобілізаційної підготовки. *Результати.* У статті акцентовано увагу на тому, що адміністративно-правовий механізм мобілізаційної підготовки є складним та багатоаспектним явищем, яке реалізується на різних рівнях. Спираючись на аналіз наукових поглядів вчених, норм чинного законодавства та практики його реалізації, виділено наступні ключові рівні реалізації адміністративно-правового механізму мобілізаційної підготовки: 1) загальнодержавний; 2) регіональний; 3) місцевий; та 4) локальний (об'єктний) рівень. Визначено, що державна політика представляє собою цілеспрямовану діяльність органів державної влади, яка орієнтована на забезпечення належного функціонування системи підготовки держави до можливих надзвичайних ситуацій техногенного, природного та воєнного характеру. Сутність такої політики полягає в узгодженому застосуванні правових, організаційних, управлінських, економічних та інших засобів, які дозволяють своєчасно і ефективно реагувати на виклики, що стосуються обороноздатності та національної безпеки. *Висновки.* Зроблено висновок, що найбільш доцільно виділити чотири ключові рівні реалізації адміністративно-правового механізму мобілізаційної підготовки: 1) загальнодержавний, на якому відбувається формування нормативно-правової основи здійснення відповідної діяльності, а також створення основ державної політики у сфері оборони, забезпечення національної безпеки, а відтак і здійснення мобілізаційної підготовки; 2) регіональний рівень, на якому відбувається реалізація механізмів мобілізаційної підготовки в рамках області, що забезпечується через діяльність військових обласних державних адміністрацій (військових адміністрацій); 3) місцевий рівень, в межах якого відбувається залучення органів місцевого самоврядування до вирішення питань здійснення мобілізаційної підготовки, що включає визначення мобілізаційних ресурсів: людських, матеріально-технічних, тощо, а також здійснюється оповіщення населення про можливі загрози (зокрема це стосується прифронтових територій); 4) локальний (об'єктний) рівень, в рамках якого відбувається підготовка підприємств, установ, організацій, забезпечення їх готовності до виконання завдань, пов'язаних із мобілізаційною підготовкою.

Ключові слова: рівні, реалізація, адміністративно-правовий механізм, мобілізаційна підготовка.

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