

## MODERN CHALLENGES AND DEVELOPMENTAL OUTLOOK OF THE STATE BORDER GUARD SERVICE OF UKRAINE'S ADMINISTRATIVE AND LEGAL FUNCTIONS

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**Abstract:** The article examines the legal activities of the State Border Guard Service of Ukraine during the war in 2022-2024. The article considers the essence of administrative and jurisdictional activities of the State Border Guard Service of Ukraine, which consists in controlling border crossings and ensuring compliance with legislation. It analyses the impact of legal reforms on the functioning of the Service and the strengthening of control over the state border in connection with martial law. The legal aspects of increasing liability for violating the border crossing regime from 2022 compared to the pre-war period are described. The provisions for introducing additional administrative measures in the form of enhanced control over the departure of persons liable for military service are revealed. The research describes the changes in the service's work before the war, when border control was carried out according to peaceful procedures, compared to the significant strengthening of measures after 2022. Particular attention is paid to technological innovations used to effectively identify violators. The role of international organisations in providing technical and informational support to improve the work of the Border Guard Service in the legal sector and at the operational level is explored. At the micro level, the article analyses the legal and administrative components of SBGS activities and their interaction with other law enforcement agencies. It considers the service's current problems in exercising its powers and outlines the prospects for further development in the context of escalating war. The article also determines the importance of SBGS administrative and jurisdictional activities for ensuring national security and stability.

**Keywords:** Administrative and jurisdictional activities, State Border Guard Service of Ukraine, National security, Border control, Legal regulation, Illegal migration, Offences

### 1 Introduction

State border services in most countries play a crucial role in ensuring national security, regulating migration flows and combating illegal activities at the borders. Their main task is to monitor compliance with the law at the state borders and protect the economic and political interests of the country. In the European Union, the functioning of border services is regulated by EU directives and decisions. The FRONTEX agency, which coordinates member states' actions to protect the European Union's external borders, is critical. The United States Border Patrol operates under the Department of Homeland Security (DHS) and focuses on combating illegal migration, terrorism and smuggling. One of its main tasks is to control all land, sea and air borders. In addition to their operational role, border services worldwide carry out legal operations and transfer offenders to the relevant judicial authorities.

The legal peculiarities of the functioning of the State Border Guard Service of Ukraine in 2022-2024 are determined by the need to adapt to martial law conditions. According to the law, the SBGS is subordinated to the Ministry of Internal Affairs of Ukraine and operates based on the Law of Ukraine "On the State Border Guard Service". The Presidential Decree "On the Introduction of Martial Law" was one of the regulatory documents that changed the nature of its activities. The administrative component of the activity is the legal regulation of migration processes and border crossing in times of war, as there is a ban on men aged 18 to 60 without special permits. The strengthening of the migration border from 2022 is also due to increased liability for illegal border crossing by Law of Ukraine No. 2461-IX. The SBGS has significant powers to combat smuggling and protect the state's economic interests. The Service maintains enhanced control over the movement of goods, weapons and other resources across the border. The SBGS administrative body closely cooperates with the National Police and the Security Service of Ukraine, which help coordinate efforts to identify and apprehend offenders.

Increasing the technological efficiency of its operations is an essential development area for the State Border Guard Service of Ukraine at both levels of activity. Using the latest technologies, such as uncrewed aerial vehicles for border monitoring, significantly increases the efficiency of patrolling and detecting violators. Introducing biometric control systems at crucial border crossings allows us to identify people with forged documents and prevent dangerous elements from entering Ukraine. The use of modern video surveillance systems and analytical software for processing large amounts of data allows us to optimise the work of the service and speed up the decision-making process. In addition, since 2022, separate migration registers have been in place, operating based on digital technologies and the relevant infrastructure. The technological development of the SBGS aims to introduce the automation of the detention procedure and impose administrative penalties. It is advisable to create its database for threat analysis and an appropriate integrated system for exchanging information with other law enforcement and international agencies. It will significantly enhance the ability of the service to respond promptly to changes in national security and ensure a higher level of administrative and jurisdictional activity.

### 2 Literature Review

Scientific research on the legal nature of the activities of border guard services is an essential topic for ensuring national security in the context of the spread of armed conflicts. The relevance of the issue has increased since the outbreak of the war in Ukraine in 2022. According to Baranov (2023), this was reflected in the activities of the SBGS, which have expanded significantly due to the need to regulate mobilisation processes and strengthen border control. According to studies by Borovyk et al. (2023), border services are the primary elements of national security strategies, as they perform administrative, jurisdictional and military functions. The author Tyshchuk (2023) points out that during martial law, border services face challenges related to increased migration pressure and the need to strengthen state borders.

The legal aspects of the activities of the border services during wartime have been widely discussed in academic literature. The authors Bratko et al. (2023) note that changes in legislation during the war in Ukraine contributed to strengthening border crossing control and introducing administrative measures against persons liable for military service. Introducing stricter liability for border crossing regime violations helped significantly reduce illegal migration and smuggling (Bratko et al., 2023). According to Levadny et al. (2022), international cooperation of border services with other law enforcement agencies aims to ensure stability in the context of Europe's most significant armed conflict after 1945. Especially when coordinating actions to combat illegal migration (Levadny et al., 2022).

The administrative and jurisdictional activities of border services in different countries are widely studied in the scientific literature due to their essential role in ensuring national security. The authors Hao et al. (2023) note that modern border services are increasingly focusing on the use of the latest technologies to improve the border crossing control process. The study by Nováčková et al. (2023) emphasises the importance of close cooperation between border services and international organisations and law enforcement agencies to counteract cross-border threats effectively. This is supported by research that shows that the integration of international border management standards contributes to a reduction in the level of offences and increases the overall effectiveness of border services (Nováčková et al., 2023).

Considerable attention is also paid to analysing the impact of global migration crises on the administrative activities of border services. Bruthans and Jiráková (2023) examine the role of

border services in preventing irregular migration during massive population movements caused by armed conflicts or economic crises. The researchers emphasise that border services in the European Union are increasingly resorting to stricter administrative measures to control migrant flows in order to ensure stability in border regions (Bruthans & Jiráková, 2023). The authors Corici et al. (2022) point out the need to modernise border services by updating EU countries' legal and regulatory framework in line with modern needs.

Neighbouring countries make a significant contribution to the development of border services. According to the study by Kushnir et al. (2023), their strategic importance as the borders of the European Union is emphasised. Poland, Moldova, Romania, Latvia and Lithuania are actively modernising their border services to improve security and combat illegal migration, as evidenced by the study by Ananin (2023). Also, according to Tsymaliuk and Shkoda (2023), European countries are integrating the latest technologies to strengthen border control and active cooperation with international structures.

Researchers Khrystynchenko et al. (2023) argue that introducing technological innovations is one of the determining factors for the successful operation of border services in modern conditions. Their conclusions emphasise the importance of using systems of court case registers and legislative resolutions to follow the rule of law (Khrystynchenko et al., 2023). According to Kamensky (2023), the legal transformation of administrative functions became a key area of SBGS development during the war, as it empowered border control to respond to various types of offences.

The study by Muzychuk et al. (2023) on the importance of the State Border Guard Service of Ukraine in wartime highlights the importance of rapid response to threats and ensuring law and order at the borders. According to Krasivskyy (2023), the SBGS's cooperation with international partners has become crucial in stabilising Ukraine's national security. According to Chystokletov (2023), a powerful consequence was the ability to strengthen defence on the western borders and intensify the fight against illegal migration. Similar conclusions were made by Bomberger & Hanba (2023), who noted that the increase in illegal border crossing attempts during the war required authorities to introduce new administrative measures and increase resources for border protection.

The article aims to identify how the administrative and jurisdictional activities of the State Border Guard Service of Ukraine were transformed during the war and affected national security. The main focus is on changes in legal regulations and increasing the effectiveness of state border control in the context of armed conflict. The study focuses on the need to understand the role of international cooperation and the introduction of technological innovations in border services. The article analyses how legislative initiatives and legal reforms have adapted to new security challenges. The study uses a comprehensive approach that covers legal, technological and organisational aspects of the administrative activities of the border guard service.

### 3 Material and Methods

The study's methodology involves a structural analysis of the administrative and jurisdictional activities of the State Border Guard Service of Ukraine during the full-scale war of 24 February 2022. The research sample includes the main functions and tasks of the SBGS that were carried out from 2022 to 2023, as these years were crucial due to active hostilities and the need to reform the border guard service. The selected period allows the author to analyse the changes that occurred in the administrative and jurisdictional activities of the Service during the escalation of hostilities. A comparative analysis is applied to study the

administrative and jurisdictional activities before and during the war.

Methods of analysing legal acts, systematising and summarising scientific sources have been introduced. The legal issues of strengthening the borders, regulating migration flows, combating smuggling and illegal crossing were studied. The primary method of proving the facts was the analysis of statistical information reflecting the results of the SBGSU activities for the selected period, including quantitative indicators of detention of offenders, seizure of illegal goods and implementation of administrative measures. The content analysis of the SBGS communications was done by studying the official reports of the service and its interaction with other state institutions and law enforcement agencies. This made it possible to assess the effectiveness of interaction between various institutions in the field of border security and the role of the SBGS in ensuring law and order under martial law.

A separate area of the study was to characterise international cooperation with the European Border Agency and the exchange of information with the border services of neighbouring countries. The public interaction of the SBGS with international partners, which includes joint measures to combat illegal migration, terrorism and smuggling, was studied.

At the final stage, the article describes the peculiarities of the administrative and jurisdictional activities of the SBGS by the legislative changes introduced in 2022-2024. Particular attention was paid to the resolutions and legislative acts regulating the activities of the SBGS during martial law, including changes to criminal liability and the introduction of new customs rules. The research was conducted using scientific publications from the Scopus and Web of Science databases, which allowed us to reveal in detail certain aspects of the SBGS administrative and jurisdictional activities and their role in the national security system of Ukraine.

### 4 Results

The State Border Guard Service of Ukraine has undergone a significant transformation during the war, as in addition to its traditional administrative and jurisdictional functions, it is actively involved in combat operations and defence of the state. The administrative and jurisdictional activities of the SBGS are aimed at protecting and controlling the state border, which has been significantly expanded under martial law to counter new threats and ensure national security. As of 2024, border protection includes preventing illegal crossing and deterring armed provocations by the enemy, significantly different from the functions before 2022. An essential part of the SBGS's work is to regulate border traffic through additional identification of persons and citizens liable for military service and control over the movement of humanitarian goods and military equipment. The Border Guard Service also eliminates sabotage groups, coordinates with other law enforcement agencies, and ensures critical infrastructure security at the borders.

Before the outbreak of war in 2022, the activities of the State Border Guard Service of Ukraine were regulated by a peacetime legal framework. Border crossings were controlled according to standard procedures that did not consider the specific challenges of wartime. The technical equipment at border crossing points was limited, and the use of innovative technologies was just beginning. The fight against smuggling was based on traditional methods of inspection and verification. International cooperation was focused on standard security agreements with neighbouring countries and international organisations, but global military challenges remained outside the primary strategy of the Border Guard Service. The peculiarities of the difference in jurisdictional activities are shown in Table 1.

Table 1. Differences in the administrative and jurisdictional activities of the SBGS before and after the full-scale war of 2022

Category	Before the war of 2022	After the war in 2022
Legislative regulation	Peaceful legislation with an emphasis on routine border crossing control procedures.	Legislation has been amended to consider wartime conditions and strengthen control.
Border crossing control	Standard control with minimal checks for people and vehicles.	Stricter controls, including restrictions on conscripts and humanitarian aid.
Fighting smuggling	Smuggling was controlled using traditional methods, mainly through vehicle inspections.	Anti-smuggling measures have been strengthened with the help of new technologies.
Technical support	Standard equipment, such as scanners and handheld detectors, without massive upgrades.	Introducing the latest technologies, such as drones and biometric systems.
International cooperation	Cooperation with neighbouring countries and international organisations to ensure security.	Expanding cooperation with the EU, NATO and other organisations to counter new threats.
Border infrastructure	The infrastructure was in satisfactory condition but needed modernisation to improve efficiency.	Large-scale infrastructure modernisation for faster response to challenges.

Source: compiled by the authors

With the loss of approximately 20% of Ukraine's territory due to the temporary occupation, the role of the SBGS has become even more critical. The Service is focused on protecting the state borders, intensifying defensive measures on Ukraine's western borders and countering threats on the borders with the temporarily occupied territories. Since men aged 18 to 60 are not allowed to travel abroad, illegal border crossing cases have become more frequent, requiring increased attention to identify violators and organisers of such schemes. Due to the hostilities in the East of the country, Western Ukraine has become a critical region for internal migration and business relocation. This created new challenges for the SBGS, which had to respond to the increase in the number of people and goods crossing the border. Administrative measures have, therefore, been stepped

up to ensure the security of critical logistical routes for military and humanitarian aid.

As part of this cooperation, the Ukrainian Border Guard Service has strengthened its coordination with the relevant European authorities to counter international threats and illegal migration. In addition to the new work areas, the SBGS continues to perform its traditional functions of passport control, regulation of international border traffic and countering smuggling. The war has forced the service to significantly expand its essential functions, including an active military component and coordination with army units for the country's defence. The main results of the work in 2023-2024 are shown in Table 2.

Table 2. Performance results of the state border guard service for 2023 and 4 months of 2024

Indicator	2023	2024*
Persons missed in the prescribed manner (million)	10,154	9,389
Vehicles passed (million)	2,565	2,335
Refused to cross the state border (persons)	22 230	23 917
Weapons seized (units)	195	115
Ammunition seized (pcs.)	21 901	2 309
Seized narcotic substances (kg)	36,1	33
Explosives seized (kg)	5,31	-
Seized psychotropic substances (kg)	0	18,79
Seized precursors (kg)	0,36	37,64
Seized goods (UAH million)	184,478	113,536
Reports on administrative offences were drawn up	6 784	10 701
Fines imposed for administrative offences	13,580	17,152
Total number of illegal migrants detained (persons)	2 055	1 577
Detained for illegal border crossing	91	43
Detained for violating the rules of stay in Ukraine	1 942	1 506
Detained for other offences	22	28
Foreigners-potential illegal migrants were denied entry	491	402

Source: compiled based on SBGS data

\*for four months of 2024

The analysis of the SBGS performance in 2023-2024 shows some changes in the performance indicators of the service. As of the beginning of 2024, the number of people allowed to cross the border per the established procedure has partially decreased from 10.154 million to 9.389 million. However, given only the beginning of the year, this figure may increase during winter. This results from increased control and the introduction of new border crossing rules. At the same time, the number of refusals to cross the border increased from 22,230 to 23,917, reflecting increased security requirements and a stricter approach to violators. The decline in seized weapons and ammunition in 2024 was due to decreased illegal shipments amid increased control measures.

However, the increase in seized psychotropic substances from 0 to 18.79 kg and precursors indicates an increase in smugglers' activity. At the same time, the SBGS has significantly intensified its work in administrative offences, as evidenced by the increase in the number of protocols drawn up from 6,784 to 10,701. Moreover, the procedural activity is reflected in the fines imposed, which increased from UAH 13,580 million to UAH 17,152 million in the first four months of 2024 alone. The active administrative and jurisdictional role of the SBGS is aimed at ensuring law and order and national security in times of war.

The effectiveness of the State Border Guard Service of Ukraine has been significantly improved through the use of the latest technology and technical modernisation. One of the key

elements of modernisation was the introduction of drones to monitor the border and detect violations. The use of uncrewed aerial vehicles based on new NATO models from 2022 has made it possible to increase the effectiveness of patrolling. Their use has been introduced in hard-to-reach border areas where the physical presence of border guards is limited. Drones provide a rapid response to potential threats. Introducing biometric control systems at key checkpoints has enhanced the SBGSU's ability to detect people with forged documents and prevent dangerous individuals from entering Ukraine. Modern video surveillance systems and analytical software for processing large amounts of data have created opportunities to improve the accuracy of decisions and prevent numerous offences.

Strengthening control over the circulation of goods has been and remains a priority for the State Border Guard Service in ensuring Ukraine's economic security during the war. In 2022-2024, changes to customs procedures were introduced to simplify the transport of humanitarian goods and military equipment. Before

the war, logistics operations were carried out in peacetime, which allowed the usual procedures to be followed with less emphasis on urgency. However, in 2020-2021, specific mechanisms were already in place to control the quality and legality of imported goods, especially military equipment and dual-use goods, although they were not as stringent as in wartime.

Changes in customs legislation during 2022-2023 provided temporary duty exemptions for certain critical goods, facilitating the increase in humanitarian aid and army supplies. The SBGS's role was to control border crossing points and ensure compliance with the new regulatory requirements. In order to effectively cooperate with the corporate sector and public figures, the Border Guard Service is open to providing information, as evidenced by the growing interest in official information. The relevant dynamics of the number of requests in 2023 are shown in Figure 1.

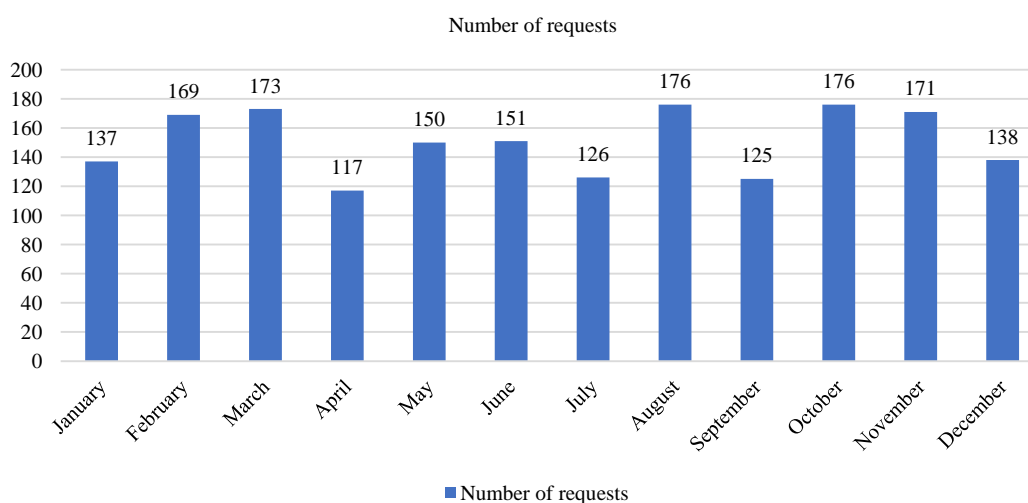


Figure 1. Number of requests for public information received by the administration of the State Border Guard Service in 2023  
Source: compiled based on SBGS data

The increase in SBGS requests in 2023 is directly related to intensifying international military cooperation with European countries and international military organisations. Before the war began, Ukraine was not a key provider of border-strengthening expertise to other countries; instead, it was actively engaged in international cooperation. The exchange of information on security threats took place within the framework of peace agreements and was not as crucial for other countries globally as it became after 2022.

An important aspect of cooperation is internal access to information for coordination between law enforcement agencies and external partners for strategic and tactical support. During 2023, the number of requests fluctuated between 117 and 176 per month, reaching 1808 requests, which underlines the growing international interest in cooperation with the SBGS.

The legal component of the State Border Guard Service of Ukraine's communication with the public and law enforcement agencies is a component of its administrative and jurisdictional activities. The main goal of communication is to strictly comply with the legislation governing the security of the state border and law and order in the country. The SBGS regularly interacts with the National Police, the Security Service of Ukraine and other agencies, exchanging information on border violations and armed threats. Before the war, an essential communication component was to ensure coordination in cases of detection of offences, which was regulated by the Law of Ukraine "On the State Border Guard Service". The SBGS actively interacted with the public through official channels, explaining the border crossing rules, but the innovations were less urgent than martial

law. An essential legal element is to ensure transparency and openness in matters relating to civil rights and procedures both by 2022 and during 2023-2024. The main features of the legal activities of the Border Guard Service are presented and described in Table 3.

The administrative and jurisdictional activities of the State Border Guard Service of Ukraine are the main link in ensuring law and order at the state border. Its legal activities include a wide range of tasks aimed at complying with the law and performing the functions of state security control. One of the main tasks is to ensure the legality of crossing the state border by checking documents, restricting the departure of specific categories of citizens and controlling humanitarian and dual-use goods. The legal component of the SBGS's administrative and jurisdictional activities is based on the relevant Ukrainian legislation regulating border crossing rules, liability for border violations and measures to combat illegal migration.

As of 2024, a significant number of administrative border control measures have been introduced, with stricter sanctions for violations of the crossing regime. Administrative and jurisdictional activities include checks of persons liable for military service crossing the border and control of cargo. The jurisdictional function helps to detect and counter illegal border-crossing schemes and ensure compliance with martial law. The SBGS is authorised to detain violators, draw up administrative reports, impose fines, and cooperate with other law enforcement agencies to refer cases of violations to the courts. This allows for comprehensive oversight of border-related offences and timely response to threats.

Table 3. Administrative and jurisdictional activities of the State Border Guard Service

Legal activities	Regulatory standards	Regulatory act
Strengthening control at the state border during the war	Introduction of additional checks, including biometric control for foreigners	Decree of the President of Ukraine No. 64/2022, 2022
Changes in administrative liability for border violations during martial law	Increase fines and criminal liability for illegal border crossing	Law of Ukraine No. 2461-IX "On martial law", 2022
Regulation of travel of persons liable for military service abroad	Prohibition of travel for men aged 18 to 60 without special permits	Resolution of the Cabinet of Ministers of Ukraine No. 57, 2022
Introduction of mobilisation measures at the border	Establish mobilisation points at crucial border crossings	Order of the State Border Guard Service of Ukraine No. 45/2022
Increase the powers of the State Border Guard Service	The State Border Guard Service of Ukraine has been granted additional powers to protect critical infrastructure	Resolution of the Cabinet of Ministers of Ukraine No. 1101, 2022
Imposing restrictions on border crossing for humanitarian goods	Regulation of border crossings with humanitarian goods, introduction of precise accounting	Resolution of the Cabinet of Ministers of Ukraine No. 1038, 2022
Administrative simplifications for volunteers and humanitarian missions	Introduction of a simplified border crossing procedure for volunteers and humanitarian organisations	Law of Ukraine No. 2051-IX, 2022
Strengthening security measures against smuggling and illegal border crossing	Joint activities with law enforcement agencies to detect and prevent smuggling	Resolution of the Cabinet of Ministers of Ukraine No. 828, 2022
Organisation of border control in the temporarily occupied territories	Control over the movement of people and goods in the de-occupied territories of Ukraine	CMU Resolution No. 812, 2023

Source: compiled by the authors

## 5 Discussion

The results obtained on the administrative and jurisdictional activities of the State Border Guard Service of Ukraine in 2022-2024 confirm the importance of reforming legal regulation and introducing the latest technologies to ensure national security. However, this topic is widely discussed by scholars globally, which creates exciting areas for further research.

Our findings align with Khalimon et al. (2023), who argues that increasing accountability for border crossing violations and introducing additional administrative measures are critical in an armed conflict. Similarly to Radchenya (2023), our study shows that international cooperation is critical to effective border control and countering irregular migration. Comparison with Torichnyi and Melnychuk (2023) shows that technological innovations significantly increase the efficiency of border services in critical conditions. Melnychuk's et al. (2023) findings on the role of legal reforms during wartime confirm our data on the need to adapt legislation to new challenges.

According to Osinskyi (2023), controlling the movement of goods is especially important, as the fight against smuggling is of strategic security importance for any country. The study correlates with Libanova & Pozniak (2023), who emphasises the importance of international assistance in terms of technical support from European partners. The findings also show the importance of coordination between the SBGS and other security agencies in Ukraine to respond quickly to security threats in complete agreement with Zabokrytskyi (2023). Our findings align with Sahan & Anishchenko (2023), who notes that introducing extensive data systems is crucial in modernising border control. Stepanova (2023) notes that cooperation between state authorities and international organisations is crucial for countering irregular migration.

Our study aligns with the findings of Muzychuk et al. (2023), who emphasises the importance of legal changes to adapt border policy to the new realities of war. Prospects for further research on the SBGS include analysing the effectiveness of its work in the context of war and adaptation to new security challenges. A comparative analysis of the indicators of illegal border crossing before and after the war will allow us to assess the effectiveness of enhanced control measures. It is also essential to explore the space for amending the legal acts governing the activities of the Border Guard Service, taking into account new challenges and wartime experience. Thus, the study results emphasise the need to constantly update the legal framework and introduce

technologies to ensure proper control at the borders of Ukraine and European countries.

## 6 Conclusion

Thus, the administrative and jurisdictional activities of the SBGS are a factor in ensuring national security and law and order during a full-scale war. The introduction of legal changes in 2022-2024, in particular Law of Ukraine No. 2461-IX, significantly increased liability for illegal border crossing and regulation of the departure of persons liable for military service. This allowed for more effective control of migration flows and reduced the risks of illegal activities. One of the critical reforms was introducing a rapid response to military challenges and the needs of the Ministry of Defence. The strategic importance of the SBGS is confirmed by the strengthening of international cooperation with EU border services, which aims to increase efficiency in the fight against smuggling and illegal migration. In 2023-2024, the SBGS actively implemented technological innovations, significantly improving offenders' detection.

The study showed that technological innovations helped reduce the response time to border incidents, which is critical during active hostilities. The introduction of innovative technologies and the reform of the legal framework significantly increased the SBGS's efficiency. The main motive was to improve the procedural activities after the prompt service of the process. However, the growth of challenges is proportional to the development of the war, so the need to regulate the regulatory and legal components remains relevant by martial law. This calls for further modernisation of border control and strengthening of international coordination. In the coming years, special attention should be paid to integrating unified registers and expanding cooperation with international organisations. Adapting to the new conditions of war in Ukraine and introducing modern technologies will be crucial for ensuring Ukraine's national security in the coming decades.

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#### Primary Paper Section: A

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