

LAW ENFORCEMENT AGENCIES IN THE MECHANISM OF ENSURING HUMAN AND CIVIL RIGHTS UNDER MARTIAL LAW

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Introduction

The ongoing war waged by the Russian Federation against Ukraine has fundamentally transformed the legal, political, and social framework within which the Ukrainian state operates. At the same time, it has brought to the forefront urgent questions concerning the real and effective protection of human rights under extraordinary circumstances. The introduction of martial law, the implementation of mobilization measures, the restriction of certain civil rights, and the large-scale activation of security and defense forces all call for a reconsideration of the role of law enforcement agencies in this new legal reality. In conditions of extreme threats to public order and national survival, these agencies stand at the critical junction between safeguarding national security and upholding fundamental human rights.

It is a widely recognized principle that even under martial law, a state is not exempt from its international and constitutional obligations in the field of human rights. According to Article 64 of the Constitution of Ukraine, restrictions on constitutional rights and freedoms are permitted only within the limits established by law and exclusively under conditions of martial or state of emergency – while respecting the principle that the essence and scope of these rights must not be diminished¹. Furthermore, both the European Convention on Human Rights and the International Covenant on Civil and Political Rights allow for temporary derogations from state obligations, but only in situations of strict necessity and in a narrowly defined set of circumstances^{2,3}. Thus, the legal regime of martial law does not deprive individuals of basic rights protections, and it is the duty of law enforcement bodies to maintain a careful balance between security and rights.

¹ Конституція України. *Верховна Рада України*. 1996. URL: <https://zakon.rada.gov.ua/laws/show/254к/96-вр>

² Convention for the Protection of Human Rights and Fundamental Freedoms. *Council of Europe*. 1950. URL: https://www.echr.coe.int/documents/d/echr/fs_derogation_eng

³ International Covenant on Civil and Political Rights. *United Nations*. 1966. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

The operation of law enforcement institutions during armed conflict is accompanied by numerous challenges – from personnel and resource exhaustion to the risk of abuse of power, arbitrariness, or discriminatory actions. In practice, agencies such as the police, the Security Service of Ukraine, the prosecutor's office, the National Guard, and the Military Law Enforcement Service must respond swiftly to threats while simultaneously ensuring compliance with legal procedures. Particular attention must be paid to civilians, internally displaced persons, combatants, and residents of frontline or recently de-occupied territories – all of whom are especially vulnerable to rights violations⁴.

Against this backdrop, the issue of the effective functioning of the law enforcement and rights protection mechanism becomes increasingly critical. While under peaceful conditions, the state has time and capacity to correct systemic deficiencies, during wartime, any human rights violation may result in irreversible consequences – both for the individual concerned and for the credibility of the state as a whole. Preserving public trust in state institutions, maintaining law and order, and protecting individual interests are foundational pillars of societal resilience in times of crisis.

The relevance of this research lies in the urgent need to reconsider the functional role of law enforcement agencies under martial law, and in the growing demand for effective, lawful, and humane response tools. The absence of a unified approach to regulating the activities of security bodies during crisis periods, along with insufficient institutional adaptation of the human rights protection system to wartime conditions, necessitates in-depth scholarly analysis.

The objective of this study is to determine the place and role of law enforcement agencies in the mechanism of ensuring human rights under martial law. The study aims to analyze existing legal frameworks, identify practical challenges, and outline prospects for improving law enforcement practices in accordance with international legal standards and national experience. The methodology involves legal-dogmatic, comparative, systemic, and empirical approaches to enable a comprehensive examination of the identified issues.

1. The Role of Law Enforcement Agencies in Ensuring Human Rights under Martial Law: Relevance, Legal Framework, and International Standards

The current realities of martial law in Ukraine, prompted by the full-scale aggression of the Russian Federation, have presented the state with

⁴ Щорічна доповідь про стан дотримання і захисту прав і свобод людини і громадянина в Україні за 2023 рік. Уповноважений Верховної Ради України з прав людини. (2024). URL : <https://ombudsman.gov.ua/storage/app/media/uploaded-files/trichnii-brif-2023-eng.pdf>

unprecedented challenges in the protection of fundamental human rights and freedoms. While the Constitution of Ukraine permits temporary restrictions on certain rights during martial law or a state of emergency, such restrictions must not diminish the essence or scope of rights guaranteed by the country's fundamental law. In this context, law enforcement agencies play a crucial role as key actors responsible for simultaneously maintaining public order, safeguarding national security, and upholding human rights⁵.

Balancing security and human rights during armed conflict is both complex and highly debated⁶. International legal doctrine generally permits states to derogate from certain obligations, but only under strict conditions that uphold the principles of proportionality, necessity, and non-discrimination. This makes it especially important to ensure the lawful and effective functioning of law enforcement agencies, which in wartime often operate under legal uncertainty, heightened risk of abuse, and significant moral and psychological strain.

Since the introduction of martial law, Ukrainian law enforcement bodies – including the National Police, the Security Service of Ukraine, the State Bureau of Investigation, the Prosecutor's Office, the National Guard, and the Military Law Enforcement Service – have received expanded powers⁷. These include identity checks, filtration procedures, counter-diversion and anti-collaborationist measures, enforcement of curfews, and support for civilian evacuations. However, such responsibilities must be executed within the boundaries of current legislation and with respect for human dignity.

Public sensitivity to law enforcement actions has also increased. In many cases, the initial response of a police officer, investigator, or field operative influences not only the immediate safety of individuals but also public trust in the state's capacity to protect its people. Therefore, it is necessary to establish a strategy of law enforcement that harmonizes national security interests with the principles of the rule of law.

International organizations and Ukraine's Ombudsman have repeatedly emphasized the importance of upholding human rights even under martial law⁸. In the annual report of the Ukrainian Parliament Commissioner

⁵ Казначеев Д. Діяльність правоохоронних органів України в умовах воєнного стану. *Організаційно-правове забезпечення функціонування підрозділів превентивної діяльності Національної поліції України в умовах воєнного стану* : матер. Всеукр. круг. столу (м. Дніпро, 3 червня 2022 р.). Дніпро : ДДУВС, 2022. С. 39–41.

⁶ Яра О. С., Світличний О. П. Функції правоохоронних органів України в умовах режиму воєнного стану. *Аналітично-порівняльне правознавство*. 2024. № 4. С. 472–476.

⁷ Гусарев С. Правоохоронна діяльність в умовах правового режиму воєнного стану в Україні: особливості реалізації. *Вісник КІНГУ*. 2024. С. 41–51.

⁸ Войтюк М. П. Стан та механізми дотримання прав людини в умовах широкомасштабного збройного конфлікту в Україні. *Реалізація прав людини у діяльності*

for Human Rights, special attention is paid to compliance with humanitarian standards, particularly during interactions with civilians in de-occupied areas, border zones, and among internally displaced persons.

Accordingly, the relevance of this study lies in the need for a scholarly reassessment of the tasks, functions, and legal boundaries of law enforcement agencies during a period of national emergency. Legal models developed in peacetime now require adaptation to wartime conditions, but this must not be used as justification for abandoning core legal values.

One of the most pressing challenges facing law enforcement during wartime is striking a balance between security imperatives and obligations to protect human rights. In a context of armed conflict, the traditional mechanisms of law enforcement become significantly more difficult to implement, as operational responsiveness, counter-subversive action, and public order take precedence. Nevertheless, even in extreme circumstances, the actions of government agencies must remain lawful and respect the core principles of a democratic legal state.

It is therefore crucial to examine the legal frameworks that define the permissible limits of state intervention in the sphere of human rights under martial law. Clear constitutional and international legal regulation is essential, as it forms the basis for the legitimacy of law enforcement activity. The next step must be a comprehensive analysis of both national legislation and international treaties that establish human rights guarantees during emergencies.

Martial law, as a special legal regime for the functioning of state institutions under conditions of armed aggression or imminent threat to national security, allows for the temporary restriction of certain rights and freedoms⁹. Nevertheless, constitutional doctrine and international standards demand that even under extraordinary circumstances, the state must act within the law and must not allow arbitrary or unjustified interference with fundamental rights.

Article 64 of the Constitution of Ukraine explicitly states that certain rights and freedoms may be restricted during martial or emergency states – but only under the condition that the essence and scope of fundamental rights are preserved¹⁰. Furthermore, certain rights are categorically protected from limitation, including the right to life, freedom from torture, legal personhood, and freedoms of thought, conscience, and religion.

правоохоронних органів в умовах воєнного стану: матер. міжкафед. круг. столу (м. Кривий Ріг, 20 вересня 2024 р.). Кривий Ріг : КННІ ДонДУВС, 2024. С. 10–12.

⁹Гринь Д. Д. Обмеження прав і свобод людини в умовах воєнного стану в Україні. *Часопис Київського університету права*. 2023. № 2. С. 45–48.

¹⁰Курганська О. В. Обмеження прав і свобод людини та громадянина в умовах воєнного стану: проблеми правового регулювання. *Науковий вісник Ужгородського національного університету. Серія : Право*. 2023. № 69. С. 123–127.

International treaties to which Ukraine is a party also play a key role in establishing legal boundaries for state action during wartime¹¹. Article 4 of the International Covenant on Civil and Political Rights (1966) permits states to temporarily derogate from certain obligations – but only under the following conditions:

- a genuine threat to the nation exists;
- the state officially notifies relevant bodies;
- restrictions are applied only to the extent strictly required by the situation;
- core rights remain inviolable.

Similarly, Article 15 of the European Convention on Human Rights allows derogation in times of war or national emergency, but requires that such measures be legally justified, proportionate, and strictly necessary. In 2022, Ukraine invoked these provisions and formally notified the Council of Europe and the United Nations of its temporary derogations from certain obligations. These official statements, issued by the Ministry of Foreign Affairs of Ukraine, were acknowledged by the international community. This allowed Ukrainian authorities to respond rapidly to threats while remaining within the framework of international law.

The Geneva Conventions and their Additional Protocols also remain vital, as they regulate the protection of civilians during armed conflict¹². They categorically prohibit torture, collective punishment, forced displacement, and mistreatment of the wounded, civilians, or prisoners of war. Ukrainian law enforcement agencies, as part of the public security system, are required to follow these standards in all practical operations, particularly when conducting investigative actions, filtration procedures, or detentions.

It is also essential to note the position of the European Court of Human Rights, which holds that even in wartime, a state cannot completely exclude itself from the jurisdiction of the Convention. In *Ireland v. the United Kingdom* (1978), the Court emphasized that derogation under Article 15 is not a blanket authorization and that any restrictions must be reasoned, not merely declared¹³.

Thus, even under martial law, Ukraine – as a democratic state governed by the rule of law – remains obliged to protect those human rights that

¹¹ Головатий С. Тріада європейських цінностей – верховенство права, демократія, права людини – як основа українського конституційного ладу (частина третя: права людини). *Право України*. 2015. № 1. С. 13–19.

¹² Скакун О. Ф. Теорія держави і права (2-ге вид., перероб. і доп.). К. : Алерта ; ЦУЛ, 2011.

¹³ *Ireland v. the United Kingdom*, Application No. 5310/71, Judgment of 18 January 1978. *European Court of Human Rights*. 1978. URL : <https://hudoc.echr.coe.int/eng?i=001-57506>

cannot be restricted under any circumstances, and when imposing limitations, to comply with international standards by ensuring legal oversight, proportionality, and non-discrimination. The role of law enforcement in this regard is particularly crucial: they are the first point of contact with the population and bear primary responsibility for both ensuring security and respecting human rights.

2. Functioning of Law Enforcement Agencies during Martial Law: Powers, Challenges, and Human Rights Compliance

During martial law, Ukrainian law enforcement agencies fulfill an exceptionally important and simultaneously complex mission – maintaining public order, ensuring public safety, defending national security, and upholding human rights and freedoms under extraordinary conditions. The peculiarity of this period lies in the fact that the state apparatus operates under exceptional legal conditions, which imply not only the expansion of powers but also heightened responsibility for compliance with the rule of law, proportionality, and human rights¹⁴.

The primary functions of law enforcement bodies under the legal regime of martial law include the maintenance of public order, ensuring internal stability, combating crime – including offenses against national security – and responding swiftly to threats of a military nature¹⁵. Among their priority areas are enforcing curfews, checking identification documents, protecting critical infrastructure, organizing checkpoints, assisting evacuation processes, and detecting and neutralizing sabotage and reconnaissance groups. Importantly, the responsibility for upholding human rights remains a fundamental principle of their activities¹⁶.

Law enforcement officers are actively engaged in countering collaboration, separatism, illicit arms trafficking, terrorist threats, and investigating war crimes. In liberated territories, it is often the police and the Security Service of Ukraine that become the first representatives of state authority responsible for stabilizing the situation, identifying collaborators with occupying administrations, while avoiding persecution without proper evidence, violations of the presumption of innocence, or vigilante justice.

While exercising their powers, law enforcement bodies must adhere to international standards regarding the treatment of civilians, particularly

¹⁴ Гнатюк М. В. Правоохоронна діяльність і воєнний стан: морально-правові особливості. *Вісник Національного університету «Львівська політехніка». Серія : Юридичні науки*. 2022. № 3(35). С. 89–94.

¹⁵ Коваль І. В. Щодо повноважень Національної поліції України в умовах воєнного стану. *Актуальні проблеми правознавства*. 2023. С. 375–379.

¹⁶ Реалізація прав людини у діяльності правоохоронних органів в умовах воєнного стану: матер. міжкаф. круг. столу (м. Кривий Ріг, 20 вересня 2024 р.). Кривий Ріг : КННІ ДонДУВС, 2024. 150 с.

concerning detentions, filtration procedures, and the use of force or special measures. Although certain rights may be limited, these actions must be clearly justified, lawful, and subject to prosecutorial and judicial oversight.

The successful fulfillment of these tasks is possible only through close cooperation between law enforcement structures and other components of the security and defense sector – in particular, the Armed Forces of Ukraine, military administrations, the State Emergency Service, and the National Guard. Coordination of actions, clear delineation of authority, and joint information support are crucial to effective functioning under conditions of armed threat.

Special attention should be paid to adapting law enforcement activities to the realities of war. This involves not only changing tactical response models but also retraining personnel, improving internal communication systems, providing psychological support to staff, and introducing modern digital tools for monitoring and analyzing the security environment.

The functions and powers of law enforcement agencies during wartime are significantly expanded – but also more complicated. Their actions must meet the demands of urgency and decisiveness, while remaining within the boundaries of the law to preserve public trust in the state as a guarantor of human rights, even in the most difficult of times.

However, the expansion of operational responsibilities and capabilities does not eliminate the risks associated with their implementation. In conditions of emergency legal regimes, it is particularly important not to shift the focus away from the principles of the rule of law toward purely force-based solutions. Therefore, it is necessary to analyze the problems currently accompanying the activities of law enforcement agencies during war, particularly in the realm of human rights protection.

Despite the general intention of Ukrainian law enforcement bodies to operate within the legal framework even during wartime, practice shows a number of serious issues that hinder the effective protection of human rights¹⁷. These problems have both objective and subjective origins and include organizational, regulatory, personnel, and practical aspects.

First and foremost, war creates unique law enforcement conditions with increased risks of excessive or disproportionate use of force. Amid general tension, mobilization, urgent decision-making, and limited access to legal aid, individuals may face violations of their rights – particularly regarding freedom of movement, personal integrity, the right to defense, privacy, and freedom of expression. In some cases, arrests or searches are conducted

¹⁷ Фоменко А. Є. Правозастосування в умовах воєнного стану: виклики для національної правової системи. *Аналітично-порівняльне правознавство*. 2025. № 1. С. 807–812.

without proper procedural form, and operational actions are carried out without sufficient judicial or prosecutorial oversight¹⁸.

The lack of a unified methodology for the various law enforcement agencies operating under martial law also creates conditions for legal uncertainty. For example, the National Police, military prosecutors, and the Military Law Enforcement Service often operate based on their own internal guidelines, leading to duplication of functions, inconsistencies in decision-making, and in some cases, abuses of power. These problems are especially acute in territories recently liberated from occupation, where filtration procedures, identity checks, movement restrictions, curfews, and limited access for the media and civil society are in effect.

Staff shortages and the fatigue of law enforcement personnel – many of whom operate under extreme physical and psychological strain – also adversely affect procedural compliance. During active hostilities, the conditions for conducting full-fledged investigative actions or ensuring an adequate level of evidence in criminal proceedings are often absent. This, in turn, leads to violations of the right to a fair trial and contributes to a growing mistrust among the population.

A systemic issue is the limited access to legal aid under wartime conditions¹⁹. In practice, internally displaced persons, individuals who lived under occupation, and civilians in conflict zones often lack the opportunity to contact a lawyer or appeal against state actions in a timely manner. In many regions, the system of free legal aid has been partially suspended or restricted, creating serious gaps in access to justice.

Equally pressing is the issue of restricted freedom of speech and lack of public oversight. For security reasons, access for journalists, human rights defenders, and observers to certain territories or specific cases is complicated or blocked altogether. This hinders the identification of human rights violations, prevents the documentation of abuses, and undermines principles of transparency and accountability within law enforcement.

Challenges also arise with the use of modern technologies. The use of surveillance cameras, electronic monitoring, or digital databases in wartime does not always come with proper guarantees of confidentiality and privacy. Improper storage or handling of personal data can lead to illegal information leaks or misuse.

Finally, a major challenge is the lack of effective mechanisms for investigating human rights violations committed by law enforcement

¹⁸ Моца А. А. Права людини в умовах воєнного стану. *Наукові перспективи*. 2022. № 4(22). С. 280–291.

¹⁹ Права і свободи громадян в умовах воєнного стану. *WikiLegalAid*. 2024. URL: https://legalaid.wiki/index.php/Права_і_свободи_громадян_в_умовах_воєнного_стану

officers. Although formal mechanisms exist – such as disciplinary commissions, prosecutorial oversight, or appeals to the Ukrainian Parliament Commissioner for Human Rights – in practice, access to evidence and witnesses is often limited, and independent assessments are difficult to carry out under war conditions.

3. Directions for Improving Law Enforcement Activities in the Field of Human Rights Protection During Wartime

In the context of the full-scale war that Ukraine is waging for its independence and European values, preserving democratic standards and the rule of law is as vital as achieving military effectiveness. Ensuring human rights, even under extraordinary circumstances, is not only a moral and legal duty of the state but also a crucial factor in maintaining public trust and institutional legitimacy. For this reason, improving the functioning of law enforcement agencies in this area is a strategically important task²⁰.

The first priority for reform should be the normative clarification of the scope of powers of law enforcement agencies during martial law. It is necessary to adopt detailed instructions regulating the actions of the police, the Security Service of Ukraine, and military administrations when conducting detentions, identity checks, searches, and filtration procedures. These norms must be based on the principles of proportionality, legality, and respect for human dignity and must take into account international human rights standards. Such legal clarity would help avoid excessive interpretation of authority on the ground and reduce the risks of abuse.

The second key direction is to strengthen institutional oversight over law enforcement activities. This primarily involves ensuring the effective role of the prosecutor's office as an independent body monitoring the observance of human rights by law enforcement personnel. It is also necessary to expand the powers of the Ukrainian Parliament Commissioner for Human Rights to include monitoring visits to temporary detention centers, filtration points, and other facilities that, while not formally part of the penitentiary system, serve similar functions during wartime.

The third crucial measure is to ensure access to free legal aid, particularly for vulnerable groups such as internally displaced persons, residents of de-occupied territories, detainees, the wounded, and witnesses of hostilities. The full operation of the free legal aid system should be restored in regions affected by occupation or hostilities, and mobile legal assistance groups should be deployed to high-risk areas.

²⁰ Про правовий режим воєнного стану: Закон України від 12.05.2015 р. № 389-VIII. *Верховна Рада України*. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

The fourth area involves building the professional and ethical capacity of personnel. This entails not only increasing the qualifications of staff in international humanitarian and human rights law but also implementing systemic psychological support, preventing professional burnout, and training in effective communication with civilians in crisis situations. Special emphasis should be placed on preparing law enforcement officers to work in de-occupied areas, where their responsibilities include not only maintaining order but also rebuilding public trust.

The fifth focus should be on implementing digital solutions with built-in human rights safeguards. This includes creating a unified electronic database for identity checks protected against unauthorized access; video documentation of law enforcement actions at checkpoints and during detentions; the use of chatbots to file human rights complaints; and the automation of records and procedures for individuals subjected to filtration or temporary detention.

It is equally important to enhance the transparency and accountability of law enforcement agencies²¹. This requires ensuring access for journalists and human rights defenders to reports, statistics, and simplified communication channels with law enforcement leadership, as well as the publication of regular public reviews of rights violations and official responses. Independent advisory groups involving civil society could be established under the Ministry of Internal Affairs or the National Police to analyze law enforcement compliance with human rights during martial law.

The improvement of law enforcement activities should be grounded in a systemic, multi-dimensional approach that integrates legal regulation, oversight, education, technology, and communication with the public. Safeguarding human rights during wartime is not a weakness of the state but rather a demonstration of its strength and foundational values.

Given the complexity of the challenges facing Ukraine in the current full-scale war, systematic reform of law enforcement operations is not only a practical necessity but also an integral part of the country's strategic commitment to the rule of law. This necessitates a comprehensive understanding of both theoretical and practical aspects of the law enforcement system's role in protecting human rights.

Conclusions

In this context, the article offers a comprehensive analysis of the place and role of law enforcement agencies within the mechanism for ensuring

²¹ Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period. *Council of Europe*. 2023. URL: <https://www.coe.int/en/web/implementation/ukraine-strengthening-ukrainian-law-enforcement-agencies-during-war-and-post-war-period>

human and civil rights under martial law, taking into account current challenges, constitutional and legal principles, and international standards. The integrated approach has made it possible to establish that law enforcement activity during the armed aggression against Ukraine has specific features that require a careful balance between the expediency of state coercion and the necessity of preserving fundamental rights.

First and foremost, it has been determined that the introduction of the martial law regime inevitably leads to the restriction of certain rights and freedoms. However, neither the national constitutional doctrine nor international law permits the state to turn the state of emergency into a tool for mass violations of human rights. As a party to several key international human rights treaties, Ukraine remains obligated – even during wartime – to uphold fundamental rights such as the right to life, the prohibition of torture, freedom of conscience, and legal personality. Therefore, a special role in maintaining public order is assigned to law enforcement agencies, which act as intermediaries between public authorities and the population in times of crisis.

The analysis of the functions and powers of law enforcement bodies reveals their significant expansion during wartime. Among their priorities are maintaining public order, countering sabotage, enforcing curfews, assisting in evacuations, combating collaboration, and conducting filtration procedures. These tasks require police officers, security service agents, the National Guard, and military prosecutors to demonstrate not only decisiveness but also a high level of legal culture and the ability to act proportionally to threats without resorting to arbitrariness.

At the same time, practice shows significant challenges in upholding human rights within law enforcement activities. These include staffing shortages, legal ambiguity, and excessive use of force, restricted access to legal assistance, limited public oversight, and technological risks to privacy. Particularly critical is the situation in de-occupied territories, where law enforcement bodies are effectively shaping a new normal while facing public mistrust, traumatized communities, and ongoing security threats. Insufficient oversight of certain state actions, overlapping mandates between agencies, and weak internal accountability mechanisms increase the risk of violating the rule of law – even with well-meaning intentions.

In light of these challenges, several improvement directions for law enforcement operations are substantiated: clearer legal regulation of their wartime powers; stronger prosecutorial and ombudsman oversight; guaranteed and continuous access to legal aid; professional and psychological support for personnel; implementation of technologies with built-in human rights safeguards; and enhanced transparency, access to information, and civic engagement.

In conclusion, under martial law, law enforcement agencies remain one of the key mechanisms for safeguarding rights and freedoms. They are simultaneously responsible for maintaining security and embodying legal values, representing the link between state authority and accountability. Only by preserving this balance can Ukraine establish itself as a democratic, rule-of-law, and resilient state – even in times of the most severe trials.

Summary

The article explores the complex role of Ukraine’s law enforcement agencies in the mechanism for ensuring human rights and freedoms under martial law. It emphasizes that even in extraordinary circumstances caused by armed aggression against Ukraine, the state remains obligated to comply with both national constitutional provisions and international human rights standards. The article outlines general approaches to understanding the functions of law enforcement bodies during wartime, as well as the legal limitations permissible within the framework of current legislation and Ukraine’s international commitments.

The author analyzes the key areas of activity of the police, the Security Service of Ukraine, military administrations, and the prosecution service during martial law, particularly in maintaining public order, protecting strategic infrastructure, responding to collaboration, and countering sabotage and reconnaissance groups. At the same time, the article identifies systemic problems in the implementation of law enforcement functions, including legal uncertainty, excessive or disproportionate use of force, personnel exhaustion, limited access to legal assistance, a lack of transparent oversight, and the absence of an effective mechanism for investigating abuses.

The author substantiates strategic directions for improving the functioning of law enforcement in light of wartime realities: clarifying the scope of powers, strengthening institutional oversight, ensuring access to legal aid, developing professional ethics, implementing digital human rights tools, and enhancing transparency. The article concludes that the protection of human rights during war is not only an indicator of the resilience of the rule of law but also a key factor in restoring public trust and state legitimacy in the post-conflict period.

REFERENCES

1. Конституція України. *Верховна Рада України*. 1996. URL: <https://zakon.rada.gov.ua/laws/show/254к/96-вр>
2. Convention for the Protection of Human Rights and Fundamental Freedoms. *Council of Europe*. 1950. URL: https://www.echr.coe.int/documents/d/echr/fs_derogation_eng

3. International Covenant on Civil and Political Rights. United Nations. 1966. URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
4. Щорічна доповідь про стан дотримання і захисту прав і свобод людини і громадянина в Україні за 2023 рік. *Уповноважений Верховної Ради України з прав людини*. 2024. URL: <https://ombudsman.gov.ua/storage/app/media/uploaded-files/richnii-brif-2023-eng.pdf>.
5. Казначеев Д. Діяльність правоохоронних органів України в умовах воєнного стану. *Організаційно-правове забезпечення функціонування підрозділів превентивної діяльності Національної поліції України в умовах воєнного стану*: матер. Всеукр. круг. столу (м. Дніпро, 3 червня 2022 р.). Дніпро : ДДУВС, 2022. С. 39–41.
6. Яра О. С., Світличний О. П. Функції правоохоронних органів України в умовах режиму воєнного стану. *Аналітично-порівняльне правознавство*. 2024. № 4. С. 472–476.
7. Гусарев С. Правоохоронна діяльність в умовах правового режиму воєнного стану в Україні: особливості реалізації. *Вісник КІНГУ*. 2024. С. 41–51.
8. Войтюк М. П. Стан та механізми дотримання прав людини в умовах широкомасштабного збройного конфлікту в Україні. *Реалізація прав людини у діяльності правоохоронних органів в умовах воєнного стану*: матер. міжкафед. круг. столу (м. Кривий Ріг, 20 вересня 2024 р.). Кривий Ріг : КННІ ДонДУВС, 2024. С. 10–12.
9. Гриньо Д. Д. Обмеження прав і свобод людини в умовах воєнного стану в Україні. *Часопис Київського університету права*. 2023. № 2. С. 45–48.
10. Курганська О. В. Обмеження прав і свобод людини та громадянина в умовах воєнного стану: проблеми правового регулювання. *Науковий вісник Ужгородського національного університету. Серія : Право*. 2023. № 69. С. 123–127.
11. Головатий С. Тріада європейських цінностей – верховенство права, демократія, права людини – як основа українського конституційного ладу (частина третя: права людини). *Право України*. 2015. № 1. С. 13–19.
12. Скакун О. Ф. Теорія держави і права (2-ге вид., перероб. і доп.). К. : Алерта ; ЦУЛ, 2011.
13. Ireland v. the United Kingdom, Application No. 5310/71, Judgment of 18 January 1978. *European Court of Human Rights*. 1978. URL: <https://hudoc.echr.coe.int/eng?i=001-57506>
14. Гнатюк М. В. Правоохоронна діяльність і воєнний стан: морально-правові особливості. *Вісник Національного університету*

«Львівська політехніка». Серія : Юридичні науки. 2022. № 3(35). С. 89–94.

15. Коваль І. В. Щодо повноважень Національної поліції України в умовах воєнного стану. *Актуальні проблеми правознавства*. 2023. С. 375–379.

16. Реалізація прав людини у діяльності правоохоронних органів в умовах воєнного стану : матер. міжкаф. круг. столу (м. Кривий Ріг, 20 вересня 2024 р.). Кривий Ріг : КННІ ДонДУВС, 2024. 150 с.

17. Фоменко А. Є. Правозастосування в умовах воєнного стану: виклики для національної правової системи. *Аналітично-порівняльне правознавство*. 2025. № 1. С. 807–812.

18. Моца А. А. Права людини в умовах воєнного стану. *Наукові перспективи*. 2022. № 4(22). С. 280–291.

19. Права і свободи громадян в умовах воєнного стану. *WikiLegalAid*. 2024. URL: https://legalaid.wiki/index.php/Права_і_свободи_громадян_в_умовах_воєнного_стану.

20. Про правовий режим воєнного стану: Закон України від 12.05.2015 р. № 389-VIII. *Верховна Рада України*. URL: <https://zakon.rada.gov.ua/laws/show/389-19>

21. Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period. *Council of Europe*. 2023. URL: <https://www.coe.int/en/web/implementation/ukraine-strengthening-ukrainian-law-enforcement-agencies-during-war-and-post-war-period>

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