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**XXVI International Scientific and Practical Conference
«Scientific research: challenges and ways to overcome
them in modern realities»**

**June 30–July 3, 2026
Paris, France**

ISBN - 979-8-90383-416-7

DOI – 10.46299/ISG.2026.1.26

SCIENTIFIC RESEARCH: CHALLENGES AND WAYS TO OVERCOME THEM IN MODERN REALITIES

Proceedings of the XXVI International Scientific and Practical Conference

Paris, France
June 30 – July 03, 2026

UDC 01.1

The 26th International scientific and practical conference “Scientific research: challenges and ways to overcome them in modern realities” (June 30 – July 03, 2026) Paris, France. International Science Group. 2026. 208 p.

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LEGAL FRAMEWORK GOVERNING THE ACTIVITIES OF THE STATE EMERGENCY SERVICE OF UKRAINE UNDER MARTIAL LAW

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On 24 February 2022, pursuant to Presidential Decree No. 64/2022, Ukraine introduced martial law, fundamentally altering the operating conditions of all state institutions. The State Emergency Service of Ukraine (SESU) found itself in an entirely new environment: in addition to its traditional mandate of responding to natural and man-made emergency situations (ES), it became confronted with the large-scale consequences of armed aggression. Ensuring a robust legal basis for these activities became critically important, as the effectiveness of rescue operations and the protection of the civilian population depends directly on the clarity of the regulatory framework.

The aim of this paper is to systematise the principal legal norms governing SESU activities under martial law and to characterise their practical significance for the execution of duties by service personnel.

The constitutional basis of martial law is laid down in Article 17 of the Constitution of Ukraine, which stipulates that the protection of sovereignty and territorial integrity, and the maintenance of economic and information security, are among the most important functions of the state and the responsibility of the entire Ukrainian people [5]. The specific legislative instrument is the Law of Ukraine 'On the Legal Regime of Martial Law' of 12 May 2015, No. 389-VIII [4], which defines the content of this regime, the procedure for its introduction and termination, and the legal framework for the activities of state authorities, military command and local self-government bodies.

Martial law is a special legal regime introduced in Ukraine or in certain localities in the event of armed aggression or the threat of attack, or danger to state independence or territorial integrity. It empowers the relevant authorities with the competencies necessary to repel the threat and ensure national security, while temporarily restricting constitutional rights and freedoms [4]. The introduction of martial law simultaneously triggers the transition of all departmental structures, including SESU, to the operational mode of the special period.

The concept of 'special period' covers the time from the moment of the mobilisation announcement or the introduction of martial law, and encompasses the period of mobilisation, wartime and, in part, the post-hostilities reconstruction period [3]. As of 2024, martial law in Ukraine is being extended in 90-day increments in accordance with the requirements of current legislation.

The Civil Protection Code of Ukraine (hereinafter 'the Code') is the principal legislative act regulating relations in the sphere of protecting the population, territories and property from emergency situations, and defines the powers of the USCPS and its

components [6]. During the special period the Code supplements the USCPS's core mission with specific wartime functions, including:

- alerting management bodies and the population of the threat or use of weapons of destruction;
- organising and conducting rescue and other urgent operations, and liquidating the consequences of ES caused by military (combat) operations;
- identifying hazardous areas and conducting humanitarian demining;
- bringing protective structures to readiness and ensuring round-the-clock access to them;
- transitioning civil protection management bodies and forces to wartime staffing levels;
- organising the evacuation of the population and material and cultural assets from areas of combat operations to safe areas [6].

Analysis of the Code indicates that during the special period SESU activities are reoriented primarily towards protecting the population from the consequences of rocket and artillery strikes, neutralising explosive ordnance (EO), organising evacuation measures, and maintaining fire safety at critical infrastructure facilities.

The procedure for placing SESU bodies and units on enhanced duty is governed by Order of the Ministry of Internal Affairs of Ukraine (MIA) No. 116 of 10 February 2022, 'On Approval of the Procedure for Organising Internal, Garrison and Guard Service in Bodies and Units of the State Emergency Service of Ukraine' [9]. Under this document, an order introducing enhanced duty mode specifies: the justification and duration; the list of units covered; the list of measures and timelines; the procedure for readiness monitoring; and restrictions on the use of official vehicles.

Inter-agency cooperation between SESU, the National Police and the National Guard of Ukraine is regulated by MIA Order No. 859 of 22 August 2016 [10]. Cooperation is carried out at three levels — national, regional and local — and encompasses: joint notification of ES threats and occurrences; the organisation of joint operational briefings; and the coordination of response to ES and dangerous incidents, including those caused by enemy shelling.

The 'Charter of Actions in Emergency Situations for Management Bodies and Units of the Operational Rescue Service of Civil Protection', approved by MIA Order No. 340 of 26 April 2018 [11], establishes a clear operational algorithm for personnel under conditions of potential rocket and artillery attack. The Charter requires: mandatory threat assessment before any departure; identification of safe and alternative routes; mandatory use of ballistic protection (body armour and helmets); maintenance of continuous communication with the Operational Coordination Centre (OCC); and pre-designation of cover positions for personnel and equipment at the scene.

SESU Order No. 375 of 2 April 2024 approved the 'Recommendations on the Specifics of Mission Execution by SESU Management Bodies and Units in Settlements and on Territories During Armed Aggression' [12] — the first comprehensive SESU document to reflect the realities of full-scale warfare. The Recommendations govern:

- the organisation of rotational duty shifts (2 days on/6 days off) for units deployed in frontline areas;

- specific requirements for equipping fire and rescue vehicles (heavy tankers, ambulances, high-mobility light vehicles for reconnaissance);
- communications organisation via Starlink satellite terminals and redundant communication channels;
- the dispatch protocol for responding to incidents under shelling threat: advance reconnaissance team - situation assessment - deployment of main forces;
- marking of vehicles with internationally recognised civil protection distinctive emblems.

A separate regulatory act — SESU Order No. 349 of 29 March 2024 — establishes the standard-issue norms for individual ballistic protection equipment (body armour of protection class 6/Level IV and helmets of class 1A/Level IIIA) for personnel engaged in operations in areas subject to fire [13].

Order of the Ministry of Health No. 441 of 9 March 2022 approved an updated procedure for pre-hospital emergency care for casualties in combat conditions [14]. The document introduces the concept of 'threat zones' — direct, indirect and evacuation — and establishes a sequential action algorithm for first responders depending on the hazard level: from self-aid and haemorrhage control in the direct threat zone to full casualty assessment and treatment in the indirect threat zone. This substantially enhances protection for both SESU personnel and the people they rescue.

SESU activities under martial law are governed by an extensive regulatory framework that encompasses constitutional provisions, special legislation, codified acts and departmental secondary legislation. The analysis identifies four key trends in legal regulation:

- 1) a significant expansion of SESU's mandate to encompass specific wartime functions (demining, shelter management, evacuation under active hostilities);
- 2) stringent formalisation of personnel safety protocols (mandatory ballistic protection, dispatch procedures under shelling threat);
- 3) institutionalisation of inter-agency cooperation between SESU, the Armed Forces, the National Police and the National Guard of Ukraine;
- 4) adaptation of pre-hospital care standards to conditions of active combat through the introduction of a zone-based approach.

Further development is needed with regard to the psychological protection of SESU personnel and the normative consolidation of algorithms for psychological support of rescue workers following the execution of their duties in conditions of armed conflict.

This paper was prepared within research project No. 2025.05/0018 "Development of Conceptual Provisions and Methodological Recommendations on Psychological Support and Assistance for SESU Specialists under Current Military Conflict Conditions and in the Post-War Period", funded by the National Research Foundation of Ukraine from the state budget.

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