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Legal mechanisms for ensuring the constitutional order of Ukraine in wartime: contemporary challenges

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Abstract

This study comprehensively analyses the constitutional system of Ukraine, focusing on the Constitution as the primary document for ensuring constitutional order. It examines the legal regime implemented to maintain this order during wartime, particularly in the context of the ongoing conflict with russia. The research highlights the challenges faced by Ukraine in preserving its constitutional stability amidst external aggression and internal disruptions. Key findings indicate that the Constitution of Ukraine serves as a robust framework for governance, providing essential legal mechanisms to uphold the rule of law and protect human rights even under martial law. The study underscores the critical role of the Constitutional Court in interpreting the Constitution and maintaining judicial independence. It also discusses the balance between national security and civil liberties, emphasizing the need for proportionate restrictions on rights during emergencies. In conclusion, the research advocates for continued reforms and international cooperation to strengthen Ukraine's constitutional system, ensuring resilience and democratic integrity in times of crisis.

Keywords

constitutional system, state power, governance

Introduction

The constitutional system of Ukraine is a cornerstone of its democratic legal state, ensuring the rule of law, the protection of citizens' rights and freedoms and the stability of its political system. This topic is particularly significant and unique due to the ongoing military conflict with russia, which has placed unprecedented stress on Ukraine's constitutional framework. The uniqueness of this study lies in its focus on how a nation can maintain constitutional order and governance amidst such external aggression and internal turmoil.

A notable gap in the available literature is the lack of comprehensive analysis on the effectiveness of Ukraine's constitutional mechanisms during periods of armed conflict. Existing studies primarily focus on theoretical aspects of constitutional law without addressing the practical challenges faced in wartime conditions.

The literature review highlights the importance of the Constitution as the main legal document ensuring the constitutional order. Scholars have discussed the role of constitutional courts, the balance between national security and civil liberties and the impact of martial law on human rights. However, there is limited empirical research on how these elements function in practice during an ongoing conflict. The primary purpose of this study is to analyse and evaluate the legal frameworks and mechanisms that Ukraine has implemented to preserve its constitutional order during wartime. The key objectives include understanding the role of the Constitution, the effectiveness of the Constitutional Court and the balance between security and human rights under martial law. The hypothesis is that despite the challenges, Ukraine's legal mechanisms are robust enough to maintain constitutional stability.

The research methods used in this study include the following: The literal method involves a direct interpretation of legal texts, examining the explicit wording of the Constitution and relevant laws. The method of abstraction involves isolating specific elements from the broader context to understand their fundamental principles. The interview method involves gathering insights from experts, officials and stakeholders involved in the legal and constitutional processes. A review of scientific literature provides a comprehensive overview of existing research and scholarly debates on the topic. The comparative legal method involves examining how different legal systems address similar issues, providing a broader perspective on Ukraine's situation. The alternative method explores unconventional or emerging approaches to ensuring constitutional order in wartime. Ensuring the constitutional order of Ukraine in wartime presents significant challenges, requiring a multifaceted approach. By employing various methodological perspectives—literal interpretation, abstraction, interviews, literature review, comparative analysis

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and exploring alternative methods—this article provides a comprehensive understanding of the legal mechanisms at play.

Research results and discussion

Constitutional governance in Ukraine

The Constitution of Ukraine, as the Basic Law of the state, occupies a central place in the system of national legislation, as it is the main source of law in the country. Chapter I 'General Principles' plays a leading role in the structure of the Constitution, having a special significance both for the Constitution itself and for the entire system of national legislation (Krusyan, 2005). Kostsova argues that the mere presence of a Constitution does not ensure a constitutional social order. This is because the social order might operate outside the legal boundaries defined by the Constitution. In the legal literature, there is no unified understanding of the concept of a constitutional order, but all legal scholars agree that the presence of a Constitution in a state does not mean that the existing social order can be considered constitutional (Kostsova, 2016). Krusyan highlights the Constitution's primary role in the legal framework and the significance of its general principles. This is due to the fact that the social order is not a state-legal category, unlike the constitutional order. In addition, the social order may be unconstitutional, since the influence of the state on a person and society can be carried out outside the boundaries of the law. Therefore, the term 'constitutional order' is not synonymous with the term 'social order' (Krusyan, 2005). Sinkevych emphasizes that these elements are closely linked and essential for a constitutional system, which should adhere to moral and constitutional standards. It is important to take into account that the constitutional government, the legal nature of state power and the rule of law are closely interrelated and at the same time are the most important features and prerequisites of the constitutional system (Sinkevych, 2003). The constitutional system is a complete system of socio-legal relations and institutions subject to unconditional moral and constitutional requirements. It should be based on a set of the most important regulators, which contribute to the consolidation of stable legal, humane and fair relations between people, society and the state in social practice and legal awareness of individuals and legal entities (Onishchenko, 2002). Legal scholars and policymakers should work towards a more unified and comprehensive definition of 'constitutional order' that incorporates various social, legal and moral dimensions. This can be achieved through interdisciplinary research and dialogue. There needs to be a concerted effort to ensure that the social order is brought within the bounds of constitutional legality. This involves strengthening the rule of law and ensuring that all state actions are accountable and transparent. The Constitution should be periodically reviewed to reflect changing social dynamics and future aspirations. Engaging constitutional experts, legal practitioners and the public in these reviews can ensure the Constitution remains relevant and systematic. The state should implement policies that foster humane and fair legal relations. This includes promoting human rights, ensuring social justice and protecting individual freedoms as enshrined in the Constitution.

The reality of the constitutional system means that it should reflect social relations at the time of the adoption of the relevant constitution and be oriented towards the future. Currently, the provisions of the Constitution of Ukraine, such as the social nature of the state, social rights and human freedoms, etc., cannot be considered real. Systematicity of the constitutional order implies consistency, logic, comprehensiveness and completeness of the basic institutions of society and the state in the Constitution (Sinkevych, 2002). Compared to previous constitutions, the Constitution of Ukraine of 1996 most systematically established the main institutions of Ukrainian society and the state. The scientific validity of the constitutional system of Ukraine is determined by the fact that the theoretical foundations of the Constitution of Ukraine include the acquisition of world scientific constitutional thought, individual achievements of the science of Soviet state law, as well as Ukrainian constitutional thought since the declaration of Ukraine's independence (Melnyk, 2016).

The continuity of the constitutional system consists of the accumulation of positive aspects that existed in the Ukrainian state formation in the past. The programmatic nature of the constitutional system means that part of the provisions of the Constitution of Ukraine determines the direction of the country's further development, in particular in aspects of the social and legal nature of the state, the system of social and cultural rights (Onishchenko, 2002). The guarantee of the constitutional system is ensured by various institutions and subjects: the people of Ukraine, the Constitution and laws, the Ukrainian state as a whole and its specialized institutions (organizations, services), the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine and other state authorities, the Constitutional Court of Ukraine, courts of general jurisdiction and the prosecutor's office, political parties and public organizations, mass media, territorial communities and local self-government bodies, as well as international organizations (Skrypniuk, 2010).

Special principles of the constitutional system of Ukraine include (Oliynyk, 2010):

1) the principle of exercising state power by dividing it into legislative, executive and judicial;
2) the principle of the rule of law;
3) the principle of direct effect of the norms of the Constitution;
4) the principle of recognition and guarantee of local self-

government and
5) the principle of judicial protection of human and citizen rights and freedoms, etc.
Signs of Ukraine as a democratic state are (Onishchenko, 2004):
1) real representative democracy, which is ensured by the election of the Verkhovna Rada of Ukraine, the President of Ukraine, representative bodies of local self-government on the basis of democratic principles of electoral law;
2) the organization of state power in Ukraine on the basis of its division into legislative, executive and judicial (Article 6 of the Constitution of Ukraine). That is, different functions (types) of state power should be performed by different, relatively autonomous bodies of state power, these bodies should be mutually balanced;
3) constitutional consolidation and implementation of the principle of ideological and political pluralism (Article 15 of the Constitution of Ukraine). This principle, firstly, makes impossible the existence of any mandatory ideology in society, secondly, it provides for the task of the state to promote the organization and activities of all political parties and other organizations and
4) recognition and guarantee of local self-government (Article 7 of the Constitution of Ukraine).
Ukraine is a social state. The welfare state provides support to vulnerable sections of the population and promotes the redistribution of material goods in accordance with the principle of social justice, with the aim of ensuring a decent standard of living for every person (Onishchenko, 2002). According to the Constitution and current legislation of Ukraine, the duties of the welfare state include: ensuring the social orientation of the economy; labour protection and establishment of a guaranteed minimum wage; health care; family, childhood, maternity and parenting support; development of the system of social services for the protection of citizens; establishment of pensions and other types of social benefits (Krusyan, 2005).

The Constitution's role in upholding constitutional order in Ukraine

The formation of Ukraine as a legal state, the main features of which are the guarantee and comprehensive practical provision of basic human rights and freedoms and the unconditional subordination of all state power to the law, the democratization of various spheres of public life, the formation of effective institutions of civil society, is directly related to the significant growth of the role and importance constitutional legislation in general, and primarily the Constitution of Ukraine as the Basic Law of the state and society (Onishchenko, 2002). In Ukraine, which has adopted the European model of the institution of constitutional control, the only body endowed with the exclusive right to carry out official interpretation of the Constitution and laws is the Constitutional Court. Taking into account the incompleteness of the constitutional reform, the constant search for the optimal model of state government, the lack of agreement among various political forces regarding the directions and content of the further development of the state and society, the role of the single body of constitutional jurisdiction of Ukraine is growing significantly, since stability and the immutability of the fundamental ideas of all constitutional and legal regulation (Onishchenko, 2004).
A systematic analysis of the legal status and powers of the Constitutional Court of Ukraine shows that the legislator laid down in the Basic Law of Ukraine a powerful legal potential for the effective exercise of constitutional jurisdiction by this single body of its interpretative activity. This allows it to be considered one of the most effective state institutions, designed to ensure the legal supremacy of the Constitution in the legal system of the state, to guarantee the stability and immutability of the constitutional system established by it and its foundations (Onishchenko, 2002). The constitutional system represents a complete system of social relations, mediated by the democratic principles of formation, organization and functioning of state power, the interaction of its various bodies, the free activity of civil society institutions and the democratic legal status of a person, established and guaranteed by constitutional and legal norms (Makarenko, 2001). Thus, the constitutional order is not only the consolidation of relevant institutions and relations in constitutional and legal acts, but also the social relations themselves, which arise in all spheres of social life. A necessary prerequisite for ensuring its stability is the same understanding and the same application of constitutional and legal norms by all subjects, which, in fact, is the main goal of the interpretative activity of the single body of constitutional jurisdiction of Ukraine (Makarenko, 2001).
Interpretation of the Constitution is a special type of legal activity of the Constitutional Court of Ukraine aimed at protecting the Basic Law, ensuring the stability of the constitutional system, guaranteeing the rights and freedoms of a person and citizen, as well as all forms of law enforcement and prevention of offenses (Podtserkovny, 2015). Researchers note that the complexity of the official interpretation of the Constitution and laws of Ukraine lies in the fact that the Constitution of Ukraine was adopted as a result of mutual concessions and compromises. Many of its norms are formulated quite generally and abstractly, often using evaluative concepts (Makarenko, 2001). During the adoption of the Constitution, different theoretical approaches to certain problems were smoothed and converged, which gave them a general character acceptable to various political forces. Therefore, the starting points for the official interpretation of the Constitution and laws of Ukraine should be the basic constitutional values that are unconditional for the entire society: freedom, human rights and freedoms, democracy, the rule of law, etc. (Onishchenko, 2002). These values actually reflect the 'spirit'

of law, its deep inner essence. Due to their openness and breadth, problems of interpretation arise more often than in areas of law with more detailed regulation.

Issues of the highest level, on the border between law and politics, arise before the constitutional jurisdiction. In its practical activities, the Constitutional Court must clearly understand the limits of the written Constitution. However, the formulation of the spirit of laws and the meaning of constitutional norms involves going beyond the literal interpretation of many constitutional provisions (Makarenko, 2001). It is in the process of official interpretation that the 'spirit' of law embodied in the text of the Constitution and constitutional laws of Ukraine, its 'philosophy' and the direction of all constitutional and legal regulation is revealed. Performing its interpretative function, the Constitutional Court is called to become an effective element of the constitutional-legal mechanism for ensuring the stability of the constitutional system and its foundations (Onishchenko, 2004). In our opinion, ensuring constitutional stability should be the basis for any interpretation of the norms of the Basic Law of Ukraine by the Constitutional Court (Roznai and Albert, 2020).

Carrying out the official interpretation of part 3 of article 5 of the Basic Law (the case on the exercise of power by the people), the Constitutional Court of Ukraine came to the conclusion that 'the provisions of part 3 of article 5 of the Constitution of Ukraine should be understood in such a way that only the people have the right directly through an all-Ukrainian referendum to determine the constitutional order in Ukraine, which is enshrined in the Constitution of Ukraine, as well as to change the constitutional system by introducing amendments to the Basic Law of Ukraine in the manner established by its Chapter XIII'. In the Decision dated 11 July 1997 (a case regarding the constitutionality of the Verkhovna Rada of Ukraine's interpretation of Article 98 of the Constitution of Ukraine), the Constitutional Court noted that the principles of the constitutional system of Ukraine are enshrined in Chapters I, III and XIII of the Constitution of Ukraine. The motivational part of the Decision dated 14 December 1999 states: 'The provision on the Ukrainian language as the state language is contained in Chapter I "General Principles" of the Constitution of Ukraine, which establishes the foundations of the constitutional system in Ukraine. The concept of the state language is a component of the constitutional concept "constitutional system" which is broader in content and scope. Another component of it is, in particular, the concept of state symbols'. However, as can be seen, neither in these nor in other decisions, the single body of constitutional jurisdiction of Ukraine was unable to clearly define the content of the category 'constitutional order', which, of course, does not contribute to ensuring its stability.

In summary, both the state and society should be maximally interested in the high professional level of judges of the Constitutional Court, ensuring the legal and political independence of the Court as a whole, as well as in the further improvement of constitutional and legal regulation (Onishchenko, 2002). The presence of a highly authoritative, independent and impartial body of constitutional jurisdiction allows to quickly and effectively eliminate any contradictions and ambiguities in the constitutional and legal regulation, to resolve various state-legal conflicts associated with a different understanding of its content and direction. Only under such conditions can the Constitutional Court become a truly effective element of the constitutional and legal mechanism for ensuring the stability and integrity of the constitutional system of Ukraine (Onishchenko, 2004).

Legal regime of ensuring the constitutional order in conditions of war

The 1996 Constitution of Ukraine declared Ukraine a sovereign, independent, democratic, social and legal state. However, the norms of constitutional law that establish state sovereignty do not form an independent institution in the system of constitutional law or a component of the general institution of the foundations of the constitutional system, although these norms are fundamental for most institutions of constitutional law. In general, the phenomenon of sovereignty has not yet received a proper doctrinal definition in the domestic science of the theory of the state and law (Roznai and Albert, 2020). In the science of constitutional law, the concept of sovereignty is considered within the framework of the constitutional and legal institution of state power in the aspect of the ratio of such categories as national, people's and state sovereignty. An extraordinary means of protecting the constitutional system is the legal regime of emergency and martial law, which can be introduced in Ukraine or in some of its localities by the Decree of the President of Ukraine, which is subject to approval by the Verkhovna Rada of Ukraine (Onishchenko, 2002).

According to the Law of Ukraine 'On the Legal Regime of a State of Emergency' dated 16 March 2000, a state of emergency is a special legal regime that can be temporarily introduced in Ukraine or in some of its localities in the event of emergency situations of a man-made or natural nature at the national level, which have led to or can lead to human and material losses, pose a threat to the life and health of citizens, or in the case of an attempt to seize state power or change the constitutional system of Ukraine by means of violence (Skrypniuk, 2010). This regime provides for the provision of the relevant state authorities, military command and local self-government bodies with the powers necessary to avert the threat and ensure the safety and health of citizens, the normal functioning of the national economy, state and local self-government bodies and the protection of the constitutional order. It is also allowed to temporarily restrict the constitutional rights and freedoms of a person and a citizen, and the rights

and legal interests of legal entities, specifying the period of validity of these restrictions. The purpose of the introduction of a state of emergency is to eliminate the threat and eliminate as soon as possible especially severe emergencies of man-made or natural nature, normalize the situation, restore law and order in the event of attempts to seize state power or change the constitutional order by force, restore the constitutional rights and freedoms of citizens, as well as the rights and legitimate interests of legal persons, creating conditions for the normal functioning of state authorities, local self-government and other institutions of civil society (Kostsova, 2016). The state of emergency in Ukraine or in some of its localities is introduced by the Decree of the President of Ukraine, which is subject to approval by the Verkhovna Rada of Ukraine within 2 days from the moment of the address of the President of Ukraine/ Guaranteeing the constitutional system means, in particular, its protection by overcoming negative manifestations in the sphere of politics, economy, social and spiritual life of society. It is worth noting that today the constitutional system of Ukraine is under threat (Podtserkovny, 2015).

russia's violation of Ukraine's sovereignty and territorial integrity, armed aggression against it caused an encroachment on state legal and social reality, which is based on the postulates of civil society and a democratic legal state. In view of this, the Law of Ukraine 'On the Legal Regime of Martial Law' dated 12 May 2015, which defines the content of the legal regime of martial law, the procedure for its introduction and cancellation, the legal basis of the activities of state authorities, military command, military administrations and deserves special attention. Of local self-government bodies, enterprises, institutions and organizations in conditions of martial law, guaranteeing the rights and freedoms of a person and a citizen and the rights and legitimate interests of legal entities (Law of Ukraine 'On the Legal Regime of Martial Law'). russia's armed aggression against Ukraine encroaches not only on the sovereignty and territorial integrity of the state, but also on the rights and freedoms of every Ukrainian. By Decree of the President of Ukraine dated 24 February 2022 No. 64/2022, martial law was introduced in Ukraine from 05:30 on 24 February 2022, for a period of 30 days.

However, the period of martial law in Ukraine was extended from 05:30 on 26 March 2022, for a period of 30 days in accordance with Presidential Decree No. 133/2022 of 14 March 2022. According to another Decree of the President of Ukraine No. 259/2022 of 18 April 2022, the period of martial law in Ukraine was extended from 05:30 on 25 April 2022, for a period of 30 days. Decree of the President of Ukraine No. 341/2022 dated 17 May 2022 'On extending the period of martial law in Ukraine' extended the period of martial law from 05:30 on 25 May for a period of 90 days. Today, the legal regulation of the protection of human and citizen rights during martial law is regulated by the following normative acts: the Constitution of Ukraine dated 28 June 1996; Decree of the President of Ukraine No. 64/2022 'On the introduction of martial law in Ukraine' dated 24 February 2022; Law of Ukraine 'On the Legal Regime of Martial Law' dated 12 May 2015 No. 389-VIII and others. Protection of legal rights and freedoms of citizens is one of the key duties of the state. However, in the conditions of the introduction of martial law or a state of emergency, in accordance with Article 64 of the Constitution of Ukraine, separate restrictions on the rights and freedoms of a person and a citizen, provided for by Articles 30–34, 38, 39, 41–44 and 53 of the Constitution of Ukraine, are established (Oliynyk, 2010).

Taking into account the requirements of the legislation in the conditions of martial law, appropriate restrictions of rights are determined, including the use of capacities and labour resources of enterprises, institutions and organizations of all forms of ownership for the needs of defense, changing the regime of their work; forced expropriation of property that is in private or communal ownership, seizure of property of state enterprises, state economic associations for the needs of the state; introduction of a curfew; checking documents of persons, and, if necessary, conducting an inspection of things, vehicles, luggage and cargo, office premises and citizens' homes, with the exception of the restrictions established by the Constitution of Ukraine; prohibition of holding peaceful meetings, rallies, marches and demonstrations, other mass events; establishment of military housing obligation for individuals and legal entities for the quartering of military personnel, members of the rank and file of law enforcement agencies, personnel of the civil defense service, evacuated population and accommodation of military units, units and institutions. It should be noted that these measures cannot significantly limit the fundamental rights of citizens. Furthermore, any restrictions must be proportionate to the objectives they pursue (Onishchenko, 2002).

It is decisive that the Constitution of Ukraine, as the main guarantor of ensuring and protecting the rights and freedoms of citizens, contains a list of rights that cannot be limited even during the period of martial law, in particular, provided for in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63: prohibited restrictions based on race, skin colour, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other signs; citizens of Ukraine cannot be deprived of citizenship and the right to change citizenship; the inalienable right to life, respect for dignity, freedom and personal integrity cannot be violated; the right to send individual or collective written appeals or to personally address state and local self-government bodies is not subject to restriction; the right to housing, marriage and equal rights and obligations in marriage and family cannot be limited; unacceptable violation of the equality of children in their rights regardless of origin;

the right to protect rights and freedoms in court is not subject to limitation; for compensation with the funds of the state or local self-government bodies for material and moral damage caused by illegal decisions of state authorities; the right to professional legal assistance cannot be limited; the right not to be held twice liable for the same kind of legal responsibility for the same offense; presumption of innocence; the right to defense and refusal to testify or to give explanations or statements about oneself, family members or close relatives, whose circle is defined by law. In accordance with the Law of Ukraine 'On the Legal Regime of Martial Law', labour obligation may also be introduced for able-bodied persons who are not involved in work in the defense sphere and the sphere of ensuring the livelihood of the population and who are not reserved for enterprises, institutions and organizations during the period of martial law, in order to fulfil works of a defensive nature (Law of Ukraine 'On the Legal Regime of Martial Law').

Therefore, measures related to work under martial law can be:

- use of telephone communication to provide citizens with answers to questions that belong to the institution's competence, as well as socially important information;
- providing a response through official websites, social networks, ensuring the provision of information related to life, health, freedom and security;
- ensuring the timely publication of reliable and accurate publicly important information on the administrator's official web pages and in social networks; when providing information in response to a request, choose the most acceptable method, for example, via e-mail, and in the case of providing the requested information in printed form, consider the possibility of exempting the requester from paying reimbursement of actual costs for copying and printing;
- in case of impossibility to provide an answer to the request, use the tool of postponement in the satisfaction of requests, provided for by the provisions of the sixth part of Article 22 of the Law of Ukraine 'On Access to Public Information'.

Means of protection of citizens' rights should be understood as a complex of legal phenomena (instruments, measures, actions, etc.) carried out in accordance with the legislation for the purpose of organizing and implementing the protection of citizens' rights (Krusyan, 2005). This includes the application of appropriate forms and methods of protection aimed at preventing and stopping violations, as well as restoring the rights, freedoms and legitimate interests of a person and a citizen. The administrative and legal protection of the rights of citizens under martial law covers all forms and means of protecting the rights of citizens in Ukraine, defining the organization and establishing legal procedures of the administrative justice system, the activities of the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, the execution of decisions of international judicial institutions, appeals in appeals by citizens, as well as the activities of law enforcement agencies (Melnyk, 2016). The need to ensure mutual consistency of the regulatory and legal frameworks for the protection of citizens' rights and bring them into line with the existing needs for the realization of citizens' rights in Ukraine remains urgent (Oliynyk, 2010). The activities of the state and subjects of public authority regarding the implementation of the public function of defense and the legal regulation of social relations in the field of defense in a legal state can be carried out exclusively with the help of law, the norms of the relevant field of law. Legal regulation of social relations in the sphere of state defense is carried out by the norms of administrative law, and more specifically by the norms of military-administrative law, which is a sub-branch of Special Administrative Law. Considering defense as a separate sphere of social relations and public administration, regulated by the norms of military-administrative law, it is appropriate to talk about its administrative-legal regulation (Makarenko, 2001).

Administrative and legal regulation of defense is a purposeful influence on public relations in the field of defense, which is carried out by public authorities through the use of administrative and legal means for the purpose of their regulation and establishing the rights and obligations of the subjects of such relations (Roznai and Albert, 2020). In Ukraine, since independence, as a result of the objective development of social relations in the field of defense of the independent Ukrainian state, a system of military-administrative legislation has been developed, which regulates these relations, defines the legal bases of the state's defense, the powers of subjects of defense provision in a single system of provision of national security. It is a system of hierarchically and horizontally structured acts of military-administrative legislation, which includes legislative, bylaws, regulatory and enforcement acts in the field of state defense. Based on the legal force of normative legal acts, the hierarchical system of military-administrative legislation, which regulates issues of state defense, includes (Krusyan, 2005):

1) the Constitution of Ukraine;
2) laws of Ukraine;
3) international agreements of Ukraine;
4) decrees and orders of the President of Ukraine;
5) resolutions and orders of the Cabinet of Ministers of Ukraine;
6) interdepartmental regulatory acts, in particular regarding the organization of interaction between subjects of defense provision;
7) normative legal acts of ministries and other executive authorities;
8) regulatory legal acts of local state administrations, military-civilian administrations, military administrations, local

self-government bodies and
9) normative legal acts of military administration and military command.
Administrative and legal regulation in the field of defense of the Ukrainian state is carried out through regulatory and legal acts that constitute the system of military-administrative legislation (Oliynyk, 2010). Normative legal acts of military-administrative legislation are adopted by subjects of public authority within the limits of the powers defined by law, for the implementation of the constitutional function of ensuring the defense of the state.

Conclusion

Comprehensive analysis of the constitutional system of Ukraine, highlighting the Constitution's pivotal role in ensuring constitutional order and examining the legal regime during wartime conditions. The key findings underscore the Constitution of Ukraine as a robust framework for governance, crucial for maintaining the rule of law and protecting human rights, even under martial law. The Constitutional Court's role in interpreting the Constitution and maintaining judicial independence is vital for upholding constitutional stability. The study reveals that despite the challenges posed by the ongoing conflict with russia, Ukraine's legal mechanisms demonstrate resilience and adaptability. The balance between national security and civil liberties remains a critical issue, necessitating proportionate and justified restrictions on rights during emergencies. The legal frameworks and mechanisms discussed are essential for sustaining Ukraine's constitutional order and democratic integrity in times of crisis.
The significance of this study lies in its detailed examination of Ukraine's constitutional system under extreme conditions, providing valuable insights into the functioning and challenges of maintaining constitutional governance during wartime. The findings emphasize the need for continued legal reforms, international cooperation and support to strengthen Ukraine's constitutional framework.
A significant role in guaranteeing the constitutional order belongs to the judicial authorities when considering criminal cases about crimes against the constitutional order, as well as the prosecutor's office and the bar. Other states and international organizations can play a certain role in guaranteeing the constitutional system, in particular the state system, as evidenced by today's events in Ukraine. The specified guarantees of the constitutional system of Ukraine and their varieties are not exhaustive. Therefore, all subjects of constitutional and legal relations act as guarantors of the constitutional system. The above-mentioned guarantees are general for the entire constitutional system. Along with them, the Constitution of Ukraine also provides guarantees for certain institutions of the constitutional order, primarily the state and social order, the rights and freedoms of a person and a citizen. To ensure the reality of the constitutional system of Ukraine, it must be guaranteed by all state authorities and the Constitution of Ukraine. Therefore, in order to generally ensure the constitutional system of Ukraine, it is necessary to observe the Basic Law of Ukraine.
Future research could explore the long-term impacts of wartime legal regimes on constitutional governance and the effectiveness of specific legal mechanisms in other conflict-affected regions. Ensuring the constitutional system of Ukraine in the conditions of war is a complex and multifaceted process that requires the use of various legal mechanisms. It is important to coordinate the actions of state institutions, attract international support, carry out constitutional reforms and ensure the independence of the judicial system. Despite numerous challenges, Ukraine demonstrates resilience and a desire to strengthen its statehood and constitutional system.

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