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ADMINISTRATIVE AND LEGAL STATUS OF ACTORS OF GENERAL COMPETENCE IN THE NATIONAL SECURITY OF UKRAINE IN THE CONTEXT OF EUROPEAN INTEGRATION

Abstract. Purpose. The purpose of the article is to reveal the essence of the administrative and legal status of the hierarchically highest actors of Ukraine's national security system in the context of European integration.

Results. The author determines that the administrative and legal status of the President of Ukraine in the field under study implies characteristics as follows: the guarantor (of sovereignty, territorial integrity, and European integration course); leadership in the sectors of national security and defence; a member of the system of actors ensuring the national security of Ukraine; the Chairman of the National Security and Defence Council of Ukraine, forming its personnel and enacting decisions of the National Security and Defence Council of Ukraine by his decrees. It is revealed that the Verkhovna Rada of Ukraine is one of the leading entities within the system of national security of Ukraine in the context of European integration and is vested by the Constitution of Ukraine with exclusive powers to adopt legislative provisions in the sectors of national security, the legal regime of martial law and the state of emergency, and the principles of foreign relations. Through the activities of its committees, it is responsible for bringing Ukrainian legislation into line with EU provisions, and control of the activities of special purpose bodies with law enforcement functions, special purpose law enforcement bodies and intelligence agencies. It is stated that the Cabinet of Ministers of Ukraine has a special administrative and legal status, since it is responsible both for making public policy of some areas and for implementing decisions in the fields under study, and also has control and coordination powers, and is the initiator of numerous reforms and legislative changes. **Conclusions.** The author concludes that the administrative and legal status of actors of general competence in the field of ensuring national security of Ukraine in the context of European integration as a category of administrative and legal branch of scientific knowledge represents the aggregate manifestation of the functional capabilities of the managerial level, which, through its decisions and actions, objectifies an effective regulatory framework for the proper performance of tasks in this field.

Key words: administrative and legal status, security, European integration, ensuring of security, general competence, system of actors.

1. Introduction

The system of actors ensuring national security of Ukraine in the context of European integration is a complex legal entity that can be semantically identified as a list of state structures and organisations, as well as a set of civil society representatives who are legally obliged to implement defence and security measures adapted to the requirements, standards and rules of the EU.

This study is aimed at revealing the administrative and legal status of the hierarchically highest actors of this system.

The general theoretical foundations of the administrative and legal status of public

authorities are a widely covered issue. For example, in this area, some ideas, provisions, concepts and theses by V. Averianov, Y. Bytiak, V. Bevzenko, T. Kolomoiets, V. Kurylo, R. Melnyk, O. Tsyhanov, and many others can be used as sources for defining the concept and essence of this category. However, the topic presented for analysis has not been comprehensively covered by scholars.

2. Actors of general competence ensuring the national security of Ukraine

With the outbreak of full-scale armed aggression by the Russian Federation, the role of the President of Ukraine in ensuring national security and European integration has increased signifi-

cantly. On 28 February 2022, President Zelenskyi signed an application for EU membership. He also emphasised that the Ukrainian authorities are applying to the EU for Ukraine's immediate accession under the special procedure (Ukrinform website, 2022). Furthermore, at the initiative of the President, issues related to ensuring the collective security of Ukraine and the Euro-Atlantic area are constantly being considered. For example, at a meeting of the National Security and Defence Council on 30 September 2022, measures to be taken to ensure the collective security of the Euro-Atlantic area and Ukraine were discussed. In particular, this includes strengthening and expanding the international coalition in support of Ukraine, increasing military and technical assistance to Ukraine, strengthening sanctions pressure on the Russian Federation, implementing proposals to ensure security in the international arena, intensifying the strategy of nuclear deterrence of the Russian Federation by the countries of the Euro-Atlantic area, and countering hybrid threats posed by the aggressor country (Official website of the Office of the President of Ukraine, 2022).

In general, the administrative and legal status of the President of Ukraine in the field under study implies characteristics as follows: the guarantor (of sovereignty, territorial integrity, and European integration course); leadership in the sectors of national security and defence; a member of the system of actors ensuring the national security of Ukraine; the Chairman of the NSDC of Ukraine, forming its personnel and enacting decisions of the NSDC of Ukraine by his decrees.

The Verkhovna Rada of Ukraine is the only legislative body in Ukraine. Given that the adaptation of European legislation within the European integration course requires a systematic approach, this body has one of the most important functions in the field under study. The first priority is to ensure its proper functioning. To resolve this issue, the Verkhovna Rada Committee on the Rules of Procedure, Deputy Ethics and Organisation of the Verkhovna Rada of Ukraine was tasked with preparing proposals for amendments to the Rules of Procedure of the Verkhovna Rada of Ukraine to regulate the specifics of submissions, consideration and adoption of draft laws aimed at bringing Ukrainian legislation into line with the provisions of the European Union acquis, fulfilment of Ukraine's international legal obligations in the field of European integration (Resolution of the Verkhovna Rada of Ukraine On some measures to fulfil Ukraine's obligations in the field of European integration, 2022).

Since 23 June 2022, when the European Council decided to grant Ukraine the status

of a candidate for EU membership, additional obligations have been imposed on the Ukrainian authorities to fulfil the requirements for bringing Ukrainian legislation into line with EU law and to implement fundamental political, socio-economic, legal and institutional reforms aimed at building a developed and sustainable democracy and market economy. In order to resolve all current issues related to the above-mentioned decision of the European Council and to fulfil the conditions set by the European Commission for Ukraine, which granted it the status of a candidate for EU membership, the Verkhovna Rada of Ukraine adopted Resolution No. 2483-IX "On some measures to fulfil Ukraine's obligations in the field of European Integration" of 29 July 2022, where bringing Ukrainian legislation into line with the provisions of EU law, ensuring compliance of acts of the Verkhovna Rada of Ukraine with Ukraine's commitments in the field of European integration and EU law are defined as one of the main tasks of the Verkhovna Rada of Ukraine (Resolution of the Verkhovna Rada of Ukraine On some measures to fulfil Ukraine's obligations in the field of European integration, 2022).

The Verkhovna Rada of Ukraine has a number of committees dealing with European integration and national security, including the Verkhovna Rada Committee on Ukraine's Integration into the European Union and the Verkhovna Rada Committee on National Security, Defence and Intelligence.

For example, according to I. Klymush-Tsintsadze, Chair of the Committee on Ukraine's Integration into the EU, in Ukraine, as in other countries, the government plays a key role in the process of adapting legislation to EU law. She hopes that the capacity of the Cabinet of Ministers and ministries in this regard would increase over time. However, she also believes that the capacity of the Verkhovna Rada of Ukraine needs to be strengthened. The Chair of the Committee on Ukraine's Integration into the EU calls on the Government to make efforts to solve another systemic and large-scale problem, that is, official translations of EU legal regulations: "This is a huge systemic problem for us. The resolution adopted by the Verkhovna Rada of Ukraine provides not only for the availability of compliance tables, but also for official translations. Obviously, the Verkhovna Rada of Ukraine cannot take on this work" (Voice of Ukraine official website, 2022).

3. Regulatory framework for the legal status of actors of general competence in the national security of Ukraine

Currently, the Verkhovna Rada of Ukraine considers more than 2000 draft laws (Official

website of the Parliament of Ukraine, 2022), where the Verkhovna Rada Committee on Ukraine's Integration into the EU is a co-executor. Draft laws where the Committee is the main executor and which relate to national security issues in the context of European integration, are Draft law No. 1206 of 29 August 2019 on the principles of public policy on European Integration (Draft Law on the principles of public policy on European integration, 2019); Draft Resolution No. 5429 of 26 April 2021 on the Statement of the Verkhovna Rada of Ukraine on Ukraine's support for compliance with the norms of international law in the Eastern Mediterranean region (Draft Resolution on the Statement of the Verkhovna Rada of Ukraine on Ukraine's support for compliance with the norms of international law in the Eastern Mediterranean region, 2021); Draft Resolution No. 8080 of 28 September 2022 on the Appeal of the Verkhovna Rada of Ukraine to the Bundestag of the Federal Republic of Germany on the further provision of heavy weapons and comprehensive military and technical support to Ukraine in the face of full-scale Russian intervention (Draft Resolution on the Appeal of the Verkhovna Rada of Ukraine to the Bundestag of the Federal Republic of Germany on the further provision of heavy weapons and comprehensive military and technical support to Ukraine in the face of full-scale Russian intervention, 2022).

At the same time, the Verkhovna Rada Committee on National Security, Defence and Intelligence is engaged in ongoing legislative activities and consultations. The members of the Committee considered Draft Law No. 4210 on improving defence planning procedures, which has been revised by the Committee (Draft Law on Amendments to Some Legislative Acts of Ukraine on National Security and Defence Issues on Strengthening Democratic Civilian Control over the Armed Forces of Ukraine, Improving the Joint Leadership of the State Defence Forces and Planning in the Fields of National Security and Defence, 2020). During the preparation of the draft law for the second first reading, the working group, established for this purpose in the Committee, proposed to amend the main provisions of the draft law and to present it in a new version, and thus to change the title of the draft law from "On Amendments to Some Laws of Ukraine on improving Defence Planning Procedures" to "On Amendments to some legal regulations of Ukraine on national security and defence on strengthening democratic civilian control over the Armed Forces of Ukraine, improving joint command of the State Defence Forces and planning in the fields of national security

and defence" (Official website of the Parliament of Ukraine, 2022).

It should also be noted that in 2020, the Law of Ukraine "On Intelligence" was adopted, which, in particular, defined the powers and peculiarities of forming the staff of the Verkhovna Rada Committee, which is responsible for ensuring the control functions of the Verkhovna Rada of Ukraine over the activities of special purpose bodies with law enforcement functions, special purpose law enforcement agencies and intelligence agencies. The Law of Ukraine "On Amendments to some laws of Ukraine on ensuring effective implementation of parliamentary control" was also adopted. The latter regulates the submission and consideration by the Verkhovna Rada of Ukraine of detailed reports on the activities and reports of the Director of the State Bureau of Investigation, the Prosecutor General, the Head of the Security Service of Ukraine and other state bodies and officials who are not members of the Cabinet of Ministers of Ukraine (Analytical report on the annual Message of the President of Ukraine to the Verkhovna Rada of Ukraine, 2021).

Therefore, the Verkhovna Rada of Ukraine is one of the leading entities within the system of national security of Ukraine in the context of European integration and is vested by the Constitution of Ukraine with exclusive powers to adopt legislative provisions in the sectors of national security, the legal regime of martial law and the state of emergency, and the principles of foreign relations. Through the activities of its committees, it is responsible for bringing Ukrainian legislation into line with EU provisions, and control of the activities of special purpose bodies with law enforcement functions, special purpose law enforcement bodies and intelligence agencies.

With regards to the essence of the administrative and legal status of the Cabinet of Ministers of Ukraine, we would like to clarify that this issue is widely covered within the national administrative and legal branch of scientific knowledge. For example, S. Osaulenko in her monographic study "Administrative and Legal Status of the Cabinet of Ministers of Ukraine" emphasises that its governmental activities are implemented simultaneously through political and administrative powers. Moreover, the content of the political powers of the Cabinet of Ministers of Ukraine is to make public policy, while the content of the administrative powers of the Cabinet of Ministers of Ukraine is executive and administrative activities in the management of economic, socio-cultural and administrative-political sectors (Osaulenko, 2010).

For example, the Law of Ukraine No. 794-VII "On the Cabinet of Ministers of Ukraine"

of 27 February 2014 stipulates that it ensures state sovereignty and economic independence of Ukraine, implements the domestic and foreign policy of the state, and executes the Constitution and laws of Ukraine, acts of the President of Ukraine (Law of Ukraine On the Cabinet of Ministers of Ukraine, 2014). Resolution of the Verkhovna Rada of Ukraine No. 2483-IX "On some measures to fulfil Ukraine's obligations in the field of European Integration" of 29 July 2022 designates the Cabinet of Ministers of Ukraine as the main entity initiating draft laws on the adaptation of European legislation to the national one. Thus, together with European partners, the Open Government Partnership Initiative was launched to ensure access to information, strengthen public participation in decision-making, ensure accountability of public authorities, and develop technologies and innovations to ensure transparency and accountability (Decree of the Cabinet of Ministers of Ukraine on the approval of the action plan for the implementation of the "Open Government Partnership" Initiative in 2021-2022, 2021) in all sectors.

The Cabinet of Ministers of Ukraine, along with other entities defined in Law of Ukraine No. 2469-VIII "On National Security of Ukraine" of 21 June 2018, is part of the civilian control system. In addition, it ensures control over the implementation of legislation and public policy on national security in the context of European integration.

Relying on our analysis of the legislative framework for national security and European integration and all the above, we can state that the Cabinet of Ministers of Ukraine has a special administrative and legal status, since it chooses the areas of activity and manages the executive element of the system of implementation of some functions of the state in the field under study, it also has control and coordination powers, which are explicitly provided for in a number of legal regulations governing the areas of national security and procedures for implementing the European integration process.

4. Conclusions

Therefore, the clarity of the legislative definition of the actors of administrative and legal support for Ukraine's national security in the context of European integration is of paramount importance for its proper implementation. Hierarchically, the highest representatives of this system are the bodies of general competence, such as: the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine.

The theory of administrative law determines that the administrative and legal status of a public authority represents its place, role, and purpose in a system of legal relations. The system of national security of Ukraine in the context of European integration is a specific legal entity, the parties to which acts as a coordinated mechanism, the integrity of which is its leading feature. Accordingly, it does not seem appropriate to single out the place, role and purpose of each representative of the system being analysed, since only with the cumulative manifestation of interacting elements is it possible to achieve the set goals.

Therefore, the administrative and legal status of actors of general competence in the field of ensuring the national security of Ukraine in the context of European integration as a category of administrative and legal branch of scientific knowledge represents the aggregate manifestation of the functional capabilities of the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine as a managerial level, which, through its decisions and actions, objectifies an effective regulatory framework for the proper performance of tasks in this field. In general, these actors represent the leadership of this system, which is simultaneously responsible for the development of some reform changes and directions of development of security and defence legislation based on European values and standards, as well as for the implementation of some measures that fall within their competence as actors with special support functions.

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АДМІНІСТРАТИВНО-ПРАВОВИЙ СТАТУС СУБ'ЄКТІВ ЗАГАЛЬНОЇ КОМПЕТЕНЦІЇ У СФЕРІ ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ УКРАЇНИ В УМОВАХ ЄВРОІНТЕГРАЦІЇ

Анотація. Мета. Мета статті – розкрити сутність адміністративно-правового статусу ієрархічно найвищих суб'єктів системи забезпечення національної безпеки України в умовах євроінтеграції. **Результати.** Визначено, що адміністративно-правовий статус Президента України у досліджуваній площині характеризується такими положеннями: є гарантом (суверенітету, територіальної цілісності, євроінтеграційного курсу); здійснює керівництво у сферах національної безпеки та оборони; входить у систему суб'єктів забезпечення національної безпеки України; є Головою Ради національної безпеки і оборони України, формує її персональний склад та своїми указами вводить у дію рішення Ради національної безпеки і оборони України. Виявлено, що Верховна Рада України є один із провідних суб'єктів, що входять у систему забезпечення національної безпеки України в умовах євроінтеграції, та наділений Конституцією України виключними повноваженнями щодо прийняття законодавчих положень у сферах основ національної безпеки, правового режиму воєнного і надзвичайного стану, засад зовнішніх зносин. Через діяльність своїх комітетів вона відповідає за адаптацію законодавства України до положень ЄС, а також забезпечує контроль за діяльністю

органів спеціального призначення з правоохоронними функціями, правоохоронних органів спеціального призначення та розвідувальних органів. Констатовано, що Кабінет Міністрів України має особливий адміністративно-правовий статус, оскільки відповідає як за формування окремих напрямів державної політики, так і за виконання рішень у досліджуваних сферах, а також має контрольно-координаційні повноваження, є ініціатором численних реформ та законодавчих змін. **Висновки.** Узагальнено, що адміністративно-правовий статус суб'єктів загальної компетенції у сфері забезпечення національної безпеки України в умовах євроінтеграції як категорія адміністративно-правової галузі наукових знань репрезентує сукупний вияв функціональних спроможностей управлінської ланки, що своїми рішеннями та діями об'єктивізує наявність ефективного регулятивного підґрунтя для належного виконання поставлених завдань у цій сфері.

Ключові слова: адміністративно-правовий статус, безпека, євроінтеграція, забезпечення безпеки, загальна компетенція, система суб'єктів.

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