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Public administration in the field of national security: Updating content during martial law

Публічне адміністрування у сфері національної безпеки: оновлення змісту під час воєнного стану

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Abstract

The article examines the model of public administration in the field of national security that meets the requirements of martial law. The purpose of the study is to determine the format of the existing public administration in the national security sector, taking into account the challenges of the legal regime of martial law by solving such research tasks as outlining the essence of public administration in the field of national security; research of subjects endowed with administrative powers in the field of national security; determination of the directions of transformation of public administration in the specified area. The research methods are the method of analysis, the method of observation and study of documents, the method of comparison, the method of modeling, and logical methods. As a result of the conducted research, the expediency of Ukraine taking into account the directions of reforming managerial influence on public relations in the field of national security, which are recognized at the level of the European Union, is substantiated. As a condition for the implementation of the necessary changes in the regulation of the security sphere, it is separated from the sphere of defense and the introduction of appropriate changes to the Law of Ukraine "On National Security". The specifics of the institutional support of social relations in the field of national security are identified and the directions for the implementation of the proper doctrine of national security are outlined.

Keywords: public administration, martial law, special period, national security, national identification.

Анотація

У статті досліджено модель публічного адміністрування в сфері національної безпеки, що відповідає вимогам воєнного стану. Метою дослідження є визначення формату наявного публічного адміністрування в секторі національної безпеки з урахуванням викликів дії правового режиму воєнного стану шляхом вирішення таких науково-дослідних завдань, як: окреслення сутності публічного адміністрування в сфері національної безпеки; дослідження суб'єктів, що наділені владно-розпорядчими повноваженнями в сфері національної безпеки; визначення напрямів трансформації публічного адміністрування в означеній сфері. Методами дослідження є: метод аналізу, метод спостереження та вивчення документів, метод порівняння, метод моделювання, логічні методи. В результаті проведеного дослідження обґрунтовано доцільність врахування Україною напрямів реформування управлінського впливу на суспільні відносини в сфері національної безпеки, яких визнано на рівні Європейського Союзу. В якості умови втілення необхідних змін при регулюванні безпекової сфери є її відмежування від сфери оборони та внесення відповідних змін до Закону України «Про національну безпеку». Виявлено специфіку інституційного забезпечення суспільних відносин в сфері національної безпеки та окреслено напрями втілення належної доктрини національної безпеки.

Ключові слова: публічне адміністрування, воєнний стан, особливий період, національна безпека, національна ідентифікація.

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Introduction

The action of the legal regime of martial law transforms both social relations and methods of managerial influence on them. The peculiarities of the arrangement at the specified time are carried out in accordance with the Laws of Ukraine "On the Defense of Ukraine" (Law No. 1932-XII, 1991), "On the Legal Regime of Martial Law" (Law No. 389-VIII, 2015), "On Approval of the Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" (Law No. 2102-IX, 2022). Under such conditions, the sphere of national security, within which appropriate conditions are created to ensure the protection of state sovereignty, territorial integrity, democratic constitutional system, and other national interests of Ukraine from real and potential threats, has become important (Law No. 2469, 2018).

In addition, an urgent problem that needs to be taken into account when developing public administration in the field of national security is the issue of adapting national legislation to the standards of the European Union (hereinafter – EU) on security issues. This is due to the fact that Ukraine has undertaken to adapt national legislation to the provisions of the EU acquis, to fulfill Ukraine's international legal obligations in the field of European integration (Resolution No. 2483-IX, 2022). At the same time, the development of a uniform approach to solving security issues in the EU member states is the key to effectively overcoming conflicts and crises, and strengthening the international legal order and security in the region (European Parliament, 2023). That is why improving the levers of power and administrative influence on public relations in the field of national security should be a priority both in peacetime and in the case of a special period.

It is noteworthy that the scientific developments in this direction related to a certain segment of the sphere of national security: methods of regulation, the type of public-private partnership (Mekh et al., 2021); definition of the subject area of national security (Shevchuk, 2021); outline of the management component of the national security sector (Honcharenko, 2020); policy formation in the field of national security (Mekh et al., 2023). Thus, the peculiarities of public relations in the sphere of national security as an object of managerial influence, on the one hand, and the transformation of state administration into public administration, which includes only those methods of organizing the influence of the state on public relations, which are aimed at

ensuring human interests, on the other, influenced: the content of the regulation of social relations related to national security; the system of entities empowered in the field of national security; the type of instruments aimed at the implementation of powers in the field of national security.

Therefore, the relevance of the issue of determination of public administration in the conditions of martial law is undeniable for the Ukrainian state and mediates the timeliness of the scientific analysis of their key components.

Regarding the tasks of this study, we consider it necessary to highlight the following:

- 1) Identify key changes concerning administration in the field of national security, which took place during martial law.
- 2) To analyze problematic issues that arise during management in the field of national security under martial law.
- 3) To find out the ways of transformation of public administration during martial law and to determine the necessary measures to ensure such transformation.

Theoretical Framework or Literature Review

Bilous-Osin (2021) analyzed public administration in the field of scientific activity. In particular, it was established that public administration in the field of scientific activity should relate to the regulation of public relations, which can be subjected to managerial influence and differentiated (conditionally) as follows: public relations regarding the direct conduct of scientific activity; public relations regarding the creation of conditions for increasing the effectiveness of scientific research and the use of their results to ensure the development of all spheres of social life; social relations regarding the creation of conditions for carrying out scientific activities. It was established that regardless of the type of social relations in the field of scientific activity, the goal of public administration in this field will be their proper arrangement in accordance with the existing model of scientific activity and generally accepted international standards to ensure public interest.

The issue of security sector management is considered in the work of Honcharenko (2020). It was established that the security and defense

sector of Ukraine consists of four interrelated components: security forces; defense forces; defense industrial complex; citizens and public associations that voluntarily participate in ensuring national security. It was determined that other state bodies and local self-government bodies carry out their functions to ensure national security in cooperation with bodies that are part of the security and defense sector.

The specifics of state regulation of subsoil use relations as an example of successful public administration were analyzed by Makarenko (2014).

Makushev (2021) analyzed the place of bodies of special competence in the system of public administration entities in the field of intellectual property in Ukraine.

Mangora (2019) investigated the specifics of the activities of bodies of special competence that supervise and control agriculture.

The challenges facing the national security of Ukraine in connection with the presence of a large shadow sector of the economy were investigated by Kolomoiets, Tsybulnyk, Moroz, Prymachenko, & Khashev (2021).

Tkalych & Arbelaez-Encarnacion (2022) analyzed the challenges for the national security of Ukraine and other countries of the world in connection with Russian aggression against Ukraine and the unstable political, economic, social and environmental situation in the world in general.

The article by Shevchuk (2021) examines the peculiarities of regulation of the security sector of Ukraine as an object of public administration. Signs and types of public administration of the security sector of Ukraine have been established. The author states that the implementation and development of the public administration of the security sector of Ukraine are determined by the obligations, which were taken due to the Association of Ukraine with the European Union, the Sustainable Development Strategy "Ukraine-2020" and the Concept of Development of Security and Defense of Ukraine, National Security Strategy of Ukraine (Decree No. 392/2020, 2020) and other legal acts. The author concluded that public administration is the organizational and administrative activity of subjects of public administration, which is regulated by legislation and aimed at ensuring and realizing public interests.

The object of Yakovlev's research (2015) was public administration in the field of state customs affairs. Some problematic issues of public administration are considered by Mekh, Slavytska, Bilak, Georgiievskiy, & Maslova (2023).

Methodology

During the conducted research, the method of analysis was used, which consists in decomposing the subject into its components. This method helped to understand the influence of martial law on changes in public administration in the field of national security and, in general, made it possible to determine the signs and properties of public administration and to highlight the relationship, therefore to consider the peculiarities of solving strategic tasks of state bodies, enterprises, institutions, organizations, taking into account the complex of external and internal influencing factors and development trends in a competitive environment in the field of national security.

The application of the method of observation and study of documents made it possible to understand the peculiarities of public administration and its peculiarities in the field of national security. The method of studying documents was used to get acquainted with the object of the study. In particular, both regulatory and legal acts regulating the implementation of martial law, as well as separate decisions of the National Security and Defense Council of Ukraine, acts of foreign legislation, and international legal acts regulating issues of security and national defense were analyzed. The observation method, as a method consisting of purposeful and organized perception and registration of the behavior of the object under study, made it possible to study public administration directly in new conditions, as well as to compare the implementation of public administration in the pre-war period and in the period of martial law.

The modeling method as a method of researching various phenomena and processes, and developing options for management decisions through the replacement of real objects with their conditional samples, and analogs helped to simulate transformations of public self-government in the field of national security. Thus, the modeling method describes the structure of the object (static model), and the process of its functioning and development (dynamic model), and such a model reproduces the properties, connections, and trends of the

studied systems and processes, which makes it possible to assess their condition, make a forecast and an informed decision.

The use of logical methods played an important role in drawing conclusions at the level of thinking and consciousness, in particular, drawing conclusions about problematic issues regarding public administration under martial law, as well as about mechanisms for ensuring national security.

Results and Discussion

Public administration is a category used to denote a special kind of power-administrative influence. Qualitative public administration is an independent type of state activity, which has an organizing, executive-administrative, sub-legal character, of a special group of state bodies (officials) regarding the practical implementation of tasks and functions of the state in the process of everyday and direct management of the economic, socio-cultural and administrative political spheres to ensure public interests, not state interests (Yakovlev, 2015); activity aimed at ensuring the public interest and which is objectified into those forms that can be applied to regulate various types of social relations in an informationally accessible way for citizens (Bilous-Osin, 2021).

The sphere of national security has a number of features that determine the content of public administration. Among them are the following:

- 1) national security is a concept that reflects the state of protection of national identification within the established sovereignty and territorial integrity of the state, the existing democratic constitutional system and taking into account the national interests of Ukraine;
- 2) national security is a complex elemental phenomenon that includes: state security, military security, public security, cyber security, foreign policy security, environmental security, information security;
- 3) in the legislation of Ukraine, the "sphere of national security" is considered inseparable from the "sphere of defense" (for example, in the Law of Ukraine "On National Security" (Law No. 2469, 2018).

Thus, public administration in the field of national security is the activity of authorized subjects of public authority, the content of which is manifested in the agreed arrangement of social

relations that are formed during the provision of security of national identification within the established sovereignty and territorial integrity of the state, the existing democratic constitutional order and taking into account the national interests of Ukraine through the use of specifically defined methods and forms by sector.

After the unannounced attack of the Russian Federation on Ukraine, our state was forced to radically change its approach to administration in the field of national security.

Ukraine had to decline the traditional principles and methods of public administration and consideration of international standards in the specified sphere. This fact is confirmed by the provisions of the National Security Strategy of Ukraine "Human security – the security of the country" (Decree No. 685/2021, 2021), which determine the priority integration of Ukraine into the European political, economic, security, legal space, acquisition of membership in the European Union and the North Atlantic Treaty Organization; Strategies for ensuring state security (Decree No. 56/2022, 2022), which are among the priority directions for ensuring state security - "...use of all available mechanisms of the UN, Council of Europe, OSCE, other international organizations to consolidate international support for Ukraine in countering Russian aggression, restoring territorial integrity and state sovereignty of Ukraine; development of relations with the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, the Federal Republic of Germany, the French Republic, neighboring and other states, as well as with international organizations to ensure international security and counter common challenges and threats, minimizing their impact on Ukraine; development of a special partnership with the North Atlantic Treaty Organization with the aim of gaining full membership of Ukraine in NATO".

In order to achieve the set goals, national legislation should take into account the ideas contained in the Strategic Compass of the European Union on security and defense (European Parliament, 2023). Thus, the main goal of streamlining national security is to ensure political leadership and implementation of "strategic autonomy" in the following directions:

- a) crisis management;
- b) stability;

- c) opportunities, and partnership relations (Access to European Union Law, 2017).

A combination of soft and hard policy is characteristic - security and defense tools are used simultaneously with diplomacy, sanctions, and cooperation.

Specific measures covered by public administration in the field of national security in the context of military escalation should be: increasing defense cooperation to strengthen security in the European region; increasing defense spending, improving the interoperability of forces and joint development of defense capabilities; ensuring cooperation and achieving specific results under PESCO projects aimed at developing new capabilities (for example, in the air and maritime spheres), providing training and support for military forces (for example, medical command) or unifying experience in certain areas (for example, in the cyber domain); creating synergies with other defense initiatives; ensuring cooperation within the framework of individual PESCO projects on specific issues (The Diplomatic Service of the European Union, 2023).

In addition, as a condition for the implementation of the necessary changes in the regulation of the security sphere for the purposes of qualitative managerial influence, it is separated from the sphere of defense and the introduction of appropriate changes to the Law of Ukraine "On National Security".

According to international standards, proper public administration in the field of national security will be considered to be that which meets the following criteria:

- 1) the ability to ensure security is guaranteed by a professional apparatus in compliance with the principle of the rule of law;
- 2) representing the interests of the population in general, taking into account the gender aspect;
- 3) openness of information related to national interests;
- 4) available national program documents that determine the policy in the field of national security and its components;
- 5) accountability of bodies ensuring national security to democratically elected institutions of public power;
- 6) integration of subjects of the national security sector into regional and international security frameworks (Central for Integrity in the Defence Sector, 2021).

We can conclude that management standards in the field of national security have been partially met in Ukraine. However, there are some issues which should be resolved in the conditions of martial law. Thus we should find out the ways of transformation of public administration during martial law and to determine the necessary measures to ensure such transformation.

First, compliance with the principle of the rule of law in the field of national security is possible provided that security institutions meet the expected standards of official activity and behavior in accordance with laws, political foundations, practices, and relevant socio-cultural rules. In order to achieve the idea of the rule of law, it is necessary to use resources in an appropriate and efficient manner with the help of appropriate budget management through the application of the most transparent procedures. At the same time, it is about meeting the security needs of all citizens, regardless of gender, ethnicity, religion, age, or income level.

Secondly, gender equality in the regulation of relations in the field of national security needs national legalization. In general, gender equality involves taking into account the interests, needs, and priorities of both women and men and recognizing the diversity of different groups of women and men. A common feature of all modern security management programs is the inclusion of gender issues in the policies and practices of security structures, which ensures that they have a fundamental readiness to meet the security needs of all citizens. A negative factor is the absence of an indication of ensuring gender equality during service in state bodies as a whole in the State Strategy for Ensuring Equal Rights and Opportunities of Women and Men for the period until 2030 and approval of the operational plan for its implementation for 2022-2024 (Order No. 752-r, 2022). It is appropriate to recognize gender equality as the basis of policy in the field of national security and its implementation.

Thirdly, ensuring the openness of information, among other things, is ensured by the use of information and telecommunication technologies. At the same time, the openness of information must correspond to the information security of the state. At the constitutional level, the stated thesis is confirmed by Article 17, which defines ensuring information security as one of the most important functions of the state (Law No. 254k/96-VR, 1996). Special provisions relating to information security are contained in the Information Security Strategy, the provisions

of which determine existing and potential threats to information security, as well as ways of solution. Specially authorized entities operate in Ukraine to ensure information security, for example, the Center for Combating Disinformation and the National Coordination Center for Cyber Security under the Council of National Security and Defense of Ukraine, the National Center for Reserving State Information Resources. The latter ensures the reliability and uninterrupted operation of state information resources, storage of state electronic information resources, backup of information, and information of state electronic information resources of state bodies, military formations (except for the Armed Forces and the Main Directorate of Intelligence of the Ministry of Defense), formed in accordance with laws, enterprises, institutions, and organizations (Resolution No. 94, 2021).

As for the national program documents that determine the policy in the field of national security and its components, in Ukraine, a significant sectorization of national security has been carried out by distinguishing: the military security strategy of Ukraine, the cyber security strategy, the strategic defense bulletin, the public safety and civil defense strategy of Ukraine, the defense development strategy of the non-industrial complex of Ukraine (Law No. 2469, 2018).

Separately, we note that control over the national security sector should be implemented through parliamentary control (openness of policy in the field of public defense and security, ensuring access to military budgets, the inclusion of civil society in debates on issues covering the security sector, control over intelligence services, arms control, anti-corruption policies, and regulations, as well as international standards and conventions); financial regulators (planning and budgeting, financial management, transparency, regulation of secret budgets, auditing); human resources (for example, personnel management, codes of conduct, conducting training on the education of integrity) (Central for Integrity in the Defence Sector, 2021).

Thus, public administration in the field of national security must follow the general principles of public administration - the rule of law and good governance and international standards in the field of national security - compliance with gender equality, the openness of information about the state of national security, implementation of democratic control over public institutions, sectorization of the sphere of national security, the combination of

globalization trends in the field of national security with national interests.

Subjects of public administration are authorized by public institutions that implement a set of economic, motivational, organizational, and legal means of purposeful influence on a certain sphere of public relations. The set of subjects of public administration forms an institutional mechanism.

Within the scope of administrative executive activity, it is possible to single out:

- a) bodies of general competence that regulate social relations as a whole, for example, the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine (Mangora, 2019);
- b) bodies of special competence, which perform specific tasks in a certain sphere of public relations (Makarenko, 2014; Makushev, 2021).

The national security of the state is institutionally ensured through the activities of authorized subjects - a system of state institutions formed in accordance with the laws of Ukraine, military formations, law enforcement, and intelligence agencies, state bodies of special purpose with law enforcement functions, civil defense forces, the activities of which are functionally aimed at protecting national interests of Ukraine from threats, as well as citizens and public associations that voluntarily participate in ensuring the national security of Ukraine.

The system of subjects of public administration in the field of national security is formed as follows:

- 1) subjects of general competence that manage the security sector: the President of Ukraine, the Cabinet of Ministers of Ukraine;
- 2) subjects of special competence: the National Security and Defense Council of Ukraine, the Ministry of Defense 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 Service of Ukraine for emergency situations, the Security Service of Ukraine, the Court Security Service, the State Security Office of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, the intelligence agencies of Ukraine, the central

body of the executive power that ensures the formation and implementation of the state military-industrial policy.

Specially authorized subjects of power in the field of national security can be classified depending on the specific sector of national security. For example, with regard to information security, the Center for Combating Disinformation, the National Center for Reserving State Information Resources, and the State Service for Special Communications and Information Protection of Ukraine will be included in the subjects of special competence.

Attention should also be paid to the fact that in the system of public administration entities that regulate public relations regarding national security, the role of local public institutions, such as local self-government bodies, is practically minimized. Normatively, they have the possibility of performing the function of ensuring national security exclusively in cooperation with the bodies that are part of the security and defense sector (Law No. 2469, 2018).

According to the internationally recognized principles of organizing the sphere of national security, each of the authorized subjects must have a clear place in the institutional system and implement certain measures (National security policy, 2023). In this context, the status of the Ministry of Defense of Ukraine as the central body of executive power, which ensures the formation and implementation of state policy on national security issues, is questionable. This is related to the predominant consolidation of powers, aimed at defense (for example, ensuring the formation and implementation of state policy on national security issues in the military sphere, the spheres of defense and military construction in peacetime and a special period; implementation of military-political and administrative leadership of the Armed Forces; ensuring the formation and implementation of state policy with issues of national resistance) (Resolution No. 671, 2014). The establishment of a central body of executive power, which will ensure and implement state policy in the field of national security, will contribute to the systematic and orderly performance of tasks covering the policy of protection of state sovereignty, territorial integrity, democratic constitutional order, and vital national interests.

The peculiarity of institutional support in the field of national security lies in the key role of the President of Ukraine as a subject of general competence and regulator of the activities of the

National Security and Defense Council of Ukraine. Determining the status of the National Security Council as a state body that is not assigned to any branch of government does not reduce the role of this body in ensuring national security both in peacetime and during martial law (Law No. 183, 1998). The NSDC's legalization of the practice of using digital technologies in regulating public relations in the field of national security is progressive. For example, regarding the improvement of the network of situation centers and the digital transformation of the sphere of national security and defense (Decree No. 260, 2021), the use of the information and analytical system of the Main Situation Center of the country "SOTA" (National Security and Defense Council of Ukraine, 2023).

The specifics of the institutional support of public relations in the field of national security are the absence of a specially authorized body of the executive power, which exclusively implements policy in the field of national security; the subordination of local public institutions in regulating issues related to national security; the key importance of the role of the President of Ukraine as a subject of general competence and regulator of the activities of the National Security and Defense Council of Ukraine; the possibility of gradation of specially authorized subjects of power depending on the specific sector of national security.

Conclusions

As a result of the research:

- 1) The model of public administration in the field of national security that meets the requirements of martial law has been studied. The task of the article has been fulfilled and it has been determined that public administration in the field of national security is the activity of authorized subjects of public authority, the content of which is manifested in the agreed arrangement of social relations, which are formed while ensuring the security of national identification within the established sovereignty and territorial integrity of the state, the existing democratic constitutional system and taking into account the national interests of Ukraine by applying specifically defined ways, methods, forms on a sectoral basis. The expediency of Ukraine taking into account the directions of reforming managerial influence on public relations in the field of national security, which is

- recognized at the level of the European Union, is substantiated.
- 2) It has been established that management standards in the field of national security are partially observed in Ukraine. It was concluded that public administration in the field of national security should follow: general principles of public administration – the rule of law and good governance; international standards in the field of national security – compliance with gender equality, the openness of information regarding the state of national security, implementation of democratic control over public institutions, sectorization of the field of national security, combination of globalization trends in the field of national security with national interests.
 - 3) It is noted that the specificity of the institutional support of public relations in the field of national security consists in: the absence of a specially authorized body of the executive power, which exclusively implements policy in the field of national security; the subordination of local public institutions in regulating issues related to national security; the key importance of the role of the President of Ukraine as a subject of general competence and regulator of the activities of the National Security and Defense Council of Ukraine; the possibility of gradation of specially authorized subjects of power depending on the specific sector of national security. In order to implement the proper doctrine of national security, it is expedient to form a central body of executive power on national security issues.

From this, it can be seen that the tasks of scientific research have been achieved. Regarding further scientific research, we consider it necessary to study the foreign experience of public administration in the field of national security in martial law and perform a comparative legal analysis.

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