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Features of the actors ensuring national security of Ukraine

Ознаки суб'єктів забезпечення національної безпеки України

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Abstract

The article aims to elucidate the key features of the actors ensuring the national security of Ukraine. Methodology. The methodological basis for the research is a set of modern general and specific methods and techniques of scientific knowledge, such as logical and semantic, dogmatic, analytical, documentary analysis, classification and systematization, modeling and forecasting methods. Research results. It was stated that these actors possess a specific set of minimal characteristics, which qualifies them as integral components within the structure of entities responsible for ensuring national security. In their activities, they pursue specific goals, thus implementing the function of ensuring national security. Thus, the corresponding circle of actors perform actions that are characterized by a special content, which is based on the rules of current legislation. Practical implementation. A notable feature of the entities under consideration is the performance of an important public meta function – the function of ensuring national security. This function is realized through the

Анотація

Стаття присвячена з'ясуванню ключових ознак суб'єктів забезпечення національної безпеки України. Методологія. Методологічною основою дослідження є сукупність сучасних загальних і спеціальних методів і прийомів наукового пізнання, таких як логіко-семантичний, догматичний, аналітичний, документальний аналіз, методи класифікації та систематизації, моделювання та прогнозування. Результати дослідження. Встановлено, що для суб'єктів забезпечення національної безпеки характерним є набір певних мінімальних ознак, наявність яких дозволяють таким суб'єктам відноситись до структури суб'єктів забезпечення національної безпеки. У своїй діяльності такі суб'єкти переслідують конкретну мету, реалізуючи таким чином функцію забезпечення національної безпеки. Таким чином, відповідне коло суб'єктів здійснюють діяльність, яка характеризується особливим змістом, а також ґрунтується на нормах чинного законодавства. Практичне значення. Особливою рисою суб'єктів забезпечення національної безпеки

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implementation of a set of target functions aimed at ensuring the conditions of national security. These target functions include law-making, protective, security, defense, control, coordination, ideological, and educational functions. It is also important to keep in mind that the studied actors are engaged in activities consistent with the principles of ensuring national security and comply with the requirements of current legislation. Value/originality. It is concluded that under current national security doctrine of Ukraine the actors ensuring it appear as subjects of administrative law, which are characterized by certain key features.

Keywords: national security, professional public service, actors of administrative law, subjects of national security, ensuring national security.

Introduction

National security is a state of the functioning of the State, the existence of the individual and society under conditions of acceptable risks. It is achieved through specific security activities of different types of national security actors, aimed at preventing national security risks, safeguarding and protecting national security, as well as restoring the appropriate national security state. Ensuring the national security of Ukraine is traditionally understood as an important task, the implementation of which allows the state to be truly independent, democratic, legal and social.

Thus, national security is a complex of conditions of the actors' existence in objective reality, which: firstly, allow them to fully exist, develop, accumulate their socio-economic and other kind of potential; secondly, exist only when they are supplied by appropriate actors.

Ensuring national security of Ukraine is traditionally understood as an important task, the implementation of which allows the State to be truly independent, as well as democratic, legal and social, moving in its development in the direction of European and Euro-Atlantic integration. In particular, E.V. Kobko (2023, p. 100) correctly points out that "ensuring national security is one of the key problems that must be solved by the national legislator on the way to the formation of Ukraine as an

слід вважати те, що вони виконують важливу публічну метафункцію – функцію забезпечення національної безпеки, яка об'єктивується за рахунок реалізації комплексу цільових функцій забезпечення стану національної безпеки (зокрема, правотворчої, захисної, охоронної, оборонної, контрольної, координаційної, ідейно-просвітницької). Також важливо мати на увазі, що суб'єкти забезпечення національної безпеки виконують діяльність, узгоджену із принципами забезпечення національної безпеки та такою, що відповідає вимогам чинного законодавства (є підзаконною). Цінність/оригінальність. Зроблено висновок, що згідно чинної доктрини національної безпеки України суб'єкти її забезпечення виступають в якості суб'єктів адміністративного права, які характеризуються певними ключовими ознаками.

Ключові слова: національна безпека, професійна публічна служба, суб'єкти адміністративного права, суб'єкти забезпечення національної безпеки, забезпечення національної безпеки.

independent, democratic, economically and politically independent European country that will be reckoned with by the world community".

However, in the current context of crisis in Ukraine, which negatively affects the state of national security, the need arises to form real scientific thinking about the entities that provide national security, and mainly, their key characteristics. This article aims to identify the key characteristics of the actors ensuring the national security of Ukraine. The first section presents a review of the literature on national security and the entities that guarantee it. The second section describes the methodology used in the study. The third section presents the main findings of the study. In the fourth section, the results of the study are discussed and the conclusions are presented. We hope that this article contributes to the understanding of entities ensuring the national security of Ukraine and to the formulation of public policies to strengthen the country's national security.

Literature review

Security and national security are topics of great interest to scientists and lawyers, both in Ukraine and abroad. The literature review in this article presents a selection of relevant research on these topics, including studies on the definition of

security (Abedi, Zeleznikow & Brien, 2019; Baldwin, 2018; Hoijtink, Mühlenhoff & Welfens, 2023) and national security (Cohen & Romm, 1993; Cizre, 2003; Hellman, 2019).

In addition to defining security and national security, several authors have also addressed the question of how to ensure national security. Lemak (2016), Lipkan (2003), Reznikova (2015) and Shevchenko (2014) have highlighted the importance of security actions to achieve this goal. Kobko (2023) criticizes the current state of national security research, arguing that most studies are outdated, ignore practical reality, or focus on specific aspects of national security.

An additional problem is the fragmentation of scientific opinion on national security actors. Although some authors have begun to explore the characteristics of these actors (Kobko, 2022; Mykhailova, 2017; Nesterenko, 2020; Shteba, 2019), much remains to be investigated. This is because these works are, firstly, morally outdated and do not meet the current challenges; secondly, they ignore practical reality, focusing mainly on theoretical issues of this activity; thirdly, reveal individual components of national security (informational, financial, economic ones, etc.).

Thus, literature review has indicated that there is a need for more in-depth research on the characteristics of national security actors. The present study aims to clarify the main features of the latter. Achieving this goal requires solving the following tasks: 1) to justify the existence of a list of basic features of entities ensuring the national security of Ukraine; 2) to outline key features of the actors of ensuring the national security of Ukraine, as well as to analyze their content; 3) to summarize the research results.

Methodology

The methodological basis for the research is a set of modern general and specific methods and techniques of scientific knowledge, which were chosen according to the posed research question, its main idea, hypothesis. First of all, it was determined:

whether the selected methods provided an opportunity to clarify the essence of the problem; conditions for their application in practice; which of the methods allowed obtaining the most reliable results.

Thus, with the help of the logical and semantic method, the concepts of security and national security of the state as an object of

administrative-legal protection were defined, their meaning was revealed; the categories “administrative and legal regime in the sphere of ensuring national security” and “principles of ensuring national security” were clarified.

Dogmatic method provided an opportunity to estimate the state of research of the problems under consideration by examining the works by domestic and foreign scientists on this issue.

The application of analytical method made it possible to establish the purpose of the activity of the entities in the field of ensuring national security, to provide a description of the public meta function implemented by the actors ensuring national security of the state, to characterize legal principles of ensuring national security and identify the place of administrative and legal regulation in this process.

The method of documentary analysis helped to examine legal instruments governing the activities of the circle of entities ensuring national security (e.g. Law of Ukraine No. 2469-VIII “On the National Security of Ukraine” (2018); Law of Ukraine No. 964-IV “On the Fundamentals of National Security of Ukraine” (2003), etc.).

The methods of classification and systematization were used to systematize the actors ensuring national security, to present their system, to structure the legal framework for the activities of these subjects of ensuring the national security of Ukraine.

Modeling and forecasting methods were applied to establish the features of the actors ensuring national security, to outline promising directions for further research into the administrative and legal status of these entities.

Results and discussion

The view that a certain list of basic features is characteristic of the actors of national security of Ukraine is based on the position that they belong to the structure of the system of national security actors (subsystem of the national security system), they have a general administrative and legal status of the relevant type of entities. At the same time, it should be remembered that the Law of Ukraine “On the National Security of Ukraine” (Law No. 2469-VIII, 2018) does not indicate the existence of a system of national security actors but refers to the security and defense sector. However, the corresponding approach of the legislator is not based on the denial of the

existence of the system of national security actors, and this system itself (until it is translated into legislation) is a purely theoretical construction, which has important practical significance in the matter of ensuring the state of national security, and the objective existence of which will be further revealed.

Thus, considering the views of scientists on the essence of national security and its provision, as well as the legal status of the actors of ensuring national security of Ukraine, we conclude that these subjects are characterized by the following key features:

1. Actors of ensuring national security are part of the security management system. Ensuring national security is a complete system, the basis of which "consists of bodies, forces and means of ensuring national security" (Lipkan 2003, p. 58). The above is quite natural, because, as correctly Yu.O. Mykhailova (2017, p. 152) pointed out "national security requires a system of its provision", and at the same time, the key element of this system must be considered "relevant actors whose activity lies in the implementation of a number of legal, organizational, personnel, material and technical, socio-economic and other measures aimed at on timely prevention, detection and overcoming of real and potential internal and external threats, ensuring the appropriate level of protection of the vital interests of the person and favorable conditions for the development of the country as a whole".

Thus, the actors of ensuring national security are the basis of the relevant system, taking into account the fact that "the national security of the state cannot be considered as some isolated phenomenon, separated from public life" (Ponomaryov, 2018, p. 1), as well as a phenomenon that exists by itself, without the activities of administrative law actors agreed upon for a specific purpose and objectives, resulting in the formation of conditions for the functioning of the State, the existence of society and individual, characterized by an appropriate security measure. That is, national security of Ukraine cannot exist only in view of the operation of strategies for ensuring national security, effective legislation, namely without subjective element of such system, which is created and operate in accordance with the legislation and shall be provided with adequate numbers and quality of professional staff.

2. Actors of ensuring national security are a subjective element of the system of ensuring national security, the structure of which is derived from doctrinal concepts and legal norms. To ensure legal certainty (a constituent element of the rule of law), the legislator defines a list of entities that, by virtue of their legal status, are considered actors ensuring national security. Thus, Art. 4 of the currently invalid Law of Ukraine No. 964-IV (2003), the legislator considers the relevant subjects to be: the Head of State; Parliament; Government; National Security and Defense Council of Ukraine; ministries and other central bodies of executive power; National Bank of Ukraine; courts of general jurisdiction, as well as the Prosecutor's Office of Ukraine; National Anti-Corruption Bureau of Ukraine; local state administrations and local self-government; The Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine and other military formations formed in accordance with the laws of Ukraine; bodies and units of civil protection; citizens of Ukraine, as well as associations of citizens. The new legislation on national legislation takes a somewhat similar approach. Thus, the Law No. 2469-VIII (2018) reveals the list of entities ensuring national security through the category of security and defense sector of Ukraine. Having critically analyzed this rule of the current legislation, we concluded that the actors of ensuring national security of Ukraine are divided into two groups:

- 1) the security and defense sector, which includes: the Ministry of Defense of Ukraine, the Armed Forces of Ukraine, the State Special Transport Service, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine, the National Police of Ukraine, the State Border Service of Ukraine, the State Migration Service of Ukraine, the State Emergency Service of Ukraine, the Security Service of Ukraine, Anti-Terrorist Center under the Security Service of Ukraine, Judicial Protection Service, State Protection Department of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, the Apparatus of the National Security and Defense Council of Ukraine, intelligence agencies of Ukraine, central executive body, ensuring formation and implementation of the State military and industrial policy;

- 2) entities (other State agencies and local self-government) ensuring national security in cooperation with public service bodies assigned to the security and defense sector.

As one can see, the lists of national security actors outlined by the legislator in Law No. 964-IV (2003) and in the Law of Ukraine No. 2469-VIII (2018), do not match. To date, Part 2, Art. 12 of the latter normative act does not indicate that the composition of the security and defense sector also includes citizens and public organizations, which does not correspond to the level of democratization of the administrative and legal regime for ensuring national security. At the same time, Part 1, Art. 12 of the said Law enshrines those one of the four interrelated components of the security and defense sector of Ukraine is "citizens and public associations that voluntarily participate in ensuring national security." Thus, we can talk about the existence of the third group of actors – civil society actors (individual and collective), ensuring national security in cooperation with the relevant public service bodies (from the security and defense sector), or without such cooperation, carrying out enforcement actions in the direction of ensuring national security of the State.

Additionally, we can notice that Art. 12 of the Law No. 2469-VIII (2018) does not indicate the President of Ukraine among the actors ensuring national security, even though he is the Head of State, and most importantly in this matter – the Supreme Commander-in-Chief of the Army. Along with that, he specified legislative act, namely Art. 13, indicates that the President of Ukraine exercises leadership in the spheres of national security and defense of Ukraine. That is, in the context of the study of the structure of national security entities, the fourth type of entities – the Head of State – should also be considered. O.V. Nesterenko (2020, pp. 37-38) also draws attention to this fact; he concluded that the system of actors ensuring national security and defense of Ukraine consists of: firstly, the governing sub-system (the President of Ukraine); secondly, the managed sub-system, which includes: security forces; defense forces; defense industrial complex; citizens and public associations; thirdly, auxiliaries (which include the judiciary, the Government, the Parliament, as well as international institutions, etc.).

In general, agreeing with the view by the abovementioned author, we note that citizens and civil society actors are not well suited to be classified as "subsystem" managed by the President of Ukraine, taking into account the

very meaning of the concept of "management". Besides, mixing international institutions and actors of national law within the one group – "subsystem" – is somewhat controversial. Thus, taking into account the proposal by the author, the rules of the current legislation, as well as the outlined reservations regarding the understanding of its content in terms of defining the considered circle of actors, we will make the following conclusions:

firstly, Art. 12 of the Law of Ukraine "On the National Security of Ukraine" does not identify the list of subjects of national security, but only the security and defense sector, which is an important element of this system of actors.

Secondly, the subjects of ensuring national security actually constitute a complex system that: a) covers two levels – international and national ones; b) at the national level, it encompasses: the administering entity (Head of State); managed subsystem – subjects that are part of the security and defense sector in accordance with Part 2, Art. 12 of the abovementioned Law; auxiliary sub-system; civil society actors (individual and collective).

To ensure legal certainty, the relevant system of national security actors should also be reflected also at the legislative level.

3. National security actors are included by the legal and administrative regime of ensuring national security. Under the concept of administrative and legal regime in the sphere of ensuring national security V.M. Levkivska (2022, p. 87) understands normatively established and organizationally ensured procedure for regulating the behavior of citizens and the activities of State and non-state organizations, their officials, aimed at clear regulation of social relations in the area of ensuring national security, prevention of wrongful activities, which may prejudice national security, as well as provides for the possibility of applying special regime measures, other special forms and methods of authorized bodies activities, the nature of which is due to the need to adequately counter actual and potential threats to national security.

Analyzing the definition of the specified administrative and legal regime proposed by the administrative lawyer, it becomes quite clear that the actors of ensuring national security are an integral element of the specified regime, being

the subjects (all of them) not only complying with its requirements, but also those shaping it, providing it in a legal and regulatory manner (those with law-making powers or involved in the process of national security legal regulation) or in other ways.

4. The actors of ensuring national security pursue a specific goal in their activities, thereby realizing the function of its ensuring. This work is an extremely complex administrative and legal activity both in the context of the forms of expression and its structure (conceptual and factual organizational, practical procedural content). In this regard, E.V. Kobko (2023, p. 69) correctly notes that this process is as a complex activity with its own goal, which achievement requires solving a number of important tasks. At the same time, it should be emphasized that the goal and task of ensuring national security and the aim and mission of the actors are identical (in general; if the types of actors are defined, the objectives and tasks can be specified).

According to V.M. Pozdniakov and Yu.S. Chabanenko (2020, p. 22) "the purpose of the activity of all institutions in the field of ensuring national security is to protect the interests of the individual, society and the State from internal and external threats". At the same time, it is not possible to fully agree with the above, because these activities are not only focused on "protection of interests" and not only appear to be the antithesis of various threats to these interests.

We consider the approach to understanding the goal of ensuring the national security of Ukraine by E.V. Kobko (2022, p. 190) to be more correct; he believes that it is expressed in the direction of protecting and defending: firstly, human and citizen's rights, freedoms and interests; secondly, State sovereignty, territorial integrity, as well as the country's interests in the international arena. At the same time, it should be noted that the activities of the national security actors are generally connected with the creation, protection and defense of conditions of a safe life of man, society and the State. In fact, the same opinion is held by M.P. Savchuk (2010, p. 132), indicating that the main goal of ensuring national security should be considered establishing balanced State policy and effective implementation of a set of coordinated measures to protect national interests in the political, economic, social, military, environmental, scientific and technological, informational and other spheres. This approach

to understanding the goal of ensuring national security can be considered sufficiently balanced, because it stems from the following important circumstances:

firstly, proper state of national security is achieved within decision-making and implementing a set of actions based on legal rules and justified at the strategic level by the State policy in the national security area; secondly, practical significance of an effective national security policy formation is reduced if it is not accompanied by the functioning of the administrative and legal mechanism for the implementation of this policy, which is achieved in the context of the activities of national security entities.

At the same time, it should also be recognized that the presented approach is debatable, because: firstly, it does not take into account the fact that national security is not identical to national security, and therefore is based on a democratic balance of national and human interests (through the prism of humanocentrism, as well as from the «balance» of the interests of an individual, society and the State, which will serve the integrity of this system (Lipkan 2003, p. 58)); secondly, it is unnecessarily broad, yet without any indication of how exactly the formation of a «balanced State policy» as well as «effective implementation of a set of agreed measures» to ensure the national security should be done (that is, whether such actions are concentrated only to protect public interests, or to prevent, protect, restore, ensure the sustainable development of society as well, etc.).

We consider these remarks to be important since ensuring national security in the context of the development of Ukraine as a legal, democratic and social state with European integration aspirations requires a change in the methodology of national security policy. Regarding the updated methodology, Iskiv (2023, p. 204) notes that it should consistently move away from the security imperative, built on the principle of protection of the individual, society and the State from external and internal threats to policies to ensure their security through sustainable socio-economic development, connected with a pragmatic strategy for preventing hazards and threats".

Therefore, comprehensively approaching the issue under consideration, we note that the activity of ensuring national security: firstly, permits the continuation of threats to the interests of the individual, society and the State if they are

permissible, controlled or cannot be eliminated; secondly, it provides not only protection and restoration of conditions for the safe existence of a person, society and the state, but also creates conditions for this being to be constantly improved, there was predictability of the future, as well as a gradual increase in their resource capacity and in the capacity to address specific threats to national security (primarily, by ensuring sustainable development of society); thirdly, it forms the conditions for preventing and strengthening threats to national security, etc. In this regard, the optimal approach to determining the goal of ensuring national security can be considered the one proposed by O.V. Nesterenko (2018, p. 208), associating this aim with creating all necessary conditions for achieving (or restoring) and maintaining a state of protection of the State sovereignty, territorial integrity, democratic constitutional system, the right to freedom of an individual and a citizen, and other national interests of Ukraine from real and potential threats, eliminating or minimizing their destructive impact on the spheres of military, foreign policy, economic, information, environmental security, cyber security of Ukraine, etc.

At the same time, the most comprehensive purpose of the activities of national security actors (in accordance with the modern methodology of ensuring national security of Ukraine) is set out in the analytical report of the National Institute of Strategic Studies «Conceptual framework for the development of the national security system of Ukraine» (Reznikova, 2015). In this report, the specified goal is associated with "the organization of the threat and risk management process, under which state and non-state institutions and individuals guarantee the preservation and strengthening of national values, protection and progressive development of national interests through timely detection, prevention, localization, neutralization, overcoming internal and external threats, as well as ensuring efficient functioning of the national security system itself and its components.

5. National security entities carry out activities characterized by specific content (directly or indirectly related to the establishment, protection and defense of the national security), and based on the rules of the current legislation. With regard to the content of the activities of national security actors, it is identical to the content of ensuring this type of security, and therefore, it is the basis for the development and legal

consolidation of the system of state agencies and public organizations, whose operation is aimed at implementing the tasks of ensuring national security; determining the competence of state bodies and public organizations in the security area; establishing the procedure and conditions for the application of relevant countermeasures against identified threats, as well as the settlement of other problems related to ensuring national security (Shteba, 2019, p. 418).

At the same time, I.M. Bazarko (2019, p. 119) believes that the main content of ensuring national security lies in maintaining legal and institutional mechanisms, as well as the resource capabilities of the State and society at a level that corresponds to the national interests of Ukraine. In turn, administrative lawyer Yu.O. Mykhailova (2017, p. 153) claims that in terms of its content, the activity of ensuring national security is limited to creating and maintaining the readiness of forces and means of ensuring national security, developing doctrines, concepts, strategies and programs in the field of national security, planning and implementing specific measures to counter and neutralize threats the national interests of Ukraine, forming legal framework for the effective functioning of the national security system, improving its organizational structure, performing planned and operational activities to ensure national security, etc.

Having analyzed various approaches to understanding the content of national security activities, we can conclude that it is most fully outlined by the abovementioned author, because she listed a number of tasks for its ensuring, which actually determine the content of such work. Thus, in our opinion, the content of the activities of the national security actors as a whole corresponds to the content of its tasks. At the same time, the content of the activity of specific subjects' operation corresponds to at least one or several tasks of ensuring national security.

Consequently, through the prism of the requirements of the Main Law of Ukraine, these tasks should be reflected in legislation (at the same time, national security tasks performed by citizens civil society actors on a voluntary basis may stem from moral standards, sense of patriotism, etc.).

To date, scientists have already paid attention to outlining the list of key tasks of ensuring the

national security of Ukraine, although in some cases the views of individual scholars in this regard reflect a long-term trend of considering these objectives exclusively from the standpoint of involving the force component and mainly in the context of countering external threats (Iskiv, 2023, p. 204).

6. National security actors perform an important public meta function – ensuring national security, which is objectified through the implementation of a set of target functions. Ukrainian scientist V.M. Levkivska (2022, p. 87) notes in this regard that administrative and legal provision of national security is aimed at implementing one of the most important functions of the modern state – the function of ensuring national security. According to O.V. Lemak (2016, p. 67), the function of the state to ensure national security is inseparable from the main directions of state activity and lies in ensuring security of the relevant national interests (values) in the military, environmental, economic, political, informational spheres or objects of protection in territorial, ecological, economic, political and informational areas, provided that there are negative tendencies to create potential or real threats to national interests.

This should be accepted with the reservation that the function of ensuring national security appears as a special public meta function that should be implemented by all subjects of law, guided (in addition to patriotic beliefs) by aspiration to self-preservation, based on the fundamental prospective (perspective) legal responsibility, as well as national solidarity. That is why it is advisable to interpret this function as a special public meta function. Meanwhile, the above should not be interpreted as an argument for diluting State responsibility for ensuring national security – it is the State that owns the resources, by implementing which the state of national security can be comprehensively formed and protected.

By implementing the indicated public meta function, the actors of ensuring national security perform the target functions of its implementation, which are consistent with the directions of ensuring national security. Taking into account the views of scientists regarding the content and structure of these functions (Shevchenko, 2014), we come to the conclusion that their implementation is typical for the national security actors: law-making, protective,

guarding, defense, control, coordination, ideological and educational (propaganda).

7. National security actors carry out the activities that are consistent with the principles of ensuring national security and meet the requirements of current legislation (are subordinate to the law). As is known, the system of ensuring national security of Ukraine is created and developed in accordance with the Constitution of Ukraine and other legal instruments regulating public relations in the sphere of national security (Lipkan, 2003, p. 58), and therefore is a subordinate activity. This means that the relevant circle of administrative law actors should be constrained in the implementation of their functions by the regulatory and legal support of their activities. Thus, considering the regulatory framework for national security actors, we can currently talk about such groups of normative legal acts at the national level (except, clearly, the codified laws of Ukraine on criminal responsibility, on administrative responsibility, and other codes containing norms, the implementation of which provides for ensuring national security of Ukraine):

- firstly, the rules of the Constitution of Ukraine;
- secondly, the rules of legislative acts determining:
 - 1) principles of ensuring national security and special legal regimes of ensuring national security;
 - 2) administrative and legal status of the national security actors, as well as the forms, methods and means of its implementation;
 - 3) regimes directly or indirectly related to ensuring national security of Ukraine;
- thirdly, by-laws specifying the provisions of legislative acts on ensuring national security, contributing to their effective implementation. Such acts should include the results of the rule-making activities of various types of entities ensuring national security of Ukraine, in particular decrees of the President of Ukraine, Decisions of the National Security and Defense Council of Ukraine, resolutions and orders of the Cabinet of Ministers of Ukraine, orders of the Ministry of Defense of Ukraine, orders of the Security Council of Ukraine, resolutions of the Central Election Commission, etc.

Besides the fact that the national security actors are subject to the influence of the administrative and legal regime of national security to the extent that their activities should be subordinate to the law, it should also be emphasized that this regime, as an important element of the legal order, also requires that these entities act in conformity with the law (did not undermine law and order, contribute to the rule of law). This fact helps to ensure that the whole mechanism of activities of these actors is a harmonious element of law and order. This means that creation and operation of the relevant entities circle should be based on the requirements of the principles of ensuring the national security of Ukraine.

For example, O.O. Vovok (2013, p. 14) believes that, in a narrow sense, the principles of ensuring national security are fundamental and most weighty ideas characterized by universality and imperativeness, aimed at the fulfillment of national goals and socio-political tasks. In turn, E.V. Kobko (2023, p. 321) states that the principles of ensuring the national security of Ukraine are original points, starting ideas, which create the basis for the legal regulation of the relevant activity. The specified principles form not just the ideological basis of this provision, but vectors of the state policy development in the corresponding direction.

Based on this, we note that a set of principles to ensure the national security of Ukraine are:

firstly, general legal principles, namely the principle of the rule of law, the principle of legality, the principle of anthropocentrism, the principle of equality, the principle of justice; secondly, the sectoral principles of administrative law applied to public servants (to a certain extent to those national security actors who do not have the status of civil servants), in particular, the principle of patriotism, the principle of integrity, the principle of efficiency, the principle of equal access to professional public service, the principle of political impartiality, the principle of transparency, the principle of stability; thirdly, specific principles of the administrative and legal regime of ensuring national security, first of all, the principle of competence separation, the principle of timeliness and promptness (anticipation of threats to national security), the principle of political responsibility of the national security actors, the principle of using the mechanisms of international collective security.

Conclusions

To date, the national security actors in the context of the current development of the national security doctrine of Ukraine appear as subjects of administrative law, which are characterized by certain key features. Firstly, the indicated circle of entities constitutes a subjective subsystem (subjective element) of the system of ensuring national security, being, in this context, a relatively autonomous network consisting of actors, for which general administrative and legal status of the security provider is inherent. Secondly, the structure of this scheme, as a (so far) theoretical administrative and legal construction of real practical importance, follows from the norms of the current legislation. Thirdly, national security actors are covered by the administrative and legal regime in force in Ukraine. Fourthly, the circle of entities, characterized by the presence of a common (general) administrative and legal status of national security actors, pursue specific objectives, thus fulfilling national security function. Fifthly, national security subjects perform activities with specific content (directly or indirectly refers to the establishment, protection and defense of the state of national security), and therefore (based on the requirements of Article 19 of the Basic Law of Ukraine) should be based on the rules of the current legislation. Sixthly, these actors perform an important public meta function – the function of ensuring national security, which is actually manifested through the implementation of a set of target functions. Seventhly, these entities perform activities that are sub-legal and harmonized with general legal, sectoral (administrative) and specialized (basic ideas of the administrative and legal regime of ensuring national security) principles.

Consequently, it was found that, firstly, national security actors are part of the security management system, and that their existence is fundamental to guarantee the security of the State. The importance of having a well-defined and articulated system of actors, with an adequate legal framework that regulates its operation, is highlighted.

Secondly, four types of national security actors were identified:

The Head of State – the President of Ukraine, who exercises leadership in the spheres of national security and defense.

The security and defense sector: the security and defense forces, the defense industrial complex,

and citizens and public associations that voluntarily participate in national security.

The auxiliary subsystem: the judiciary, the Government, Parliament, and international institutions.

Therefore, national security actors are a complex issue that requires further, in-depth and comprehensive research. Thus, promising in this sense arise the following issues requiring detailed scientific research: the concept and content of the administrative and legal status of subjects of national security; prospects for the systematization of national security entities; legal and organizational principles of activities of national security entities; directions, tasks and functions of their activities; regulatory and legal support for their, etc.

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