
CIVIL PROTECTION AND PROTECTION OF CRITICAL INFRASTRUCTURE
IN UKRAINE DURING THE CONDITIONS OF THE MARTIAL STATE

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Abstract. The article studies the legal basis for providing civil protection and protection of critical infrastructure in Ukraine under martial law. In particular, the authors draw attention to the fact that, as of today, the issue of providing civil protection and protection of critical infrastructure in Ukraine is crucial due to the Russian Federation's encroachment on its territorial integrity and inviolability, starting in 2014. This problem has gained particular urgency since the open military full-scale invasion of the Russian Federation on the territory of Ukraine, which took place on February 24, 2022. Summarizing the conclusions of the conducted scientific research, based on the analysis of the levels of formation and implementation of the state policy of Ukraine in the field of civil protection and protection of critical infrastructure, in the system of its subject composition, the author considers it appropriate to single out: subjects of the policy of civil defense and protection of critical infrastructure at the national level; issues of the policy of civil security and safety of critical infrastructure at the industry (sectoral) level; civil protection and essential infrastructure protection policy subjects at the local level; issues of the policy of civil security and safety of critical infrastructure at the object level (at the enterprise, institution, organization).

Keywords: civil protection; protection of critical infrastructure; national security of Ukraine; armed aggression against Ukraine; martial Law; the state policy of Ukraine; normative legal acts

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1. Introduction

Protection of critical infrastructure is topical issue for any country (e.g., Sikimić, 2022; Somogyi, Nagy, 2022; Štitilis et al., 2023). Today, the issue of providing civil protection and protection of critical infrastructure in Ukraine is crucial due to the Russian Federation's encroachment (from now on – the Russian Federation) on its territorial integrity and inviolability, starting in 2014. This problem has gained particular urgency since the open military full-scale invasion of the Russian Federation on the territory of Ukraine, which took place on Thursday, February 24, 2022, at 3:40 a.m. Since that day, civilians, ambulances, children's homes, hospitals, enterprises, and institutions of the energy industry, chemical industry, transport, etc., have come under shelling and airstrikes in various regions of Ukraine.

In this regard, based on the proposal of the National Security and Defense Council of Ukraine, in accordance with Clause 20 of the first part of Article 106 of the Constitution of Ukraine (Constitution of Ukraine, 1996), the Law of Ukraine "On the Legal Regime of Martial Law" dated May 12, 2015 No. 389-VII (Law of Ukraine, 2015, No. 389-VIII), Decree of the President of Ukraine dated February 24, 2022 No. 64/2022 "On the intro-

duction of martial law in Ukraine” (Decree No. 64/2022 of the President of Ukraine), approved by the law of Ukraine on approval of the Decree of the President of Ukraine “On the introduction of martial law in Ukraine” dated February 24, 2022 No. 2102-IX (Law of Ukraine, 2022, No. 2102-IX), from 05:30 on February 24, 2022, martial law was introduced, which is “a special legal regime that provides for the provision of the relevant state authorities, military command, military administrations and local self-government bodies with the powers necessary to avert the threat, repelling armed aggression and ensuring national security, eliminating the threat of danger to the state independence of Ukraine, its territorial integrity, as well as the temporary, threat-induced, restriction of the constitutional rights and freedoms of a person and citizen and the rights and legal interests of legal entities, with an indication of the period of validity of these restrictions” (Law of Ukraine, 2015, No. 389-VIII).

This became the basis for the formation by the President of Ukraine at the request of the relevant regional state administrations or the military command of the regional state administrations or the military command on territory of Ukraine of temporary state bodies – military administrations, the functioning of which is aimed exclusively at ensuring the effectiveness of the Constitution of Ukraine and other laws of Ukraine, the introduction and implementation of measures the legal regime of martial law, as well as the legal regime of defense, civil protection, public safety and order, protection of critical infrastructure, protection of the rights, freedoms and legitimate interests of citizens. In particular, by the Law of Ukraine “On the Legal Regime of Martial Law” of May 12, 2015 No. 389-VII (Law of Ukraine, 2015, No. 389-VIII) Decree of the President of Ukraine No. 68/2022 of February 24, 2022, “On the Formation of Military Administrations” within the territory of Ukraine, 24 regional military administrations (Vinnytsia, Volyn, Donetsk, Dnipropetrovsk, Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytskyi, Cherkasy, Chernivtsi, and Chernihiv regional military administrations) and one city military administration (Kyiv city military administration). In addition, based on district-state administrations, corresponding district military administrations were formed, the heads of which acquired the status of heads of military administrations (Decree No. 68/2022 of the President of Ukraine). Such temporary bodies can also be created in any village, settlement, or city within the administrative and territorial system of Ukraine, headed by a chief (as a rule, this is the relevant village, accommodation, and city mayor), who is appointed to the position and dismissed from the position By the President of Ukraine at the proposal of the General Staff of the Armed Forces of Ukraine or the relevant regional state administration (see Figure 1). The above-mentioned military administrations exercise the powers characteristic of local authorities and local self-government, considering the peculiarities of martial law conditions.

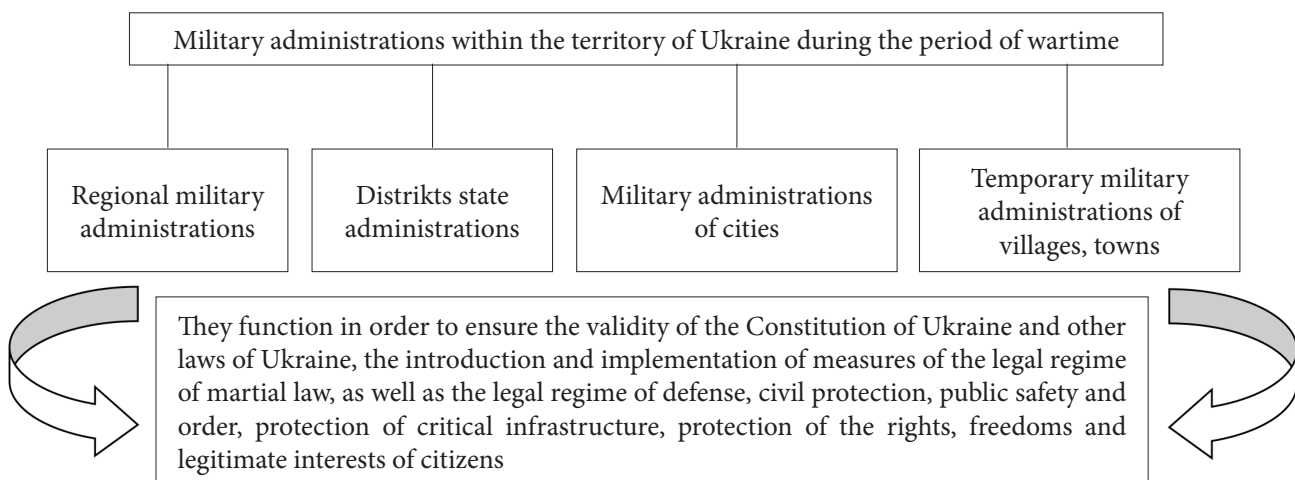


Figure 1. Ukrainian military administration in wartime.

Source: own study

2. Civil protection and protection of critical infrastructure – descriptive dimension

Analyzing the issue of the legal basis for providing civil protection and protection of critical infrastructure in Ukraine under martial law, it is advisable, first of all, to find out the lexical meaning of such concepts as: “civil protection,” “critical infrastructure” and “protection of critical infrastructure,” which are components in understanding the essence of the investigated problem. In particular, according to the provisions of Art. 4 of the Code of Civil Defense of Ukraine dated October 2, 2012, No. 5403-VI, “civil defense is a set of measures that are implemented on the territory of Ukraine in peacetime and a special period and are aimed at protecting the population, territories, natural environment, property, material and cultural values from emergencies and other dangerous events, prevention of such situations and events, liquidation of their consequences, provision of assistance to victims, implementation of state supervision (control) in the field of fire and man-made safety” (Civil Protection Code, 2012).

As for critical infrastructure, the legislator understands this concept as “a set of critical infrastructure objects that are important for the economy, national security and defense, the malfunctioning of which can harm vital national interests” (Law of Ukraine, 2015, No. 1882-IX).

Protection of critical infrastructure is “all types of activities performed before or during the creation, operation, restoration, and reorganization of a critical infrastructure object, aimed at timely detection, prevention and neutralization of threats to the security of critical infrastructure objects, as well as minimization and liquidation of the consequences in case of their implementation” (Law of Ukraine, 2015, No. 1882-IX).

3. Civil protection and protection of critical infrastructure in Ukraine

Providing civil protection and protection of critical infrastructure in Ukraine in general, including under martial law, is an integral part of its state policy, which actively began to be formed immediately after the declaration of its independence. Yes, this is primarily evidenced by the adoption by the Verkhovna Rada of Ukraine on February 3, 1993, of the Law of Ukraine “On Civil Defense of Ukraine” (Law of Ukraine, 1993, No. 2974-XII), which was the first normative legal act on the protection of the population from the dangerous consequences of accidents and disasters of man-made, ecological, of a natural and military nature (as of today, the Law is no longer in force on the basis of the Civil Defense Code of Ukraine of October 2, 2012, No. 5403-VI). Based on this document, all other normative legal acts related to civil protection were based (formed) in the future. Thus, subsequently, on June 24, 2000, the Law of Ukraine “On the Legal Principles of Civil Protection” was also adopted, which defined the legal and organizational principles in the field of civil protection of the population and territories against man-made, natural, and military emergencies, the powers of executive authorities and other management bodies, the order of creation and use of forces, their staffing, completion of service, as well as guarantees of the social and legal protection of personnel of civil defense bodies and units (Law of Ukraine, 2000, No. 1859-IV). Both Laws were relevant until November 21, 2012, since it was on that day that a new codified legal act – the Code of Civil Protection of Ukraine dated October 2, 2012, No. 5403-VI – entered into force. The Code mentioned above contains provisions that determine: a unified state system of civil protection; powers of civil protection entities; features of protection of the population and territories from emergencies; issues of emergency prevention; specifics of response to emergencies and liquidation of their consequences; the procedure for training the rank-and-file and senior staff of the civil protection service and rescuers, management staff, specialists whose activities are related to the organization and implementation of civil protection measures, the training of management bodies and civil protection forces; financial and logistical support of civil protection measures; social and legal protection of private and senior members of the civil protection service, employees of civil protection bodies and units, and persons dismissed from the civil protection service (Civil Protection Code, 2012).

The legal basis for providing civil protection and protection of critical infrastructure, in addition to the Civil Protection Code of Ukraine dated October 2, 2012, No. 5403-VI, is also:

1. The Constitution of Ukraine, according to the provisions of Art. 3 of which “a person, his life and health,

- honor and dignity, inviolability and security are recognized as the highest social value in Ukraine” (Constitution of Ukraine, 1996);
2. other laws of Ukraine (Law of Ukraine “On the Defense of Ukraine” dated December 6, 1991 No. 1932-XII, Law of Ukraine “On National Security of Ukraine” dated June 21, 2018 No. 2669-VIII, Law of Ukraine “On the Legal Regime of a State of Emergency” dated March 16, 2000 No. 1550-III, the Law of Ukraine “On the Legal Regime of Martial Law” dated May 12, 2015 No. 389-VIII, the Law of Ukraine “On the System of Emergency Assistance to the Population Using the Single Telephone Number 112” dated March 13, 2012 No. 4499-VI, Law of Ukraine “On Human Protection from Ionizing Radiation” dated January 14, 1998 No. 15/98-VR, Law of Ukraine “On Critical Infrastructure” dated November 16, 2021 No. 1882-IX, Law of Ukraine “On the Operation of a Unified Transport system of Ukraine in a special period” dated October 20, 1998 No. 194-XIV, the Law of Ukraine “On physical protection of nuclear installations, nuclear materials, radioactive waste, other sources of ionizing radiation” dated October 19, 2000 No. 2064-III, etc.);
 3. decrees of the President of Ukraine (Decree of the President of Ukraine “On the Concept of Protection of the Population and Territories in the Event of Threats and Emergency Situations” dated March 26, 1999, No. 284/99);
 4. resolutions, orders of the Cabinet of Ministers of Ukraine (Resolution of the Cabinet of Ministers of Ukraine dated June 14, 2022 No. 843 “On the approval of the General Provisions on the Special Government Commission for the Liquidation of Man-made and Natural Emergency Situations and the General Provisions on the Special Commission for the Liquidation of Man-made and Natural Emergency Situations of a regional, local and object level nature”, Resolution of the Cabinet of Ministers of Ukraine dated June 26, 2013 No. 444 “On approval of the Procedure for training the population in emergency situations”, Resolution of the Cabinet of Ministers of Ukraine dated October 23, 2013 No. 819 “On approval of the Procedure conducting training of management staff and specialists whose activities are related to the organization and implementation of civil protection measures”, Resolution of the Cabinet of Ministers of Ukraine dated October 30, 2013 No. 841 “On approval of the Procedure for Evacuation in the event of the threat of occurrence or occurrence of emergency situations”, Resolution of the Cabinet of Ministers of Ukraine dated January 9, 2014 No. 11 “On approval of the Regulation on the unified state system of civil protection”, Resolution of the Cabinet of Ministers of Ukraine dated March 10, 2017 No. 138 “Some issues of the use of protective structures of civil protection”, Resolution of the Cabinet of Ministers of Ukraine dated 9 of August 2017 No. 626 “On the approval of the Procedure for the development of plans for the operation of the unified state system of civil protection”, Resolution of the Cabinet of Ministers of Ukraine of September 27, 2017 No. 733 “On the approval of the Regulation on the organization of notifications about the occurrence or threat of emergency situations and the organization of communication in in the field of civil protection”, decree of the Cabinet of Ministers of Ukraine “On approval of the Concept of creation of a state system for the protection of critical infrastructure” dated December 6, 2017 No. 1009, resolution of the Cabinet of Ministers of Ukraine “On approval of the procedure for maintaining the Register of critical infrastructure objects, inclusion of such “Entities to the Register, access and provision of information from it” dated April 28, 2023 No. 415, etc.);
 5. orders, letters of the ministries of Ukraine, the State Service for Emergency Situations (letter of the Ministry of Education and Science of Ukraine dated June 22, 2011 No. 14/18-2005 “Methodical recommendations for holding the “Civil Defense Day” in general education and vocational and technical educational institutions”, joint order of the Ministry of Education and Science of Ukraine and the State Service for Emergency Situations dated April 16, 2014 No. 462/204 “On conducting Weeks of knowledge on the basics of life safety in preschool, general education and vocational and technical educational institutions of Ukraine”, order of the Ministry of Education and Science of Ukraine dated July 15, 2016 No. 974 “On approval of fire safety rules for educational institutions and institutions of the education system of Ukraine”, order of the Ministry of Education and Science of Ukraine dated November 21, 2016 No. 1400 “On approval of the Regulation on the functional subsystem of education of preschool children, students and students, the action in emergency situations (on issues of life safety) of the unified state system of civil protection”, order of the Ministry of Internal Affairs of Ukraine dated December 30, 2014 No. 1417 “On approval of fire safety rules in Ukraine”, order of the Ministry of Internal Affairs of Ukraine dated July 9, 2018 of the year No. 579 “On

approval of requirements for the use and accounting of the fund of civil protection protective structures”, order of the State Emergency Service of June 6, 2014 No. 310 “On approval of the Program of general training of employees of enterprises, institutions and organizations for actions in emergency situations”, letter of the State Service for Emergency Situations dated June 14, 2022 No. 03-1870/162-2 “On the organization of sheltering employees and children in educational institutions”, letter of the State Service for Emergency Situations dated July 20, 2022 No. 03-4127/162-2 “On taking additional measures to shelter the population in protective structures”, etc.).

Equally important in the system of normative legal acts that form the legal basis for ensuring civil protection and protection of critical infrastructure are the international treaties of Ukraine, which the Verkhovna Rada of Ukraine ratifies. In particular, the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Cooperation, and their member states, dated June 27, 2014, No. 984_011 (Association Agreement, 2014, No 984_011.), is so significant for Ukraine in this area. Which was ratified by the Verkhovna Rada of Ukraine by the Law of Ukraine “On the Ratification of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Cooperation and their member states, on the other hand” dated September 16, 2014 No. 1678-VII (Ratification of the Association Agreement). The Agreement above envisages strengthening cooperation and dialogue on issues of international security and anti-crisis management, in particular, to respond to global and regional challenges and threats, and collaboration within its limits is aimed at (Association Agreement, 2014, No 984_011.):

- “promoting mutual aid in emergencies; 24/7 exchange of the latest messages and updated information on cross-border crises, including requests and offers of assistance;
- assessment of the impact of emergencies on the environment; attracting experts to participate in specific technical seminars and symposia on civil protection issues;
- involving, if necessary, observers during individual exercises and training organized by Ukraine and the EU;
- strengthening existing cooperation regarding the most effective use of available civil defense capabilities”.

4. State policy in the field of civil protection and protection of critical infrastructure

It is worth noting that the state policy of Ukraine in the field of civil protection is aimed at guaranteeing the safety and security of the population, territory, material and cultural values, and the environment from the negative consequences of emergencies, overcoming the corresponding results in case of their presence, including on the parts of foreign countries by international treaties of Ukraine. The goal of the state policy of Ukraine in the field of critical infrastructure protection is to “ensure the safety of critical infrastructure objects, prevent unauthorized interference in their functioning, forecast and prevent crises at critical infrastructure objects” (Law of Ukraine, 2015, No. 1882-IX). At the same time, it is advisable to distinguish the following levels of its formation and implementation (see Figure 2):

- the doctrinal (scientific) level is the level at which the formation of the theory of state policy in the field of civil protection and protection of critical infrastructure is ensured, and the scientific community develops proposals for its improvement. In particular, relevant scientific research is conducted based on the Ukrainian Scientific Research Institute of Civil Defense (Kyiv), the Institute of Public Administration and Scientific Research on Civil Defense (Kyiv), and the National Institute of Strategic Research (Kyiv).
- the conceptual level is the level associated with developing and adopting relevant Concepts related to the civil protection and protection of critical infrastructure. So, the following are relevant today: The concept of protection of the population and territories in case of threats and emergencies, approved by the decree of the President of Ukraine dated March 26, 1999, No. 284/99; the Concept of creating a state system for the protection of critical infrastructure, approved by order of the Cabinet of Ministers of Ukraine dated December 6 No. 1009 of 2017.
- the law-making (normative) level is the level that ensures the creation and adoption of normative legal acts related to the sphere of civil protection and protection of critical infrastructure (laws of Ukraine, secondary normative legal actions).
- the law implementation level is the level that ensures the implementation of the provisions of normative

legal acts related to the sphere of civil protection and protection of critical infrastructure in the form of their performance, use, compliance, and application.

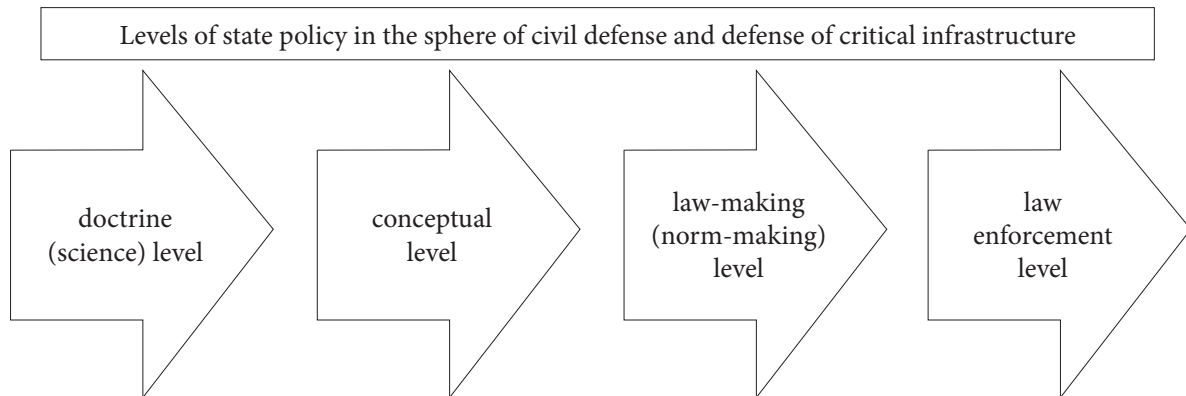


Figure 2. Levels of state policy in the sphere of civil defense and defense of critical infrastructure.

Source: own study

Based on the position of the subject composition of the formation and implementation of state policy in the field of civil protection and protection of critical infrastructure, it is worth highlighting (see Figure 3):

- *subjects of the policy of civil protection and protection of critical infrastructure at the national level:* the President of Ukraine, the Verkhovna Rada of Ukraine, and the Cabinet of Ministers of Ukraine.
- *subjects of the policy of civil protection and protection of critical infrastructure at the sectoral (sectoral) level:* the Ministry of Internal Affairs, the Ministry of Education and Science of Ukraine, the Security Service of Ukraine, the National Security and Defense Council of Ukraine, the National Bank of Ukraine, the Central Election Commission, the State Property Fund, the National Commission for Securities and the Stock Market, the National Commission for State Regulation in the Field of Communication and Information, the National Commission for State Regulation in the Energy and Utilities Sectors; law enforcement and intelligence agencies, subjects of operational, investigative and counter-intelligence activities, the Armed Forces of Ukraine, other military formations formed in accordance with the laws of Ukraine, the State Service for Emergency Situations, the State Commission for Technogenic and Environmental Safety and Emergency Situations, the State Service of Special communication and information protection of Ukraine.
- *subjects of the policy of civil protection and protection of critical infrastructure at the local level:* the Verkhovna Rada of the Autonomous Republic of Crimea, regional councils, district councils, city, village, village councils, district councils in cities, the Council of Ministers of the Autonomous Republic of Crimea, provincial state (military) administrations, district state (military) administrations, city (army) state administrations, executive committees of city, settlement, village, district councils in cities, the central departments of the State Emergency Service in the regions, the Department of Emergency Situations and Civil Protection in Cities, Administration of the State Service for Special Communications and Information Protection of Ukraine in the areas, district departments of the State Service for Emergency Situations in the regions, district departments of the State Service for Special Communications and Information Protection of Ukraine in the provinces, regional commissions on technogenic and environmental safety and emergency situations of areas, special commissions for liquidation of man-made and natural emergencies at the regional level, special commissions for liquidation of man-made and natural emergencies at the local level.
- *subjects of the civil protection policy and protection of critical infrastructure at the object level (at the enterprise, institution, organization):* commissions on emergencies, special commissions for liquidation of man-made and natural emergencies at the object level, operators of critical infrastructure.

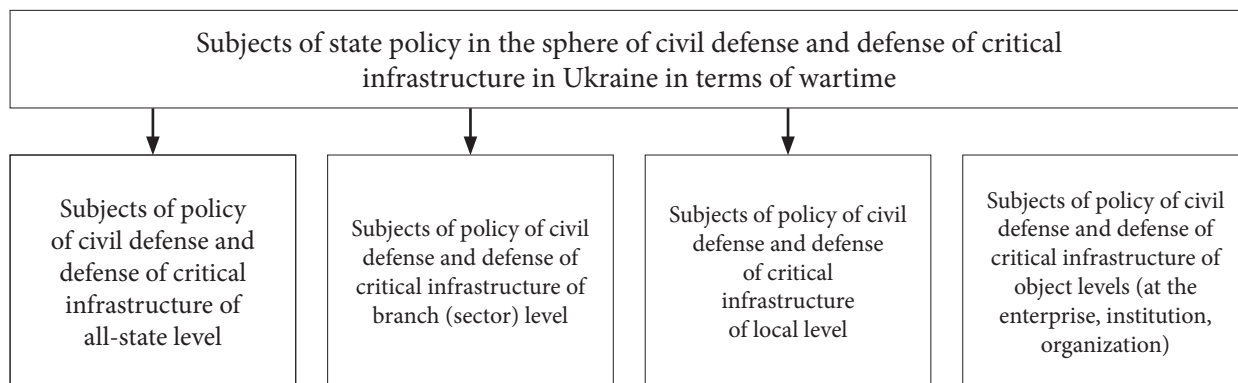


Figure 3. Subjects of civil protection and protection of critical infrastructure at the local level.

Source: own study

5. Summary and conclusions

Therefore, based on all of the above, it should be stated that the legal basis for providing civil protection and protection of critical infrastructure in Ukraine as a whole, including in the conditions of martial law, is entirely multiple, which indicates the significant attention of the legislator to the investigated problem and proper formation and implementation of state policy in this area. And this is acceptable since the state protection of state sovereignty, territorial integrity, the democratic constitutional system of Ukraine, as well as the vital interests of man and society from actual and potential threats (National Security of Ukraine, 2018), which today caused, first of all, by the invasion of the Russian Federation into the territory of Ukraine.

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