

DOI: <https://doi.org/10.34069/AI/2022.60.12.5>

How to Cite:

Nakonechna, I., Blahodarnyi, A., Servatiuk, L., Makarchuk, V., & Kobko, V. (2022). Framework of national security actors of Ukraine in the context of European integration. *Amazonia Investiga*, 11(60), 47-52. <https://doi.org/10.34069/AI/2022.60.12.5>

## Framework of national security actors of Ukraine in the context of European integration

### Система суб'єктів забезпечення національної безпеки України в умовах євроінтеграції

Received: December 3, 2022

Accepted: December 30, 2022

Written by:

**Nakonechna Iryna**<sup>20</sup><https://orcid.org/0000-0001-9405-4621>**Blahodarnyi Andrii**<sup>21</sup><https://orcid.org/0000-0001-5326-3646>**Servatiuk Liudmyla**<sup>22</sup><https://orcid.org/0000-0003-2302-4729>**Makarchuk Vitalii**<sup>23</sup><https://orcid.org/0000-0002-9099-8921>**Kobko Vasyli**<sup>24</sup><https://orcid.org/0000-0002-3586-8219>

#### Abstract

The aim of the article is to identify the system of actors for ensuring Ukraine's national security in the context of European integration. The subject matter is entities providing national security. Methodology. The methodological base for the Article is the combination of tools and approaches of scientific knowledge, in particular: dialectical, examination, systematic, systemic, structured and operational, historic law, relative, comprehensive. Research results. It is determined that "system" is a certain aggregate, which consists of a certain multitude of elements between which a relationship exists to achieve the objectives. Practical meaning. It is established that the framework of actors implementing national security of Ukraine in the context of European integration is a complex symbiotic and interdependent legal entity, an element of the system of its provision and a component of the corresponding administrative and legal scheme, which is objectified by the totality of state authorities and individual non-state subjects, which implement measures

#### Анотація

Метою статті є визначення системи суб'єктів забезпечення національної безпеки України в умовах євроінтеграції. Предметом дослідження є суб'єкти забезпечення національної безпеки. Методологія. Методологічною основою статті є система засобів і підходів до наукового пізнання, зокрема: діалектичного, аналізу, синтезу, системного, структурно-функціонального, історико-правового, порівняльно-правового, комплексного. Результати дослідження. Визначено, що «система» – це певна сукупність; якась утворення з визначеної множини елементів, між якими існують відносини для досягнення поставленої мети. Практичне значення. Сформовано, що система суб'єктів забезпечення національної безпеки України в умовах євроінтеграції – це складне симбіотично-взаємозалежне правове утворення, елемент системи її забезпечення та складова відповідного адміністративно-правового механізму, що об'єктивується сукупністю органів державної влади та

<sup>20</sup> Candidate of Legal Sciences, Associate Professor, Professor of the Department of General Law Disciplines of the National Academy of Security Service of Ukraine.

<sup>21</sup> Doctor of Legal Sciences, Senior Researcher, Professor of the Department of General Law Disciplines of the National Academy of Security Service of Ukraine.

<sup>22</sup> Candidate of Legal Sciences, Associate Professor, Associate Professor of the Department of General Legal Disciplines of the National Academy of the Security Service of Ukraine.

<sup>23</sup> Candidate of Legal Sciences, Doctoral Student of the Scientific Institute of Public Law, Ukraine.

<sup>24</sup> PhD in Law, Associate Professor, Professor of Fire Prevention and Safety of Population Department of the Institute of Public Administration and Research in Civil Protection of the State Emergency Service of Ukraine.

provided for by legislation to create in Ukraine. Value/originality. It is proven that ensuring national security with regard to the European integration in the institutional aspect has two dimensions: on the one hand management and implementation, and on the other – promotion.

**Keywords:** actors, European integration, national security, protection, security, system.

## Introduction

The issues of sustainable development have always attracted the attention of scientists from various spheres of social life. But they became most relevant at the end of the 19<sup>th</sup> century, when they began to be actively discussed at various international platforms, including within the UN. In September 2015, the UN General Assembly held the Summit on Sustainable Development, which resulted in a document entitled “Transforming our world: an agenda in the field of sustainable development until 2030”, in which 17 Sustainable Development Goals were approved and 169 tasks for their achievement were defined. Ukraine, like other countries of the European Union, joined the global process of ensuring sustainable development in 2015 (United Nations Ukraine, 2022), and in January of the same year adopted the “Sustainable Development Strategy “Ukraine 2020” (Order of the President of Ukraine No. 5/2015, 2015), in which, along with other defined vectors of Ukraine’s sustainability, security issues were indicated as the first priorities of the steady development. After all, the European integration process that Ukraine has initiated, requires ensuring the security of the state, business and citizens, as well as investments and private property safety. In addition to the above, it should become a State capable of protecting its borders and ensuring peace not only on its territory, but also in the European region (Bekh & Tulenkov, 2015, p. 10).

In order to achieve the specified ambitious goals for sustainable development in the area of national security, it is necessary to ensure the functioning of the institutional component, i.e. to create a stable system of national security actors, especially during the active stage of the European integration process. Thus, the purpose of the article is to determine the system of actors for ensuring Ukraine’s national security in this context.

окремих недержавних суб’єктів, які реалізують передбачені законодавством заходи. Цінність/оригінальність. Доведено, що забезпечення національної безпеки в умовах євроінтеграції в інституційному аспекті має дві площини: з одного боку управління та реалізація, а з іншого – сприяння.

**Ключові слова:** суб’єкти, безпека, євроінтеграція, забезпечення безпеки, захист, національна безпека, система.

## Methodology

The methodological base for the Article is the combination of tools and approaches, the choice of which was determined by the specificity of the theme and objectives, taking into account its object and subject.

In particular, dialectical method made it possible to conduct a comprehensive analysis of the framework of national security actors as an objectively existing phenomenon and to identify its specificities and features with regard to the European integration.

The application of examination and systematic approaches helped to investigate the main elements of the framework of entities in the studied area, their relations and to carry out an analysis of the category of scheme as a whole, to formulate the concept “system of national security of Ukraine actors in the context of European integration”, and to examine its character.

The use of structured and operational method assisted in the investigation of the powers of authorized actors in the implementation of national security of Ukraine.

Historic law method was exploited in the analysis of the historical development of the term “system”, as it first appeared in ancient Greece 2500 – 2400 years ago and since then has been constantly improved.

Relative approach was applied in the investigation of theoretical justification of the issue under consideration by a number of scholars.

Comprehensive approach was helpful in the detailed consideration of the researched institution of as a legal category, the study of its essence and content.

## Literature Review

More than 40 different definitions of the term “system” are found in the scientific literature. All of them, depending on the approach, can be divided into three groups (Kovalenko, Bidiuk & Hozhyi, 2004). The most numerous definitions are provided by authors who use systemic approach to interpret the term. And the main components of this approach are “elements” (Panarchy, 1968), “relations” (B. Miller) (Miner, 2007), “connections” (Oliinyk & Shatska, 2006), “whole” and “integrity” (Dudnyk, 2010).

It should be noted that the term “system” first appeared in Ancient Greece (2500 –2400 years ago) and meant “combination”, “organism”, “organization”. The metaphorization of the word “system” was initiated by Democritus (460 – 360 BC). There followed a further universalization of the word, giving it a general content, which made it possible to use it for both physical (material) and artificial objects. That is, in ancient philosophy the term «system» characterized the order and integrity of natural objects (Kustovska, 2005, p. 15).

Some scientists, supporters of antiquity, equated the system with order and contrasted it with chaos. One of their representatives, Beer (1972), created a pattern of organizational framework of a viable organism or a self-contained scheme. He believed that sustainable system is any arrangement created to fulfill the requirements of survival in shifting surrounding medium. One of the main characteristics of viable systems is that they can adapt to changing environmental conditions. An autonomous system means a model of a viable system that can be applied to an organization that is a sustainable scheme and has the potential to independence. That is, in order for the system to be viable, or in other words, sustainable, it must constantly change and adapt to changing environmental conditions.

## Results and Discussion

The organizational approach and management stability are important for the success of any system of actors. After all, any complex system that is related to social problems needs an effective and simple management scheme: this is necessary to achieve the greatest effect with minimal effort (principle of «minimax»). National security around the world and in Ukraine in particular, is complex one as it includes a number of subsystems and components, and at the same time it is special system, since it is included in a separate sphere

of public life and specialized actors are identified from other relevant bodies (Bidenko, 2006, p. 128).

Accordingly, the category “system of national security actors” is closely related to the notion of “security management system” as a more general (Tarasiuk, 2020, p. 119). At the same time, at the scientific and doctrinal level, sometimes they are revealed one through the other almost identifying content. As an example, Timkin and Novikova (2016) believe that the studied scheme acts is an organizational system of state and non-state institutions, other actors intended to solve the task of ensuring national security in the manner defined by legislation.

In addition to the above, the following management problem exists in the analyzed area. It is one thing to manage (which often carries a sign of effective performance of assigned tasks) the protection of interests, but it is another one to ensure the level of protection of interests that would meet the expectations of society. Definitions also vary in the understanding of criteria and competence, as well as responsibility. Maintaining certain degree of security, which involves relevant instructions, tasks and functions, and also threatens responsibility for failure to fulfill them, is a real matter that can be entrusted to a state body. To ensure security itself (and this is not just a discussion about terms, because all Ukrainian legislation on national security is based on an abstract approach to the problem), to be responsible for “sustainable development” means to do useless work: its result is either inefficiency or the division of power. There is a difference between delegated authority and objective management possibilities. For example, the authority of the President of Ukraine and the National Security and Defense Council of Ukraine demonstrated such a contradiction at different times.

Thus, the framework of the national security of Ukraine actors under European integration is a complex symbiotic and interdependent legal entity, an element of the system of its provision and a component of the corresponding administrative and legal mechanism, which is objectified by a set of State agencies and individual non-state subjects, which, using various tools of administrative activity and management (a set of models and methods used to solve management problems or their informational, organizational and methodical support (Popov, 2011, p. 268), designed by their actions, on the one hand, to implement

arrangements on the creation in Ukraine of an adequate state of protection of all areas of public and State life, and on the other hand, to fulfill the conditions of the inclusion process.

The Constitution of Ukraine (Law of Ukraine No. 254k/96-VR, 1996) is the main document in which both the European integration course of Ukraine and the actors of ensuring national security are determined. It states that “caring for the strengthening of civil harmony on Ukrainian soil and confirming the European identity of the Ukrainian people and the irreversibility of Ukraine’s European and Euro-Atlantic course” (paragraph 5 of the Preamble). The President of Ukraine shall be the guarantor of the implementation of the strategic course of the State to acquire full membership of Ukraine in the European Union and the North Atlantic Treaty Organization (Part 2, Article 102). In addition, the Basic Law of Ukraine states that national security is ensured by: 1) the entire Ukrainian people (Article 17); 2) military formations and state law enforcement agencies (Article 17); 3) Verkhovna Rada of Ukraine (clause 17 of Article 92); 4) the President of Ukraine (clause 1 of Article 17, Article 106); 5) Cabinet of Ministers of Ukraine (item 7 of article 116); 6) Council of National Security and Defense of Ukraine (Article 107).

Consequently, constitutional rules create the grounds for developing administrative legislature in terms of determining the institutional component of ensuring national security in the context inclusion to the EU.

It should be noted that Article 4 of the expired Law of Ukraine “On the Basics of National Security” (Law of Ukraine No. 964-IV, 2003) was dedicated to the national security actors, which are: the President of Ukraine; Verkhovna Rada of Ukraine; Cabinet of Ministers of Ukraine; National Security and Defense Council of Ukraine; ministries and other central bodies of executive power; National Bank of Ukraine; courts of general jurisdiction; Prosecutor’s Office of Ukraine; National Anti-Corruption Bureau of Ukraine; local state administrations and local self-government agencies; 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, association of citizens. There is no article in the currently version of this Law (Law of Ukraine No. 2469-

VIII, 2018) that would be directly devoted to subjects of national security.

However, the analysis of its provisions indicates that: 1) public safety and order are ensured by the security forces, other state bodies, local authorities, their officials and the public; 2) general functions for implementing national security are entrusted to the security forces – law enforcement and intelligence agencies, specialized agencies with law enforcement functions, civil defense forces and other bodies entrusted with such functions by the Constitution and laws of Ukraine; 3) military security is provided by the defense forces – the Armed Forces of Ukraine, as well as other military formations established in accordance with the laws of Ukraine, law enforcement and intelligence agencies, specialized agencies with law enforcement functions. In addition, Section 4 of the analyzed Law is devoted to the disclosure of the composition of the security and defense sector, without appropriate distinction as to the sector concerned, but it indicates that they are only those with a legislative mandate.

Therefore, for the analysis and identification of the actors involved in the system of national security of Ukraine under European integration, we studied the following legal instruments: the Constitution of Ukraine, the Laws of Ukraine “On the National Security of Ukraine” and “On the National Security and Defense Council of Ukraine”, National Security Strategy of Ukraine, Strategy for State Security, Action Plan for the Implementation of the Association Agreement.

Therefore, the system of entities for ensuring the national security of Ukraine includes the actors with the following functions:

- law-making – the Verkhovna Rada of Ukraine, the President of Ukraine;
- coordinating – the National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine;
- controlling – state control is performed by the National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine, non-military – civil society;
- executive – the Cabinet of Ministers of Ukraine, the Ministry of Justice of Ukraine, the Apparatus of the National Security and Defense Council of Ukraine, the Ministry of Defense of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the State Export Control Service of

Ukraine, the Ministry of Economy of Ukraine and others;

- scientific and methodical – National Institute of Strategic Studies.

However, it would be premature to assume that this list is exhaustive one. In particular, Zhuk (2020, p. 107) believes that the system of the security sector actors includes: 1) state authorities implementing strategic managerial work in the spheres of national security and defense of Ukraine; 2) performers of implementation tasks directly concerned to supporting the protection and defense of Ukraine's national interests; 3) agencies, institutions, organizations and individual entities implementing the goals of providing national security of our country.

Thus, strategic management determines the political framework of national interests, which are laid down in documents and programs of civil society institutions, implements their integration into certain political goals and objectives, set by the state and society, and by making decisions on their implementation (Shakhov & Madisson, 2013, p. 50), protection and defense (power, governing, coordinating, controlling and regulatory state-management influences (Sytnyk, 2012, p. 197). In particular, these are the Verkhovna Rada of Ukraine (within the scope of general competence), the President of Ukraine and the Council of National Security and Defense of Ukraine (within special competence), the Cabinet of Ministers of Ukraine and relevant ministries (within general and special competence depending on the sphere of implementation of specific authority).

The executive branch is represented by: 1) special actors (the Security Service of Ukraine, the State Security Office of Ukraine); 2) common actors (courts of general jurisdiction, local authorities). In the meantime, specialized ministries must be perceived as integral entities, which, depending on the type of administrative and legal relations they are participating in, can be both representatives of the strategic and management and executive ones.

Taking into account the views of the mentioned scientist, we can generalize that providing national security of Ukraine under European integration in the institutional aspect has two dimensions: on the one hand management and implementation, and on the other – promotion. Management is represented by the actors of general competence, which, according to the provisions of the Basic Law and relevant legal

instruments of Ukraine, are: a) the governing bodies of all regulatory processes of which the State is responsible (the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine); b) leading actor in the spheres of national security and defense (President of Ukraine). In turn, implementation is objectified by the subjects of special or mixed competence, who are endowed with law-making, coordinating, control, executive and scientific and methodical powers in this area.

A separate function in this system is carried out by the contributors with a variety of influences on the research area through the use of civil society participation tools (non-state, non-governmental) institutions, in particular European structures and institutions, as well as domestic and foreign public organizations).

## Conclusions

The above makes it possible to state that, in general, system is a certain aggregate, which consists of a certain multitude of elements between which a relationship exists to achieve the set tasks. The main thing in it is «relations», which testifies to the dynamism of the system, since there is a constant relationship and interaction between the elements of the system and various types of systems.

Thus, the system of subjects for ensuring national security of Ukraine in the context of European integration is complex legal entity that can be semantically identified by a list of State structures and organizations, as well as a set of representatives of the civil sector, which are legally entrusted with the obligation to perform defense and security measures, adapted under EU requirements, standards and regulations.

## Bibliographic references

- Beer, S. (1972). *Brain of the Firm*. New York: John Wiley and Sons Ltd. <https://eclass.duth.gr/modules/document/file.php/ENG112/The%20Brain%20of%20the%20Firm.pdf>
- Bekh, V. P., & Tulenkov, M. V. (2015). *System analysis of sustainable development: a study guide for the masters in the field of knowledge "Management and administration"*. Kyiv: «Small Enterprise Le sia. <http://enpuir.npu.edu.ua/bitstream/handle/123456789/8250/Posibnyk.pdf?sequence=1&isAllowed=y>
- Bidenko, A. (2006). *Legislative aspects of Ukrainian national security management*.

- Political management, 1, pp. 128 – 139. <http://dspace.nbu.gov.ua/bitstream/handle/123456789/8698/14-Bidenko.pdf?sequence=1>
- Dudnyk, I. (2010). Introduction to the general system theory. State University of Telecommunications. [https://dut.edu.ua/uploads/l\\_1142\\_42884991.pdf](https://dut.edu.ua/uploads/l_1142_42884991.pdf)
- Kovalenko, I. I., Bidiuk, P.I., & Hozhyi, O.P. (2004). Introduction to the system analyzes. Mykolaiv: Petro Mohyla MSGU Publisher. <https://lib.chmnu.edu.ua/index.php?m=2&b=199>
- Kustovska, O. (2005). Methodology of the system approach and scientific research: course of lectures. Ternopil: Economic Dumka. [http://library.wunu.edu.ua/files/EVD/kl\\_mspnd.pdf](http://library.wunu.edu.ua/files/EVD/kl_mspnd.pdf)
- Law of Ukraine No. 2469-VIII. On the National Security of Ukraine, Bulletin of the Verkhovna Rada of Ukraine, Kyiv, Ukraine, June 21, 2018. Recovered from <https://zakon.rada.gov.ua/laws/show/2469-19#Text>
- Law of Ukraine No. 254k/96-VR. Constitution of Ukraine, Bulletin of the Verkhovna Rada of Ukraine, Kyiv, Ukraine, June 28, 1996. Recovered from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
- Law of Ukraine No. 964-IV. On the Fundamentals of National Security of Ukraine, Bulletin of the Verkhovna Rada of Ukraine, Kyiv, Ukraine, June 19, 2003. Recovered from <https://zakon.rada.gov.ua/laws/show/964-15#Text>
- Panarchy (1968). Ludwig von Bertalanffy General System Theory. <https://www.panarchy.org/vonbertalanffy/systems.1968.html>
- Miner, J. B. (2007). Organizational Behavior: From theory to practice 4. New York, London: M.E. Sharpe. <https://books.google.com/bz/books?id=VQnwRk7HTxAC&printsec=frontcover&rview=1#v=onepage&q&f=false>
- Oliinyk, A., & Shatska, V. (2006). Information systems and technologies in financial institutions: study guide. Lviv: «Novyi Svit-2000». <https://buklib.net/books/22029/>
- Order of the President of Ukraine No. 5/2015. On Sustainable Development Strategy «Ukraine – 2020», Bulletin of the Verkhovna Rada of Ukraine, Kyiv, Ukraine, January 12, 2015. Recovered from <https://zakon.rada.gov.ua/laws/show/5/2015#Text>
- Popov, S. (2011). “Theoretical and practical foundations of the feedback’s formation in the system of local government”. Humanitarian Bulletin of Zaporizhzhia State Engineering Academy, 45, pp. 265-278. [https://old-zdia.znu.edu.ua/gazeta/VISNIK\\_45\\_266.pdf](https://old-zdia.znu.edu.ua/gazeta/VISNIK_45_266.pdf)
- Shakhov, V., & Madisson, V. (2013). National interest and national security in the geostrategy of Ukraine. Bulletin of the National Academy of Public Administration under the President of Ukraine, 2, pp. 44-56. <https://acortar.link/G5m8Ug>
- Sytnyk, H. (2012). Governance of national security (conceptual and legal framework): textbook Kyiv: NADU. <https://acortar.link/2yMI7a>
- Tarasiuk, A.V. (2020). “Cyber security system subjects in Ukraine”. Scientific notes of Taurida V.I. Vernadsky National University. Series: Law Sciences, 31(70), Part 2, No. 2, pp. 119–124. [https://www.juris.vernadskyjournals.in.ua/journals/2020/2\\_2020/part\\_2/25.pdf](https://www.juris.vernadskyjournals.in.ua/journals/2020/2_2020/part_2/25.pdf)
- Timkin, I., & Novikova, N. (2016). Structural and functional characteristics of the Ukrainian national security. Scientific Bulletin of the International Humanitarian University, 11, pp. 64-68. <http://vestnik-humanities.mgu.od.ua/archive/2016/11/11-2016.pdf#page=64>
- United Nations Ukraine (2022). How the UN is supporting The Sustainable Development Goals in Ukraine. <https://ukraine.un.org/uk/sdgs>
- Zhuk, T. (2020). System of entities of the security sector of Ukrain. Legal Science, 5(107), pp. 106-112. DOI: 10.32844/2222-5374-2020-107-5-1.13