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## Special Dossier October 2025 Ukraine Military and Wartime Law

Edited by Ganna Sobko



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Monument to Yaroslav The Wise, Grand Prince of Kyiv (978-1054) In the Yaroslav Mudryi National Law University, 61024, 77, Hryhorii Skovorody Street, Kharkiv, Ukraine Photo Tala Tamila (2015) CC SA 4.0 (Wikimedia Commons)

### Problematic aspects of determining the administrative and legal status of conscription support entities in Ukraine

BY ANATOLIY YATSYSHYN<sup>1</sup>

ABSTRACT. The purpose of this study is to identify the issues related to establishing the legal status of military administration entities which ensure conscription during martial law. Using the methods of legal analysis and specification, the author examines the legal aspects of establishing the administrative and legal status of the subjects of conscription. According to the results of the study, it was established, that one of the main military administration bodies responsible for ensuring conscription is the territorial recruitment and social support centres. Despite the fact that the legal framework for regulating mobilisation issues has been in place since the 1990s, the current analysis shows that the definition of the legal status of conscription support entities is not perfect. The challenges of war and high mobilisation needs clearly demonstrate that most of the powers of the authorities are enshrined in legislation in a rather vague manner, which leads to ambiguous interpretation of the norms and inefficient management of the mobilisation process. Given that it is the TCR and SS that carry out most of the mobilisation activities, together with local self-government bodies and executive authorities at the local level, the primary task is to determine the administrative and legal status of the TCR and the SS at the legislative level, not only by bylaws.

KEYWORDS: MILITARY DUTY, SPECIAL PERIOD, ARMED AGGRESSION, MILITARY ADMINISTRATION, MOBILISATION MEASURES.

#### Introduction

he issue of ensuring mobilization has become particularly important since the beginning of the aggressor's full-scale invasion, revealing new problems in the legal regulation of mobilization and mobilization readiness. State bodies play a decisive role in ensuring conscription into military

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service, as they are responsible by law for shaping state policy in the field of mobilization preparation and mobilization, as well as for implementing various mobilization measures, including military registration. An equally important factor for effective management in this area is the clear distribution of powers between state authorities and the precise definition of their administrative and legal status, which includes the main areas of activity, responsibilities, and tasks that must be enshrined in law.

Moreover, the unprecedented scale of the ongoing armed aggression has revealed systemic shortcomings in the current legal framework, highlighting the need for detailed legislation that clearly delineates the roles and responsibilities of all entities involved in mobilization. Addressing these gaps is crucial not only for improving operational efficiency but also for ensuring the protection of citizens' rights and the proper functioning of state authorities under extraordinary circumstances.

This study examines the definition of the specific administrative and legal status of military command structures directly involved in mobilization activities. An essential element of the study is the analysis of the activities of bodies involved in conscription and their legal regulation during a special period. In the context of martial law, society faces new challenges and risks, and legal regulation regarding the administrative and legal status of authorities responsible for conscription into military service must be improved and adapted to real-time needs. Clarifying the legal status of these authorities also facilitates better coordination with local government bodies, enhances accountability, and ensures that mobilization activities are conducted in accordance with both national legislation and international standards. Such legal clarity is particularly important in a wartime context, where rapid decision-making and precise execution of mobilization measures can significantly affect national defense outcomes

The aim of the research is to reveal the key problematic issues in the legal regulation of the administrative status of state authorities tasked with conscription into military service. The core objectives of the study include examining the legal framework that establishes the status of bodies involved in mobilisation support, assessing the significance of motivating individuals liable for military service, and identifying existing gaps in the legal regulation of the status of these bodies.

Foreign and domestic researchers have examined issues related to the legal

status of persons subject to conscription. For example, Kosonen and Malkki (2022) studied various models of conscription in Europe and Asia, emphasized the importance of motivating persons subject to military service, and conducted a comparative analysis of different approaches to ensuring mobilization. Their findings show that, in light of the current global security situation, many states are reintroducing compulsory military service. In these works, the authors seek to identify the optimal approach to mobilization that would allow for the effective implementation of mobilization measures while protecting the fundamental rights of citizens.

The authors Baran (2023) and Marleku & Llalloshi (2024) considered the impact of the mobilization system on military service on public administration as a whole. The papers study the essence of military duty and consider the issue of subjects of conscription in the context of their tasks and responsibilities. The authors raise the question of how important it is to guarantee fundamental human rights in the process of implementing mobilization measures and explore opportunities for improving the effectiveness of mobilization measures, taking into account different experiences.

Scientists Axatov & Akhmatkulov (2021) and Altenburger (2025) in their works considered the peculiarities of military conscription, advantages and disadvantages of mandatory military service, as well as the peculiarities of organising and conducting pre-conscription military training. The authors believe that, given the current security situation, the issue of compulsory conscription is becoming increasingly relevant.

#### Materials and Methods

The study was based on an examination of regulatory and legal acts that define the administrative and legal status of the subjects of conscription at the legislative level. In addition, a number of bylaws were developed. Both general and specific methods of scientific inquiry were used in the course of the study. In particular, the historical and legal method was used to study the stages of formation of territorial recruitment and social support centres and their evolutionary development. Using a formal legal method, the main regulatory and legal acts defining the legal status of conscription authorities were studied, and subordinate legal acts regulating the powers of military authorities were examined. With the help of le-

gal analysis, the author defines the legal status of conscription service providers, identifies the peculiarities of the administrative and legal status of such providers during martial law, and also identifies the problematic aspects in determining the legal status of conscription service providers which affect the system of mobilisation measures in general. Using the generalization method, the main ways to improve the legislation that establishes the legal status of military management bodies were identified.

The study was conducted in several stages. First, the concept of administrative status and its components were examined. At the first stage, the concept of administrative status and its components were studied. The regulatory framework, which forms the basis for the activities of conscription authorities, was reviewed. The next step in the research was to study the main stages in the formation of military management bodies such as the TCR and SS, and to determine their place and significance in the mobilization system. After studying the development and establishment of the legal status of conscription authorities, the issues of establishing such status for military management bodies were identified and the main directions for resolving these issues were outlined.

To ensure reliability of results, the research also incorporated a comparative approach, contrasting Ukrainian regulations with international practice in conscription and mobilization. This made it possible to identify not only the strengths of the national system but also areas requiring alignment with broader European and global standards. In addition, the study relied on systemic and structural analysis to reveal interconnections between state bodies, their powers, and the mechanisms of cooperation during mobilization. Attention was also paid to practical aspects of law enforcement, namely how regulatory provisions are implemented at the regional and local levels. The combination of these methodological approaches enabled a comprehensive exploration of the administrative and legal status of conscription bodies, ensuring both theoretical depth and practical applicability of the findings.

#### Results

The regulatory basis governing the activities of conscription authorities has been examined. The subsequent stage of the research focused on the formation of military administration bodies, such as the TCR and SS, and clarified their role and significance within the mobilisation system. The analysis of the development and consolidation of the legal status of conscription authorities revealed difficulties in defining such a status for military administration bodies, as well as possible directions for addressing these challenges. Administrative and legal status is generally understood as the totality of rights and obligations assigned to a subject of administrative legal relations. In administrative law theory, legal status is divided into general and special categories, depending on its scope. The general administrative and legal status encompasses the rights and obligations common to all subjects of administrative legal relations, whereas a special status is conferred on particular entities for the fulfilment of specific tasks and functions.

The Law of Ukraine "On Mobilization Preparation and Mobilization" designates the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, and local self-government bodies as the entities responsible for conscription. Additional participants in mobilisation include the National Security and Defense Council of Ukraine, the Ministry of Defense, the Armed Forces of Ukraine, and other military authorities whose activities are regulated by law. Among the key institutions directly entrusted with implementing mobilisation plans, maintaining military registration, and ensuring mobilisation measures are the territorial recruitment and social support centres (Verkhovna Rada of Ukraine, 1992; 1993; 1996; 2015).

This institution has special administrative and legal status in mobilization because it does specialized stuff related to military service. However, there are certain problems in determining the exact status of organizations vested with such special powers, including territorial centers for recruitment and social support (Verkhovna Rada of Ukraine, 2017; 2018; 2023). To provide clarity in defining the status of military command bodies and to identify existing challenges, it is necessary to trace the stages of development of these entities in Ukraine, as illustrated in Table 1.

**Table 1.** Stages in the development of legal regulation of conscription service providers in Ukraine

Period	Legislative activity	Result.
16 July 1990	Adoption of the Declaration of State Sovereignty of Ukraine and the Act of Independence of Ukraine	Changes in the social system and political life. This gave impetus to the further development of legislation for the creation of its own armed forces.
11 October 1991	The Concept of Defence and Construction of the Armed Forces of Ukraine was adopted	The ways and principles of military reform were defined. The fundamental principle was the principle of reasonable sufficiency in terms of the number of weapons and human resources.
November-December	The legal framework for the functioning of the AFU was adopted, in particular, the Law on Defence of Ukraine, the Law on the Armed Forces of Ukraine and others.	The following legislative acts defined the principles of the armed forces
30 March 2021	The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving Certain Issues of Military Duty and Military Registration".	Improving the organisational and legal framework for manning the Armed Forces of Ukraine, bringing the activities of military command and control bodies and the military accounting system in line with NATO standards
23 February 2022	Resolution of the Cabinet of Min- isters of Ukraine No. 154 "On Ap- proval of the Regulations on Terri- torial Centers for Recruitment and Social Support"	This provision defines the legal status, functions, and procedures of the TCR and SS

30 December 2022	Resolution of the Cabinet of Min- isters of Ukraine "On Approval of the Procedure for Organizing and Maintaining Military Records of Conscripts, Persons Subject to Military Service, and Reservists"	A mechanism for maintaining military records of individuals liable for military service, in line with the new legislative requirements, was established by the procedure.
16 January 2024	Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Improvement of the Procedure for Processing and Using Data in State Registers for Military Registration and Acquiring the Status of War Veteran During Martial Law"	Improvement of military registration procedures and mobilization measures to improve the efficiency of military unit replenishment
11 April 2024	Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Regarding Certain Issues of Military Service, Mobilization, and Military Registration"	The most significant changes were adopted: the conscription age was lowered, the procedure for granting deferrals was changed, and the categories of persons eligible for deferrals were changed
10 May 2024	Procedure for maintaining the Unified State Register of Con- scripts, Military Service Obligors, and Reservists "Oberig"	Defines the procedure for maintaining the Unified Register of Persons Subject to Military Service, establishes the procedure for collecting, storing, and using data on persons subject to military service
16 May 2024	Resolution of the Cabinet of Min- isters of Ukraine No. 560 "On Approval of the Procedure for Conscription of Citizens for Mili- tary Service during Mobilization, for a Special Period"	The procedure and rules for mobilization during martial law are regulated in detail

Through the transformation of district and city commissariats into TCR and SS, local military authorities shifted from administrative and coercive bodies into entities performing recruitment and social service functions. The main task of the MCC and JVs is to carry out recruitment activities for military service. The

TCR and SS are regulated by the Constitution and laws of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, orders of the Ministry of Defense, orders and directives of the Commander-in-Chief of the Armed Forces of Ukraine, as well as other legal acts. The main tasks of the TCR and SS also include registering citizens with draft boards, maintaining military records of citizens, conscripting citizens for military service in peacetime and wartime, selecting persons subject to military service for contract military service, citizens for service in the military reserve, preparing and conducting the mobilization of human and transport resources during special periods, providing legal and social support to military personnel and veterans, engaging in military-patriotic education of citizens, and implementing measures to prepare and conduct territorial defense and other defense activities in accordance with the law (Verkhovna Rada of Ukraine, 2024a; 2024b).

When determining the legal status of entities responsible for conscription, it should be noted that the legal status of any public administration entity is a rather multifaceted and broad category (Shafritz et al., 2022; Kruchynina, 2024). Legal status includes a certain legal position of a public authority, which is established by a legislative act or an administrative act based on the public interest and the need to perform public functions. Administrative and legal status may be general and special. The general administrative and legal status is inherent in all subjects of power. A special legal status implies the granting of certain special powers to solve tasks or to perform a certain type of authority.

The special administrative and legal status is established by certain legislative norms and is a consequence of the state will, through which a certain entity is vested with certain functions. The structure of legal status includes the subject or purpose of the activities of the authority, as well as the rights and powers of the state authority. (Rosenbloom et al., 2022). Considering the subjects that ensure conscription, it should be noted that the purpose of all military authorities is to carry out effective mobilisation to ensure the defence capability of the state. All subjects of power authorised to carry out mobilisation activities are defined in the Law of Ukraine "On Mobilisation Preparation and Mobilisation." Both general and special subjects are endowed by the Law with their functions and must perform their tasks.

TCR and SS are the bodies with the greatest competence in the field of mobilisation, as they are authorised to provide full support to persons liable for military service instead of military commissariats. In accordance with current legislation, TCR and SS perform the following tasks. Participation in the day-to-day management of pre-conscription training is ensured. Decisions of local government authorities and draft boards on conscription of citizens for military service are prepared and implemented. Teams of new recruits are formed and conscripts sent to military units from assembly points in territorial centers. Military records are kept for persons liable for military service who are in the reserve, as well as for citizens who have participated in combat operations and those who have become disabled during military service.

Cooperation with local executive authorities and local self-government bodies is maintained on issues related to military registration of conscripts, including reservists, as well as conscripts and the reservation of conscripts for the period of mobilization and wartime. Plans for mobilising human and transport resources during a special period are developed, and the system of warning, collection, and delivery of these mobilisation resources is improved in the relevant territory. Records of enterprises involved in the performance of mobilisation tasks, as well as of human and transport resources intended to meet the needs of the state's defence, are maintained. Control is exercised over the implementation by enterprises of measures for maintaining military records of persons liable for military service and measures for reserving such persons for the period of martial law. Participation is ensured in controlling the implementation of mobilisation measures within their powers. Social and legal protection is provided for military personnel, persons liable for military service and persons in the reserve, war veterans, and their families (Verkhovna Rada of Ukraine, 2022).

The TCR and SS are responsible for conscripting citizens into the Armed Forces of Ukraine, ensuring mobilisation in line with the constitutional duty to defend the state (Timofeev & Natochii, 2024). Their administrative and legal status remains controversial. As relatively new military structures, they had limited experience exercising their powers before martial law, and their legitimacy depends on mobilisation success and public trust. Analysis of current legislation reveals gaps in regulating the TCR and SS. Their legal status is defined only by the 23 February 2022 Regulation "On Territorial Recruitment and Social Support Centres," a subordinate act that sets basic organisational rules. While regulations

guide internal operations and employee conduct, they do not establish a comprehensive legal framework for interaction with other state and local authorities. This legislative gap limits the clarity of TCR and SS powers relative to their full operational responsibilities.

Determining the place of the TCR and SS among other state administration bodies is complicated by the fact that, according to Article 19 of the Constitution of Ukraine, all state authorities must act only on the grounds and within the limits defined by the Constitution and laws of Ukraine. Article 6 of the Constitution also states that all state authorities must exercise their powers in accordance with the laws of Ukraine. Based on these provisions of the Basic Law, it appears that the activities of state authorities are provided with clear legislative regulation, which obviously also applies to territorial recruitment and social support centres (Magdalina, 2024).

Another problematic issue in determining the administrative and legal status of territorial recruitment and social support centres is the lack of an unambiguous approach to the classification of TCR and SS as military command and control bodies. Based on the tasks assigned to the TCR and SS, the question arises whether such bodies can be directly attributed to military administration bodies. The concept of "military management body" is defined in Article 1 of the Law of Ukraine "On Defence of Ukraine" of 6 December 1991. However, the relevant concept appeared in the law in the wording of this legal act of 5 October 2000. At that time, the military command included the Ministry of Defense of Ukraine, other executive bodies responsible for the management of military units, the General Staff of the Armed Forces of Ukraine, as well as other departments, formations, headquarters, and military commissariats responsible for the implementation of legislation in the field of military duty, military service, mobilization preparation, and mobilization. In the above definition, military commissariats, and subsequently territorial recruitment and social support centres, are not mentioned in the main list of military administration bodies, but rather as a supplement to this list - through the language construction "as well as". This wording may be used as a consequence of the imitation of post-Soviet legislation, since in the post-Soviet period, the armed forces were recruited through military enlistment offices as a special structure. Today, the TCR and SS are vested with much broader powers that go far beyond the solely organisational component of military management (Magdalina, 2024).

The administrative and legal status of territorial recruitment and social support centers shows that TRCs and SSs are military management bodies under the executive branch, created, funded, and dissolved by the Ministry of Defense of Ukraine. They must operate in line with legislation on mobilization, military training, and social protection of servicemembers and their families. To formalize their status, the Law of Ukraine "On Mobilization Preparation and Mobilization" should be amended. Article 14 could include a new part detailing the main functions and powers of TRCs and SSs. Additionally, a dedicated law should be introduced to comprehensively regulate their activities, reflecting the full scope of their responsibilities. Strengthening the legal framework would not only clarify the responsibilities of TRCs and SSs but also enhance transparency and accountability in the mobilization process. Clearer legislative guidance could reduce operational ambiguities and improve coordination between military authorities and local administrations.

#### Discussion

This paper examines the regulatory framework that establishes the legal status of entities responsible for conscription. The author examines the legislative provisions that regulate the main tasks and responsibilities of military authorities in the field of mobilisation. Unlike the work of Baran (2024), which explores issues related to the analysis of the historical evolution of conscription and the relationship between the security of society as a whole and the observance of individual rights, this study reveals the historical development of conscription service providers, their features and modes of operation. The main attention was paid to the administrative and legal status of territorial recruitment and social support centres as one of the main military management bodies that can carry out mobilisation measures on the ground.

Melnyk (2022) examines the administrative and legal status of military administrations in Ukraine during martial law, analyzing their functions and the relationship between military and civilian authorities. In contrast to Melnyk, this study focuses on the legal status and functional powers of military administration bodies involved in conscription. This study not only analyzes their legal basis but also highlights current issues in determining the status of bodies involved in conscription. Confirming Voitovich's (2020) observation, the administrative and

legal status of security and defense bodies remains insufficiently researched, with many outdated norms needing to be brought into line with modern practice and international standards. This study is unique in that it focuses on mobilization bodies with special powers in this area.

Boyko (2024), like this study, also examines the genesis of legal regulation of administrative and legal regulation of mobilisation. However, this work is more narrow, aimed at identifying the problems in the consolidation of the legal status of the subjects that should ensure the conscription. The work of Semenets-Orlova, et al., (2022) and others raise the issue of development of the public administration system with a human-centred approach. The authors note the importance of replacing the brutal administrative pressure in the management system with the creation of a management culture. Agreeing with the authors' opinion, this work also examines the administrative and legal status of individual subjects of administrative law and seeks ways to improve the system of administrative management in the field of mobilisation.

Yermachenko et al. (2023) examined public administration in infrastructure development, emphasizing a "smart" management approach that considers societal needs and challenges. This study similarly analyses the structure of public administration in mobilisation processes, highlighting that the administrative and legal status of authorities their powers and position within the mobilisation system – is key to effective management. Yarusevych (2023) provides a detailed analysis of the administrative and legal status of defence industry entities, identifying elements of their regulatory framework. Unlike these studies, the present work focuses specifically on mobilisation bodies operating under martial law. Thus, while previous research provides valuable insights into administrative and defence structures, there remains a clear need for focused studies that examine the operational and legal intricacies of conscription authorities, particularly those that function during extraordinary circumstances such as martial law.

It should be emphasised that most studies do not address the issue of the administrative and legal status of conscription authorities at all. The studies consider either the security and defence sector or individual subjects of power. In most cases, the authors consider the subjects of conscription in their historical development, but there are no studies on their current legal status and no studies that could suggest ways to improve the legal norms that establish the administrative

and legal status of military authorities that are directly responsible for mobilisation activities. This research gap is essential to provide a coherent and modern legal framework for mobilization authorities, ensuring an appropriate balance between the interests of the state and society in times of national emergency.

#### Conclusions

One of the main factors of effective management in the field of mobilisation is a clear delineation of powers of the subjects of power, a specific establishment of their administrative and legal status, which includes the main areas of activity, duties and tasks that should be defined at the legislative level. The problem of determining the administrative and legal status concerns, first of all, the determination of the administrative and legal status of entities with special powers, such as territorial recruitment and social support centres. The legal status includes a certain legal position of a public authority, which is established by a legislative act or administrative act based on the public interest and the need to perform public functions. TCR and SS are the subjects of administrative legal support for the mobilisation of the UAF, which are responsible for ensuring the fulfilment of the call-up of citizens of Ukraine for military service to fulfil their constitutional duty to defend the state. The study found that the TCR and SS are military command and executive bodies.

The study found that the main problem of determining the administrative and legal status of conscription support entities, in particular, the TCR and SS, is the following legal aspects: the activities of territorial recruitment and social support centres, which have the broadest powers in the field of mobilisation, are regulated exclusively by the Regulation. In addition, TCR and SS are not included in the list of entities responsible for mobilisation training and mobilisation in accordance with the Law of Ukraine "On Mobilisation Training and Mobilisation". Other problematic aspects include the fact that the current legislation does not clearly delineate the powers of the entities involved in mobilisation activities.

In view of this, some areas for improving the legal regulation of conscription support entities were identified, in particular, the adoption of a separate law on territorial recruitment and social support centres, the definition of the powers of TCR and SS in the Law of Ukraine "On mobilisation preparation and mobilisation", as well as a more specific delineation of the tasks of conscription support

entities during martial law. In order to consolidate the administrative and legal status of the TCR and SS at the legislative level, amendments should be made to the Law of Ukraine "On Mobilization Preparation and Mobilization." Specifically, Article 14 of this Law should be supplemented with Part 3, which should specify the main functions and powers of the TCR and SS. In addition, given the full scope of tasks assigned to the territorial centers for recruitment and social support, the legislative framework should be expanded with a special law on the TCR and SS, which will regulate their activities in detail.

The prospect for further research lies in providing a detailed definition of the powers, tasks, and scope of the TCR and SS, with the aim of drafting legislation on territorial recruitment and social support centres. The limitations of this study stem from its primary focus on determining the legal status of the TCR and SS, as this represents the most urgent issue, while the administrative and legal status of other conscription-related entities was not examined in full.

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