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ENSURING PUBLIC SAFETY AND ORDER IN DE-OCCUPIED TERRITORIES BY THE SECURITY AND DEFENSE FORCES: ADMINISTRATIVE AND LEGAL ASPECTS

This article analyses the administrative and legal aspects of ensuring public safety and order in the de-occupied territories of Ukraine by the Security and Defense Forces. The author highlights the specific nature of de-occupied territories, characterized by high-level risks such as mine threats, illicit arms trafficking, the activities of sabotage groups and the destabilisation of social relations. Under such conditions, traditional law enforcement mechanisms prove insufficient, necessitating the implementation of special administrative and legal regimes and comprehensive stabilisation measures. The article provides a detailed analysis of the roles of Ukraine's Security and Defense Forces – specifically the National Police, the National Guard, the Security Service and the Armed Forces of Ukraine – in ensuring public safety. The study identifies a lack of a systematic administrative and legal approach to the activities of these entities in de-occupied territories, as well as an insufficient legislative definition of the term "stabilisation measures," which complicates legal application and enforcement.

Scientific approaches to ensuring public safety have been examined at strategic and tactical levels, encompassing the use of modern technologies and adherence to the principles of legality, proportionality and effective interaction with the population. The article highlights the distinctive operational features of government authorities in de-occupied territories, specifically a comprehensive model for population reintegration and the stabilization of law and order. This model involves transitioning from military administrations to civilian authorities, establishing coordination headquarters and unified data centers, and implementing damage assessment standards, alongside integrating humanitarian demining with infrastructure restoration. Additionally, the paper identifies challenges and prospective directions for enhancing the effectiveness of security forces in de-occupied territories, such as the legislative formalisation of stabilization measures, improved inter-agency cooperation within the security sector, human resource development, the application of advanced information technologies, social protection for personnel and expanded community partnerships.

The author concludes that effective ensuring of public safety and order is a multifaceted process requiring comprehensive administrative and legal regulation, professional training for personnel, inter-agency coordination, and the adaptation of law enforcement operations to the modern threats and challenges of wartime. Strengthening legislation, building institutional capacity and implementing advanced security management methods are key prerequisites for stabilising the situation and restoring law and order in the de-occupied territories of Ukraine.

Key words: security administration, de-occupation, de-occupied territories, public order, law and order, security forces, defense forces.

Батиук О. В. Забезпечення публічної безпеки та порядку на деокупованих територіях силами безпеки та оборони: адміністративно-правий аспект

У положеннях наукової статті проведено аналіз адміністративно-правових аспектів забезпечення публічної безпеки та порядку на деокупованих територіях України силами безпеки та оборони. Автор підкреслюють специфіку деокупованих територій, що характеризується високим рівнем ризиків, таких як мінна небезпека, незаконний обіг зброї, діяльність диверсійних груп та дестабілізація суспільних відносин. В таких умовах традиційні механізми правопорядку є недостатньо ефективними, що зумовлює необхідність впровадження спеціальних адміністративно-правових режимів та комплексних стабілізаційних заходів. У статті детально проаналізовано роль сил безпеки та оборони України – Національної поліції, Національної гвардії, Служби безпеки та Збройних Сил України – у забезпеченні публічної безпеки. Виявлено відсутність системного адміністративно-правового підходу до діяльності цих суб'єктів на деокупованих територіях, а також недостатнє законодавче визначення терміну «стабілізаційні заходи», що ускладнює правозастосування.

Розглянуто наукові підходи щодо забезпечення публічної безпеки: стратегічний та тактичний рівні, використання сучасних технологій, дотримання принципів законності, пропорційності та ефективної взаємодії з населенням. Виділено особливості функціонування органів влади на деокупованих територіях, зокрема комплексну модель реінтеграції населення та стабілізації правопорядку, що передбачає перехід від військових адміністрацій до цивільних органів влади, створення координаційних штабів, єдиних центрів даних та стандартів фіксації шкodi, а також інтеграцію гуманітарного розмінування з відновленням інфраструктури. У статті також висвітлюються

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проблеми та перспективні напрямки вдосконалення діяльності сил безпеки на деокупованих територіях, серед яких: законодавче закріплення стабілізаційних заходів, підвищення рівня взаємодії між суб'єктами сектору безпеки, розвиток кадрового потенціалу, застосування сучасних інформаційних технологій, соціальний захист персоналу та розширення партнерства із громадою.

Автор робить висновок, що ефективне забезпечення публічної безпеки та порядку є багаторівневим процесом, що потребує комплексного адміністративно-правового регулювання, професійної підготовки персоналу, міжвідомчої координації та адаптації діяльності правоохоронних органів до сучасних загроз і викликів воєнного часу. Удосконалення законодавства, розвиток інституційної спроможності та впровадження сучасних методів управління безпекою є ключовими умовами стабілізації ситуації та відновлення правопорядку на деокупованих територіях України.

Ключові слова: адміністрування безпеки, деокупація, деокуповані території, публічний порядок, правопорядок, сили безпеки, сили оборони.

Problem Statement. Amidst the ongoing armed aggression against Ukraine and the established legal regime of martial law, the issue of ensuring public safety and order in de-occupied territories has gained particular relevance. Following the liberation of these regions, the state faces a complex array of tasks related to restoring the functioning of public authorities, stabilising the socio-political environment, ensuring human rights and freedoms, and neutralizing multifaceted security threats. The restoration of control over these territories is accompanied by profound challenges: the presence of explosive hazards, the activity of sabotage groups, collaborationism, large-scale infrastructure destruction and heightened social tension.

The distinct nature of de-occupied territories is characterised by elevated risks, including landmine hazards, illicit arms trafficking, the activities of sabotage groups, manifestations of collaborationism, and the general destabilisation of social relations. Under such conditions, traditional law enforcement mechanisms prove insufficient, necessitating the implementation of special administrative and legal regimes alongside comprehensive stabilisation measures. From our perspective, a pivotal role in this process is played by the Security and Defence Forces of Ukraine—specifically the National Police, the Armed Forces of Ukraine, the Security Service of Ukraine, and the National Guard—whose activities must be clearly regulated and coordinated. At the same time, an analysis of scholarly sources and regulatory acts reveals that a unified, systematic administrative and legal framework for the operations of these entities specifically within de-occupied territories is currently absent.

Furthermore, the conceptual and categorical framework remains insufficiently defined; in particular, there is a lack of legislative formalisation for the term "stabilisation measures", which complicates law enforcement practice. Consequently, there is an objective need for scientific reflection and the refinement of the administrative and legal foundations for ensuring public safety and order in the de-occupied territories of Ukraine.

As analysis indicates, the maintenance of law and order is a pivotal component of national security, implemented through the activities of public authorities, primarily the security and defence forces [1]. In these circumstances, the administrative and legal regulation of such activities acquires special importance.

An analysis of the official reports of the National Police of Ukraine, hereinafter referred to as the NPU, reveals a significant burden on NPU bodies in the field of ensuring public safety and order within de-occupied territories throughout the period of 2022–2024. Specifically, in 2022, following the liberation of significant portion of territories (the Kyiv, Chernihiv, Sumy, and Kharkiv regions), units of the National Police of Ukraine (NPU) conducted thousands of stabilisation measures. As part of these operations, tens of thousands of individuals were screened for potential involvement in collaborationist activities (official report by the NPU / Ministry of the Interior for 2024), 75.8 thousand items of ammunition were seized, including grenades, grenade launcher rounds, artillery shells, anti-personnel and anti-tank mines, multiple launch rocket system (MLRS) rockets, unguided and guided missiles, and aerial bombs, alongside 5.4 tonnes of explosives. Furthermore, 54.6 thousand explosive hazards were neutralised, and 10.5 tonnes of explosives were destroyed [9, p. 7].

According to consolidated data from the NPU, reports for 2023–2024, there has been a notable increase in the intensity of law enforcement activities within the liberated territories. Specifically, the number of identified instances of illicit arms trafficking has risen significantly, linked to the proliferation of weaponry from active combat zones. NPU officers continued to participate in stabilisation measures alongside other security sector entities, such as the National Guard of Ukraine, hereinafter referred to as the NGU, and the State Border Guard Service of Ukraine, hereinafter referred to as the SBGSU. Considerable attention was devoted to documenting war crimes and ensuring criminal proceedings, while preventive activities and weapons control were intensified. Furthermore, cooperation with local communities and authorities was strengthened, with a significant emphasis placed on the protection of citizens' rights. This is evidenced by a rise in the number of applications and reports of offences (in certain regions, these figures increased more than two- to threefold compared to 2022 levels).

Throughout 2024, the NPU identified a 6% increase in instances of illicit weapons handling (rising from 5.3 thousand to 5.6 thousand cases); the number of solved crimes rose by 7% (from 4.4 thousand to 4.7 thousand), while investigated offences increased by 10% (from 3.8 thousand to 4.2 thousand). A total of 4.7 thousand units of firearms were seized from illicit circulation, specifically: 1.7 thousand automatic weapons, 1.2 thousand rifled firearms, and 1.1 thousand units converted into firearms or other types of weaponry. Furthermore, seizures included

747 grenade launchers, as well as 16.1 thousand grenades, 11.8 thousand mines and other forms of ammunition. Additionally, over 1.7 million rounds of ammunition for various weapons and more than 3.1 tonnes of explosives were recovered, including one tonne of TNT and plastic explosives, alongside 2.1 tonnes of gunpowder.

It is worth noting that according to expert assessments, illicit arms trafficking remains one of the key challenges, directly impacting the state of public safety in regions affected by hostilities. In this regard, the activities of the National Police are directed not only towards reactive response but also towards the prevention of offences and the stabilisation of the criminal situation.

Consequently, statistical data demonstrate a gradual transition from emergency stabilisation measures in 2022 to systematic law enforcement activity in 2023–2024. This period is characterised by an increase in the scope of tasks performed by NPU officers and enhanced inter-agency cooperation with NGU and SBGSU units.

Literature Review

The issues relating to ensuring of public safety and order have been examined in the works of Ukrainian scholars. Specifically, it has been established that the effectiveness of law enforcement operations depends on the quality of the regulatory framework, professional personnel training and well-established cooperation between security entities.

Certain studies emphasise the importance of strategic and tactical approaches to ensuring security, which include the use of modern technologies, communication with the population and adherence to the principles of legality and the proportionality of the use of force.

However, the issue of ensuring public safety specifically within de-occupied territories remains insufficiently explored, which underscores the relevance and necessity of this study.

The issue of ensuring public safety and law and order is a central theme in contemporary legal, social, and political research. Ukrainian scholars emphasise that the effectiveness of law enforcement operations is largely determined by the quality of the regulatory framework, professional staff training, the existence of effective interaction mechanisms between security entities, and the precise coordination of the police, prosecution, the judiciary and the public. Specifically, the legal framework and its alignment with contemporary challenges are regarded as fundamental prerequisites for the functioning of the security system during both peacetime and wartime.

It is pertinent to note that Professor A. V. Denysova, in her scholarly article titled "Ensuring Public Safety and Order by the National Police of Ukraine during Mass Events", examined the provision of public safety and order by the National Police of Ukraine and local authorities. Furthermore, she identified the specific features of ensuring public safety and order by the National Police of Ukraine during mass events. The author established that socio-political events include rallies, street marches and demonstrations, May Day rallies, mass gatherings, strikes, and local council elections, among others. The study found that this category of mass events is typically characterised by a high level of organisation, a defined composition of participants, and a commonality of motives and behavioural stereotypes. Groups representing labour collectives, educational institutions, and public organisations participate in such events. Mass sporting events include various competitions (Olympiads, Spartakiads, Universiades, matches, relay races, etc.). A distinctive feature of many sporting events is the presence of a large number of spectators (fans), who represent a type of "expressive crowd". Mass cultural events include festivals, folk celebrations, theatrical performances, song festivals, City Day celebrations, discos and rock concerts by well-known artists, etc. These events are also characterised by the presence of a large number of participants and can similarly be regarded as a type of "expressive crowd". Individuals within such crowds are often influenced by specific emotions – dancing, singing, and so forth. The author determined that the responsibility for ensuring public order during mass gatherings rests with local authorities, the organisers of peaceful assemblies, and the units of the National Police. In this regard, police units are obligated not only to act during the events but also to prepare in advance, implementing measures that facilitate the maintenance of law and order within the context of mass events [1, p. 580].

It is also worth noting that in her scholarly article, "Ensuring Public Security as one of the Spheres of National Security during the Action of the State of Martial", researcher O. M. Rybytska examines the problematic issues of providing public safety as a sphere of national security under the regime of martial law. Firstly, the author identifies legislative inconsistencies regarding the application of the terms "public safety", "public order", "civil safety", and "civil order", which in turn complicates the interpretation of legislation and the application of legal norms. By analysing the works of Ukrainian scholars and current legislative acts, Rybytska concludes that the concepts of "public safety" and "civil safety" are interchangeable. She interprets this term as the state of protection of interests vital to society and the individual, as well as the rights and freedoms of the person and citizen, the provision of which is a priority task for the security forces, other state bodies, local self-government authorities, their officials, and the public, who implement coordinated measures to realise and protect national interests from the impact of threats. Secondly, Rybytska O. M. provides arguments supporting the classification of public safety as a domain of national security. This, in turn, implies that the entities tasked with ensuring national security are also assigned duties and vested with the authority to ensure public safety during the period of martial law. Thirdly, the article examines the specific characteristics of ensuring public safety under martial law, along with the rights, duties, and powers of the entities responsible for its provision. Rybytska O. M. illustrates the special rights with which these entities are endowed during the legal regime of martial law. Furthermore, the paper addresses the interaction

between the National Guard of Ukraine and the National Police of Ukraine in ensuring public safety during both peacetime and the special legal regime of martial law. In her conclusions, the author advocates for the legislative formalisation of the concept of "public safety" within Ukrainian law, offering her own definition of the term. She also provides a comprehensive list of the entities responsible for ensuring public safety during martial law and highlights the specificities regarding the exercise of their rights and powers [10, p. 50].

In our conviction, it is essential to emphasise the importance of strategic and tactical approaches, encompassing the use of modern technologies, effective communication with the population, adherence to the principles of legality and the proportionality of the use of force, and the principles of inter-agency cooperation between law enforcement structures at all levels. Such an approach, we believe, allows for the adaptation of the practical activities of law enforcement agencies to the conditions of contemporary threats and challenges, which is particularly relevant in the context of martial law in Ukraine.

It is noteworthy that O. I. Nalyvaiko devotes particular attention to the operational peculiarities of public authorities and law enforcement systems specifically within de-occupied territories. The scholar proposes a comprehensive model for the restoration of public safety during the reintegration of Ukraine's de-occupied territories. The objective is to facilitate a transition from emergency regimes to regular law and order, upholding the rule of law and human rights while ensuring clear, measurable outcomes for the population. This model is based on a harmonised legal framework, a transparent allocation of powers, and sustained coordination between the police, prosecution, judiciary, social protection services and local self-government bodies. A concise plan is outlined for the transfer of functions from military administrations to civilian authorities, including the establishment of joint coordination headquarters, a unified data centre, and interoperable registers. It also envisages unified standards for documenting damage and digital evidence – adhering to the chain of custody – as well as victim support protocols, regular personnel training, and both external and internal oversight of law enforcement agencies. In the sphere of prevention, emphasis is placed on situational prevention, the control of arms and explosive hazards circulation, and clear, non-discriminatory rules for identification and checkpoint procedures. Investigations must ensure proper evidentiary standards and the admissibility of materials, including digital evidence, for judicial review. Public trust and citizen engagement are fostered through open data, public audits, participatory budgeting, service user oversight boards, and streamlined mechanisms for submitting and reviewing complaints. The potential of decentralisation allows for the alignment of security and social priorities at the local level. Furthermore, the integration of humanitarian demining with the restoration of critical infrastructure and services creates the necessary conditions for the return of internally displaced persons (IDPs) and the revival of economic activity. The proposed model demonstrates how security and human rights, accountability and redress, and control and participation can be harmonised within a single public policy cycle. Its implementation enhances the sense of security, strengthens state legitimacy and establishes the foundations for the sustainable development of reintegrated territories [11, p. 400].

We concur with the scholars A. V. Borovyk, A. H. Varkhov, and N. Z. Derevianko, authors of the monograph "Administrative and Legal Mechanism of Interaction between Security and Defence Sector Entities in Ensuring National Security", that it is appropriate to differentiate between the interaction of security and defence sector entities under ordinary conditions versus specific periods. For instance, the interaction between the National Guard of Ukraine and the National Police of Ukraine in the field of ensuring (protecting) public (civil) safety and order during peacetime is conducted through: joint patrolling of streets, squares, parks, railway stations, airports, sea and river ports, and other public spaces; ensuring (protecting) public (civil) safety and order during assemblies, rallies, street marches, demonstrations, and other mass or sporting events, as well as during activities in (civil) places involving individuals under state protection; conducting joint measures to stabilise the operational environment in the event of its escalation within one or more administrative-territorial units [12, p. 73].

The aim of this article is to elucidate the administrative and legal framework for ensuring public safety and order in de-occupied territories by the security and defence forces, as well as to substantiate directions for enhancing relevant operations to facilitate the further improvement of regulatory acts.

Presentation of the main material.

Public safety and order are integral components of national security, representing a state of protection for the vital interests of the individual, society, and the state. Their provision is the responsibility of public authorities, specifically the National Police, local self-government bodies and other relevant entities. Crucially, the contemporary understanding of security transcends mere reaction to threats; it encompasses preventive activities aimed at deterring offences and stabilising social processes.

Specifically, certain authors regard public safety as a process of transitioning from isolated stability-ensuring measures to the systemic modelling of a legal and social environment that guarantees the upholding of human rights, the protection of property, the restoration of public trust in state institutions and the formation of resilient legal mechanisms in post-conflict settings. This entails the development of clear strategies for coordinating law enforcement operations, the creation of unified information platforms, a harmonised legal framework and an effective system for monitoring offences [11].

It is appropriate to concur with Professor A. V. Denysova that no regulatory document provides official interpretations of the concepts of "public safety" and "public order". Consequently, attention should be drawn to the official

definition of "public order" and "public safety" contained in the Law of Ukraine "On Peculiarities of Ensuring Public Order and Public Safety in Connection with the Preparation and Holding of Football Matches" dated 8 July 2011, No. 3673-VI. In light of the above, it should be noted that despite the state of martial law, under the influence of global trends of democratisation and the humanisation of social relations, qualitatively new changes are occurring in the state-building and development of both the European Union and Ukraine. These shifts are reflected in state policy, as well as in social, economic, and other spheres, including law-making and law enforcement. In the modern era, when defining the concept of "safety", it is necessary to take into account the following factors: firstly, it is shaped by the socio-economic and other foundations of the state, its interests, and actually existing threats; secondly, the security of the state, society, and the individual must be ensured across multiple dimensions; thirdly, the historically established approach to ensuring security as protection against internal and external threats requires revision, as threats can stem from the actual circumstances of the internal life of the state and society [1, p. 581].

De-occupied territories are characterised by elevated levels of danger and instability. Under such conditions, so-called stabilisation measures are implemented, which include:

- identifying collaborators and screening for collaborationist activities;
- demining and clearing territories of explosive remnants of war;
- restoring the functioning of public authorities and local self-government bodies;
- providing humanitarian assistance to the population;
- restoring law and order and implementing comprehensive security measures.

It is pertinent to concur with H. V. Zvirivskyi that ensuring public safety and order by National Police bodies under special conditions is a complex and multifaceted task that requires a comprehensive approach. Strategic planning, encompassing the integration of cutting-edge technologies, skill development and the strengthening of community engagement, constitutes the foundation of effective policing. Tactical flexibility, which integrates effective communication, the judicious use of force, and rapid response to critical situations, is essential for adapting to evolving circumstances. In turn, ethical and legal aspects form the moral and statutory foundation upon which police activities are based, safeguarding the rights and freedoms of citizens and maintaining high levels of public trust and respect. The task of ensuring public safety and order is significantly complicated under special conditions, where rapid responses to unpredictable challenges are required. However, owing to a flexible strategic approach, professional tactical planning, and uncompromising adherence to ethical and legal standards, the National Police is capable of effectively managing these challenges. This not only ensures safety and order but also bolsters trust and mutual understanding between the police and the citizenry, which is paramount for achieving social stability and harmony [3, p. 143].

These measures are implemented comprehensively by the forces of the National Police of Ukraine, the Security Service of Ukraine, the National Guard of Ukraine, and the State Border Guard Service of Ukraine, acting as constituent entities of the security sector.

In our conviction, the administrative and legal framework for activities in the sphere of public safety encompasses the following key elements:

- the existence of a clear regulatory framework;
- the precise definition of the powers and authority of the involved entities;
- the establishment of interaction procedures and protocols;
- strict oversight and control over the legality of actions.

In our view, a crucial element is the coordination between various bodies, which exercise their powers based on relevant departmental regulatory documents, orders, and instructions. Specifically, the procedure for interaction between the NPU and units of the NGU, the SBGSU and the SESU during emergency response and under martial law conditions has been established.

We maintain that the effectiveness of ensuring public safety depends significantly on the level of interaction between law enforcement agencies, military formations with law enforcement functions, local authorities and the public.

Certain studies indicate that cooperation with the population contributes to increasing trust in law enforcement agencies and enhancing the effectiveness of crime prevention. We concur with the authors who state that the organisation and interaction of Ukraine's police forces in ensuring public safety and order during mass events and emergencies is a complex and responsible task. An effective system of instructions and methodological support plays a key role in ensuring the objectivity and effectiveness of police actions amidst the challenges arising in modern society [2, p. 153].

In our conviction, the primary challenges regarding the interaction of security and defence forces in ensuring public safety and order within de-occupied territories include the lack of a clear legislative definition for "stabilisation measures", insufficient coordination between security and defence sector entities, personnel and resource constraints, and the necessity of enhancing personnel training levels.

We believe that the promising directions for improving the provision of public safety and order in de-occupied territories by security and defence forces include the following:

- firstly, the development of a specialised regulatory act specifically governing activities within de-occupied territories;

- secondly, the more intensive implementation of modern information technologies into the operations of law enforcement agencies and other military formations with law enforcement functions;
- thirdly, the strengthening of social protection and welfare provisions for personnel within the security and defence forces;
- fourthly, the development of effective partnerships between security and defence sector entities and the community.

Conclusions. We contend that ensuring public safety and order in de-occupied territories by security and defence forces is a complex, multi-level process requiring a comprehensive approach. Effective administrative and legal regulation of the activities of security and defence forces, their interaction and professional training are of decisive importance. Specifically, the improvement of legislation, the development of the institutional capacity of law enforcement agencies and the implementation of modern security management approaches are key prerequisites for stabilising the situation and restoring law and order in the de-occupied territories of Ukraine.

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