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# Theoretical and Legal Principles of Interaction between Public Authorities and the Public Under the Legal Regime of Martial Law

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**Abstract** The concept of civil society became relevant again at the end of the twentieth century due to the development of democratization, digitalization, and globalization. Today, the issue of public participation in addressing issues of public importance is increasingly associated with electronic petitions, public consultations and discussions, public expertise, etc. The problem of interaction between public authorities and the public in the field of regional planning requires a broad interdisciplinary understanding not only at the level of infrastructure projects, but also in the field of mobilization training and mobilization, identification and solution of humanitarian problems of the population in the de-occupied territories under martial law. Along with public authorities and the public, the world of technology and artificial intelligence is gaining more and more independence, which is becoming more and more independent of the regulatory and coordinating influence of a person, organization, or state from the platform of interaction, the object of influence. At the same time, social networks are reaching an increasing number of people and are being monetized, which necessitates a more comprehensive, strategic vision of the interaction of public authorities with social networks. For the sake of better understanding of the theoretical and legal framework for interaction between public authorities and the public under martial law, an attempt was made to comprehend the problems that occurred in the field of public relations under study before the introduction of martial law in Ukraine, and which also emerged as a new challenge during the period under study, generating the relevant social transformations.

**Index Terms** public authorities, interaction with the public, problems of interaction, martial law, civil society

## I. Introduction

Violation of human rights and legitimate interests occurs as a result of various life factors, some of which are beyond the control of human will, such as emergencies. The latter are of varying intensity and danger, and therefore the damage they cause can be significant for society as a whole and for each individual citizen. Nevertheless, the occurrence of emergencies does not relieve the state of its obligation to protect the population, the rights and interests of its representatives from potential or actual negative consequences of emergencies, even if martial law is in effect in Ukraine. Under martial law, the field of labor migration has undergone significant changes, as along with the aggravation of economic problems, issues of security and access to essential services have acquired a fundamentally new meaning, and certain regions have become objectively unsuitable for

civilian residence due to the complete destruction of civilian infrastructure and proximity to areas of active hostilities. In the light of the above opinions of scholars and practitioners, at the theoretical and legal level, it is necessary to comprehend the problem of the principles of interaction between public authorities and the public in the field of protection of the rights of internally displaced persons under martial law, the deontological foundations of such interaction, including at the level of formation of relevant competencies in public servants, as well as the necessary level of legal awareness and legal culture for such interaction. The range of topical theoretical and legal issues in the light of these areas of implementation of strategic communications in public authorities includes the issues of determining the mechanisms for protecting human rights in the context of strategic communications, the principles of strategic communications from the perspective of

human rights, their correlation with moral and ethical norms, and responsibility in the field of strategic communications.

According to [1], the interaction of public authorities and civil society institutions is not a static phenomenon, but is in constant motion, so it is clear that the mechanisms of such interaction must be constantly transformed in order to meet the urgent needs and requirements. Under martial law, such transformation is especially noticeable, as it is associated with the restructuring of a wide range of social relations and approaches to ensuring the national security of the state. This situation objectively affects the problems in the sphere of public authority, the lack of an appropriate theoretical and legal basis for regulations and one-time administrative decisions that would lay the deep foundations for interaction with the public under martial law.

In legal science, both domestic and foreign researchers have studied the problems of interaction between public authorities and civil society. At the same time, under the legal regime of martial law, such interaction acquires fundamentally new features and ideological foundations that require separate professional research.

## II. Purpose and Objectives of the Study

The purpose of the article is to define the theoretical and legal framework for interaction between public authorities and the public under the martial law regime. To achieve this goal, it is necessary to solve the following tasks: to define the main approaches to understanding public authorities; to analyze the formation of the concept of civil society and its transformation in modern conditions; to comprehend the problems which occurred in the area of public relations under study before the introduction of martial law in Ukraine, and which have emerged as a new challenge during the period under study, giving rise to the need for relevant theoretical and legal research.

In the article, the authors attempt to implement the latest vision of civil society transformation in the light of democratization, digitalization and globalization, and to comprehend the latest problems of interaction between public authorities and the public under martial law.

## III. Result and Discussion

After the Revolution of Dignity, the rapid development of civil society in Ukraine began. In the context of martial law, thanks to the existing level of cohesion of public representatives, it was possible to organize a powerful humanitarian movement at the level of volunteers in a fairly short time, which still has a significant impact on the provision of civilian population in the war-affected regions and plays an important role in the food, logistical support of Ukrainian military personnel.

Discussions about the understanding of civil society, up to the denial of its heuristic value, are due to the fact that scholars use different research methodologies and focus only on certain aspects of this phenomenon. It is quite fair to say that civil society is, first of all, a systemic set of institutions that are independent of state intervention, and their key purpose is

to provide the necessary conditions for the realization of the rights, freedoms and interests of each individual. Therefore, the issues of interaction between public authorities and the public are of great importance, especially in the context of martial law in Ukraine, which is caused by the full-scale invasion of the Russian Federation into the territory of Ukraine.

Understanding the phenomenon of public power, [2] answers Kant's question, why national state bodies (or states) are needed for legal interaction. Two aspects are of main importance: firstly, the definition of problems that cannot be solved without state authorities, and secondly, the domestic state monopoly on coercion, legally established and supported by coercive means. In [3] claims that public power relies on procedural forms of legitimization, which can best be conceptualized as "end-to-end legitimacy" and which are the result of repeated decision-making in an inclusive and acceptable way for the community. Public power is identified as both shared and contested between formal and traditional power, constantly reproduced through everyday interactions at the local level.

The researcher notes that the mediation process has a positive effect on the legitimacy of public authorities. At the same time, the concept of civil society, which has its roots in ancient times and was developed in the works of liberal humanists of the New Age, became relevant again at the end of the 20th century in connection with the development of democratization. This concept has undergone significant changes in the 21st century due to the proliferation of various online forms of civic engagement [4]. Therefore, in the light of democratization, digitalization and globalization in the global context, the issue of public participation in solving matters of public importance is increasingly associated with electronic petitions, public consultations and discussions, public expertise, and the development of the institution of public councils at public authorities.

Chinese researchers [5] note that the call for citizen participation is a major topic in academic, public, and political discussions. Taking the S Village Transformation Project in Guangzhou as an example, the researchers look at how urban planners have contributed to improving citizen participation in local community planning. The so-called "planners" created forums for interaction between experts and citizens, where they provided residents with professional knowledge, performed various roles as experts and communicators, which contributed to the development of community capacity. The results of the study show that the "planners" changed their approach to transformation from community-based interaction to the history of the village, which played an important role in reaching mutual agreement on community development. The researchers concluded that professional groups such as "planners" have become intermediaries between the government and citizens in the management of the Chinese community.

A similar view is advocated by Australian researchers [6], who believe that every citizen should be an active participant in "sustainable" regional planning at the level of "civic values and responsibilities" in relation to their place of residence

and institutional categories. In addition, the researchers note that positioning practices establish an interaction between the government and citizens, where both parties are attributed the same moral values and obligations to the region. The "citizen" as an active participant in "sustainable" regional planning is considered as a practical achievement that is supported by normative morality related to the task of creating order in "textual interaction".

In the national legal thought, the problem of interaction between public authorities and the public in the field of regional planning requires a broad interdisciplinary understanding not only at the level of infrastructure projects, but also in the field of mobilization training and mobilization, identification and solution of humanitarian problems of the population in the de-occupied territories under martial law. At the same time, the modern understanding of the public is inextricably linked to the development of information and communication technologies. Technological progress, according to [7], provides citizens with more opportunities to become active seekers and even co-developers of information and e-government services, rather than just passive recipients. The interaction of citizens with each other has reached a level that can influence the quality of e-government services. This adds value to current e-government services, as well as brings to life new and innovative services that are taking place around the world.

Ukrainian statesman and scholar [8] notes that in the context of today's realities, the process of digitalization of public policy and public life, the concept of "state in a smartphone" is emerging, which provides for a set of large-scale state efforts to digitalize most public services provided to the population, and is accompanied by bringing these services closer to the consumer. According to [9], analyzing the restructuring of social relations during the pandemic, not only public authorities in the world, but also large and small businesses should move away from traditional models of activity and focus on introducing innovations that would ensure work in quarantine. [10] note that the practical embodiment of such interaction between public authorities, business and the public is active facades, which are often mentioned in best practice recommendations and by local planning authorities. The results show that the quality of an active facade can significantly affect people's perception of public space in terms of its safety, comfort, sociability and liveliness.

In the context of the above, it is worth noting that along with public authorities and the public, the world of technology and artificial intelligence is gaining more and more independence, which is becoming more and more independent from the regulatory and coordinating influence of a person, organization or state from the platform of interaction, the object of influence. At the same time, social networks are reaching an increasing number of people and are being monetized, which necessitates a more comprehensive, strategic vision of the interaction of public authorities with social networks.

Regarding the essence of the phenomenon of interaction, [11] states the following:

1) interaction consists in harmonizing the actions of its

subjects in terms of goals, time, place, performers and program;

2) interaction requires at least two subjects;

3) during interaction, each of the interacting subjects (systems) acts within the competence granted to him by the legislator;

4) the subjects of interaction are united by a single goal to accomplish common tasks.

For a better understanding of the theoretical and legal framework of interaction between public authorities and the public under martial law, we have made an attempt to comprehend the problems which occurred in the studied area of public relations before the introduction of martial law in Ukraine, and which also emerged as a new challenge during the period under study, generating the relevant social transformations.

Some domestic researchers, considering the state of interaction between public authorities and the public before the introduction of martial law in Ukraine, emphasized the bureaucratization of this process, on the one hand, and the lack of skills of citizens to defend their position in the legitimate field of socio-political relations, on the other hand, as negative factors. Scholars emphasize the dominance of a purely statistical approach to analyzing citizens' appeals, neglect of public consultations, ignoring proposals of public expert commissions, and a formal approach to the activities of public councils under ministries [4]. At the same time, the main reasons for the destructive interaction between public authorities and civil society institutions at the national level include a low level of legal awareness and the lack of effective feedback mechanisms between society and the state [12]. [13], considering a wide range of social relations in the field of labor migration, note that interaction is negatively affected by the constant public antipathy to labor migrants, which is often supported by biased, politically motivated media reports and corrupt police practices. This antipathy is based on reports of crimes allegedly committed by labor migrants.

Under martial law, the sphere of labor migration has undergone significant changes, because along with the aggravation of economic problems, issues of security, access to essential services have acquired a fundamentally new meaning, and some regions, due to the complete destruction of civilian infrastructure and proximity to the territories of active hostilities, have become objectively unsuitable for civilian residence.

At the theoretical and legal level, the problem of interaction between public authorities and internally displaced persons has arisen. As noted by the author's team consisting of [14], some of whose representatives have direct experience in managing territorial bodies related to the provision of services to internally displaced persons, today Ukraine is faced with a previously unknown challenge - the need to solve problems related to internally displaced persons, which requires the development of effective mechanisms for the realization of the right to social protection of this category of population. In order to prevent discrimination against this category, scholars are convinced that it is necessary to increase the responsibility of officials for violation of the constitutional rights of inter-

nally displaced persons; to bring the legislation of Ukraine on social protection of internally displaced persons in line with the Constitution of Ukraine and international standards.

In the light of the above opinions of scholars and practitioners, at the theoretical and legal level, it is necessary to comprehend the problem of the principles of interaction between public authorities and the public in the field of protection of the rights of internally displaced persons under martial law, the deontological foundations of such interaction, including at the level of formation of relevant professional competencies of public servants, as well as the necessary level of legal awareness and legal culture for such interaction. At the same time, the problem of interaction between the public authorities and the public under martial law is related to the ability of both parties to adapt to fundamentally new areas of activity and approaches to performing daily tasks. Thus, in the field of strategic communications, such adaptation is reduced to the following areas [15]:

- 1) development of strategic communications;
- 2) organization, coordination and control over the implementation of state information policy and strategic communications measures;
- 3) countering disinformation and fakes within the state and the international community;
- 4) development and implementation of Ukrainian standards in the daily communication of public administration entities, ensuring their interaction and coordination on this issue;
- 5) raising awareness of hybrid threats at the national and international levels;
- 6) assessment of the capabilities of the subjects of state administration of strategic communications;
- 7) strengthening intelligence activities in order to obtain the most complete and reliable information;
- 8) creation of a single line of information;
- 9) development of public relations in the military sphere in order to inform them about the policy and activities of the state.

The range of topical theoretical and legal problems in the light of the specified areas of implementation of strategic communications in public power includes the definition of mechanisms for the protection of human rights in the conditions of the implementation of strategic communications, the principles of strategic communications from the point of view of human rights, their relationship with moral and ethical norms, responsibility in the field of strategic communications, because, [16] is convinced, when the interaction between modern states and their citizens leads to harm to individuals, the legal system aims to provide compensation. Slovenian scientists [17] claim that in the future there should be a dialogue between the authorities and the public during an emergency, and not just a one-way flow of information. The public's response to the information provided should be constantly monitored, and the need for additional information should be addressed without unreasonable delay.

#### IV. Conclusions

Summarizing the above, we can conclude that civil society is a broad system of interconnections, relations and structures consisting of individuals, groups, communities and organizations that act independently of the state and contribute to ensuring the freedoms, rights and interests of citizens. It is characterized by democratic principles, citizen participation in decision-making, development of civil society, pluralism, self-organization and interaction between different actors in society. Civil society stimulates active civic participation, development of public institutions and associations, and contributes to strengthening the rule of law and social justice.

The concept of civil society became relevant again at the end of the twentieth century in connection with the development of democratization. As we can see, in the light of democratization, digitalization and globalization in the global context, the issue of public participation in solving issues of public importance is increasingly associated with electronic petitions, public consultations and discussions, public expertise, development of the institution of public councils at public authorities.

In the context of postmodernity, the multiplicity of vectors of human development in society, the emergence of new trends, subcultures, and areas of activity, including in the IT sector with informal approaches to organizing employee work, as well as a high level of corporate culture, civil society is being restructured, partially adjusting to the new conditions of remote work, digitalization, and the security situation in the context of martial law in Ukraine. Along with public authorities and the public, the world of technology and artificial intelligence is gaining more and more independence, which is becoming more and more independent from the regulatory and coordinating influence of a person, organization, or state, from a platform of interaction, an object of influence. At the same time, social networks are reaching an increasing number of people and are being monetized, which necessitates a more comprehensive, strategic vision of the interaction of public authorities with social networks. For the sake of better understanding of the theoretical and legal framework of interaction between public authorities and the public under martial law, an attempt was made to comprehend the problems that occurred in the studied area of public relations before the introduction of martial law in Ukraine, and also emerged as a new challenge during the period under study, generating the relevant social transformations.

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