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## HUMANITARIAN COMPONENT OF THE NATIONAL SECURITY OF UKRAINE: CONTENT OF THE CONCEPT

**Abstract. Purpose.** The purpose of the article is to formulate the concept and content of humanitarian security as a component of Ukraine's national security. **Results.** The study examines the content and concept of humanitarian security, and its role as a component of Ukraine's national security. The concepts proposed by some scholars are cited, for example, L. Chuprii considers humanitarian security in the context of the conceptual foundations of security policy in the humanitarian sector, refers to it as a component of national security, and proposes to consider it in institutional and functional aspects. I. Zdioruk suggests that in relation to the concept of security, the term "humanitarian" has a double meaning, namely, from a sociological perspective, it is associated with a person and society, and from a political science perspective, as an antithesis of the production and technological sector. O. Neimark understands humanitarian security as the state of protection of national values, traditions, way of life and cultural and spiritual heritage of the people, physical and mental health of the nation, free self-identification of citizens, social groups and countries, which ensures sustainable development of society, timely detection, prevention and neutralisation of real and potential threats to national interests in the humanitarian sector. **Conclusions.** To sum up, allowing for the scientific literature covered in the study and the analysis of the country's security sector, it is advisable to supplement paragraph 1 of Article 1 of the Law of Ukraine "On National Security of Ukraine", which provides for the key terms, the concept of "humanitarian security" with its subsequent definition as follows: "protection of national interests in the fields of culture, science, education, medicine, social security, information, public morality, youth and sports from external, internal and hybrid threats, the facilitation by the security and defence sector entities of a safe environment for citizens to exercise their rights to educational, medical, cultural, social, information, administrative services and other services in the humanitarian sector provided by state authorities, local self-government bodies, institutions and organisations".

**Key words:** national security, humanitarian security, content and concept, legislation, administrative and legal framework.

### 1. Introduction

In the current situation in Ukraine, due to external risks and the existential and permanent threat from Russia, national security issues are of particular importance. The Law of Ukraine "On National Security of Ukraine" defines national security as the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats, and the law also uses the term military security (protection of state sovereignty, territorial integrity and democratic constitutional order and other vital national interests from military threats); public security and order (protection of vital interests of society and individuals,

human and civil rights and freedoms, ensuring which is a priority task of the security forces, other state bodies, local self-government bodies, their officials and the public, which take coordinated measures to realise and protect national interests from threats); state security as protection of state sovereignty, territorial integrity and democratic constitutional order and other vital national interests from real and potential non-military threats) (Law of Ukraine On National Security of Ukraine, 2018), but there is no mention of the concept of humanitarian security in the law, which is a significant gap in national security, as well as the administrative and legal framework for this issue. Therefore, the chosen topic is of great relevance.

The humanitarian sector of the country and the specificities of its proper administrative and legal framework have always been under focus by domestic legal scholars, among whom the greatest basis for the formation of the conceptual foundations of public and legal framework for the humanitarian development of Ukrainian society was made by Yu.V. Klymchuk, V.I. Diachenko, I.V. Chekhovska, O.V. Zakharova, N.B. Novytska, V.O. Morozova, V.V. Karlova, O.A. Zadykhailo, I.H. Ihnatchenko, Yu.V. Yakymets, V.S. Shestak, Yu.L. Yurynets and other scientists. Despite the significant theoretical and practical contribution of scientific works, their fragmentation and incomplete analysis of the consistency and integrity in the formulation of the conceptual framework for humanitarian public policy of Ukraine made it impossible to cover all the features of administrative and legal framework for its formation and implementation.

The purpose of the article is to formulate the concept and content of humanitarian security as a component of Ukraine's national security.

## 2. Legal and regulatory framework for humanitarian security

Current Ukrainian legislation does not provide for a normative definition of the concept of "humanitarian security". For this purpose, it is necessary to understand the conceptual and categorical apparatus, namely, how the concept of humanitarian security, or the humanitarian component of Ukraine's national security, is considered in the scientific literature.

It should be noted that some researchers use the term "socio-humanitarian" security, which is defined as "the protection of vital interests, values, culture of a person and citizen, society, and the state, facilitating an enabling internal and external environment for the proper level and quality of life of a person and the population of the entire country; development of social and spiritual values of a person and society; realisation of the basic strategic goals of sustainable development of the state based on the humanitarian dimension of social processes, where the highest value is a person, as well as formation of worldview and value orientations of a person (individual) as the main condition for the development of his/her social culture, social activity and realisation of social potential" (Horbatiuk, 2016, p. 41).

I. Zdioruk suggests that in relation to the concept of security, the term "humanitarian" has a double meaning, namely, from a sociological perspective, it is associated with a person and society, and from a political science perspective, as an antithesis of the production and technological sector. The researcher

understands humanitarian security as a system of methods and procedures for ensuring humanitarian security, human potential, and life support structures in crisis and conflict situations (emergencies, hostilities, external manipulative influences, including provocative ones), as well as during stabilisation and rehabilitation when a person is overcoming the crisis (Neimark, 2021).

This definition is quite apt, especially in terms of emphasising the importance of ensuring humanitarian security in the context of hostilities, which is relevant for Ukraine, as well as manipulative influences, as we know, the Russian Federation has long been waging a hybrid war, namely, trying to impose the ideals of totalitarianism among Ukrainians, etc.

Instead, V. Pirozhenko gives, in our opinion, a too abstract definition of humanitarian security as "the degree of protection of vital interests of social and political actors determined by their specific worldview and value orientations" (Pyrozhenko, 2005, p. 31). However, the author clarifies that the priority of security in the humanitarian sector should be the formation of worldview and value orientations among the population that create sustainable motivations for maintaining national identity (Pyrozhenko, 2005, p. 31). Indeed, the formation of national identity is an important component of humanitarian security.

O. Neimark understands humanitarian security as the state of protection of national values, traditions, way of life and cultural and spiritual heritage of the people, physical and mental health of the nation, free self-identification of citizens, social groups and countries, which ensures sustainable development of society, timely detection, prevention and neutralisation of real and potential threats to national interests in the humanitarian sector (Neimark, 2021). The researcher considers the concept of humanitarian security in several dimensions: 1) security of physical and mental health of a person; 2) security of the possibility of free self-identification of citizens, social groups and countries; 3) security of citizens and countries in terms of development opportunities and, in general, the ability to choose the future. In addition, the researcher defines the humanitarian security system, which she proposes to understand as "a functional system that reflects the processes of interaction between objects, actors, ideological, theoretical and legislative frameworks, goals, objectives, state bodies, public organisations, officials and individuals who bear full responsibility for the formation of a given level of humanitarian security of Ukraine, as well as a set of forces and means that function in favour of ensuring the humanitarian security

of the country on the necessary level" (Neimark, 2021).

The researcher clarifies the concept of "humanitarian security system" as "an organisational system of bodies, forces, and means of various organisations that are responsible for ensuring humanitarian security. The humanitarian security system is a component of the national security system" (Neimark, 2021).

According to O. Neimark, the mechanism for ensuring humanitarian security is a set of state institutions and civil society structures, as well as practical measures, levers, incentives, ways of action to identify and organise (attract) the necessary and sufficient material, spiritual, human resources, integration of various spheres of society in order to achieve the tasks of ensuring humanitarian security of Ukraine (Neimark, 2021).

### 3. Security policy in the humanitarian sector

In the context of the regional component of making public policy, M.I. Baiuk defines humanitarian security from the perspective of the state of protection of the humanitarian potential, information space of the region; national interests of citizens, their rights, freedoms, physical and mental health, morality, spirituality, intellectuality, public activity from internal and external threats. Moreover, security policy in the humanitarian sector is rightly defined as an enabling environment facilitated by the authorities and public institutions in the region for the development of its human potential through equal access of all citizens to quality education, health care, development of culture and spirituality, ensuring the right to timely and objective information, preservation of historical and ethnic traditions, prevention and counteraction to threats to the humanitarian sector (Baiuk, 2018).

From the perspective of public administration in the field of national security, the author's team, edited by H. Sytnyk, provides an interpretation of the concept of "humanitarian security" in the Dictionary-Reference as follows: "the protection of goals, ideals, values and traditions, way of life and culture of a person, social groups, entire society, which ensures their normal life, sustainable functioning, in particular, the observance of the rights and freedoms, regardless of race and gender, ethnicity, language and religion" (Sytnyk, Poshedin, Shevchenko, 2016, pp. 10-11).

L. Serhieieva considers humanitarian security as a state of protection of a person, family, nation; their goals, ideals, values and traditions, way of life and culture; sustainable necessary and sufficient promotion and development of human rights and fundamental freedoms for

all, regardless of race, language and religion (Nikitenko, 2012, p. 303).

Although the researchers provide reasonable and extensive concepts of humanitarian security and the content of State security policy in the humanitarian sector, such definitions and content are given in the context of studies in political science, public administration, and national security. Next, we should consider the concept and content of humanitarian security from the administrative and legal aspects and establish a concept that can be used from the perspective of administrative law in the Law "On National Security of Ukraine". Furthermore, it should be emphasised that the issue of humanitarian security as a component of national security is not mentioned in scientific acts, while humanitarian security is an important separate component of national security.

Allowing for the scientific literature covered in the study and the analysis of the country's security sector, it is advisable to supplement paragraph 1 of Article 1 of the Law of Ukraine "On National Security of Ukraine", which provides for the key terms, the concept of "humanitarian security" with its subsequent definition as follows: "*protection of national interests in the fields of culture, science, education, medicine, social security, information, public morality, youth and sports from external, internal and hybrid threats, the facilitation by the security and defence sector entities of a safe environment for citizens to exercise their rights to educational, medical, cultural, social, information, administrative services and other services in the humanitarian sector provided by state authorities, local self-government bodies, institutions and organisations*"

The humanitarian component of national security is ensured through the administrative power of public administrators. The State exercises this power influence on social relations through legal means in order to organise, consolidate, protect and develop, as well as to influence the behaviour and consciousness of citizens by proclaiming their rights and obligations, establishing certain permissions and prohibitions, approving certain legal acts, etc. (Hizhevskiy, Holovchenko, Kovalskyi, 2003, p. 369). O. Druchek writes: "administrative and legal framework is proposed to be understood as the implementation by the state, through a set of special mechanisms, of the ordering of social relations, their legal consolidation, protection, realisation and development" (Druchek, 2013, pp. 126-127).

According to O. Oliinyk, legal means are legal phenomena embodied in the instruments for establishing subjective rights, obligations, benefits, prohibitions, incentives, rewards and actions related to the technology of realisation of rights and duties (Oliinyk, 2015, p. 66).

Some administrative law scholars advocate this well-established position on the definition of legal means as instruments of the administrative and legal framework for relevant phenomena and processes, distinguishing among them prescriptions (imposing a direct legal obligation to perform certain actions under the conditions provided for by a legal provision), prohibitions (imposing direct legal obligations not to perform certain actions under the conditions provided for by a legal provision), permits (providing legal permission to perform certain actions under the conditions stipulated by the provision, or to refrain from doing them at will) (Kolpakov, 1999; Pastukh, 2020). Instead, I. Berezovska suggests the following types of administrative and legal means: 1) permitting; 2) registration; 3) administrative and legal coercion (Berezovska, 2012). O. Oliinyk considers the content of administrative and legal means of legal framework and public administration (in the context of information security) as a set of legal mechanisms and methods and ways of establishing and exercising full powers by state bodies of all branches of government aimed at ensuring information security of an individual, society, and the State (Oliinyk, 2015, p. 66).

The administrative and legal framework is considered by scientists as an ordering of social relations by the bodies authorised by the state, their legal consolidation by means of legal provisions, protection, implementation and development, and a narrow understanding depends on the social relations in question (Humin, Priakhin, 2014, p. 48).

Relying on the scientific developments in the field of administrative law regarding the concept and content of administrative and legal framework, the administrative and legal framework for humanitarian security

should be understood as the activities of security and defence sector entities regulated by administrative and legal provisions in the form of a special administrative and legal mechanism regulating public relations regarding protection of national interests in the fields of culture, science, education, medicine, social security, information, public morality, youth and sports from external, internal and hybrid threats, to comply with international standards of humanitarian development of society and to meet the humanitarian interests of every person.

#### 4. Conclusions

Therefore, humanitarian security should be defined as an integral set of genetic, demographic, social, psychological, spiritual, moral, and legal components of Ukrainian statehood. Its effective provision is possible only through the use of administrative and legal instruments by the authorised public administration, which form the basis for making public policy in the humanitarian sector, which can be effectively implemented only under structural institutional changes characterised by long-term positive trends in the sustainable development of Ukrainian society and overcoming negative factors and the relevant threats to Ukraine's humanitarian security.

It is necessary to prove the need to recognise humanitarian security as a component of national security and one of the main priorities of public policy, and in this regard, it is proposed to:

1) to legislate the list of threats to national interests as a set of destructive factors that negatively affect the development of the humanitarian sector of the State;

2) to identify ways and mechanisms for implementing the main directions of public policy in the field of humanitarian security in the National Security Strategy of Ukraine.

#### References:

- Baiuk, M.I. (2019). Polityka humanitarnoi bezpeky v Ukraini: rehionalnyi aspekt [Humanitarian security policy in Ukraine: regional aspect]. *Universytetski naukovyi zapysky – University Scientific Notes*, 65, 186-199 (in Ukrainian).
- Berezovska, I.R. (2012). Administratyvno-pravovi zasoby zabezpechennia informatsiinoi bezpeky Ukrainy [Administrative and legal means of ensuring information security of Ukraine]. *Extended abstract of candidate's thesis*. Kyiv: Nats. akad. vnutrishnikh sprav (in Ukrainian).
- Druchek, O.M. (2013). Poniattia administratyvno-pravovoho zabezpechennia prav, svobod ta interesiv dytyny orhanamy vnutrishnikh sprav Ukrainy [The concept of administrative and legal protection of the rights, freedoms and interests of the child by the internal affairs bodies of Ukraine.]. *Forum prava – Law forum*, 2, 123–128 (in Ukrainian).
- Hizhevskiy, V.K., Holovchenko, V.V., Kovalskiy, V.S. (2003). Populiarna yurydychna entsyklopediia [Popular legal encyclopedia]. Kyiv: Yurinkom Inter (in Ukrainian).
- Horbatiuk, S.Ie. (2016). Kontseptualizatsiia poniattia sotsiohumanitarnoi bezpeky u suchasnykh naukovykh doslidzhenniakh [Conceptualisation of the concept of socio-humanitarian security in modern scientific research]. *Efektynist derzhavnogo upravlinnia – Efficiency of public administration*, 1-2(1), 31-43 (in Ukrainian).
- Humin, O.M., Priakhin, Ye.V. (2014). Administratyvno-pravove zabezpechennia: poniattia ta struktura [Administrative and legal support: concept and structure]. *Nashe parvo – Our right*, 4, 46-50 (in Ukrainian).

Kolpakov, V.K. (1999). *Administratyvne pravo Ukrainy* [Administrative law of Ukraine]. Kyiv: Yurinkom Inter (in Ukrainian).

Neimark, O.A. (2021). Publichne upravlinnia zabezpechenniam humanitarnoi bezpeky: osnovni naukovi pidkhody [Public management of humanitarian security: basic scientific approaches]. *Naukovi perspektyvy – Scientific perspectives*, 9 (15), 172-184 (in Ukrainian).

Nikitenko, V.I. (2012). Naukovi здобутky i holovni skladovi naukovoho analizu problem humanitarnoi bezpeky Ukrainy – Scientific achievements and main components of the scientific analysis of humanitarian security problems of Ukraine. *Visnyk Natsionalnoho universytetu oborony Ukrainy – Bulletin of the National Defense University of Ukraine*, 4, 302-306 (in Ukrainian).

Oliinyk, O.V. (2015). Administratyvno-pravovi zasoby zabezpechennia informatsiinoi bezpeky [Administrative and legal means of ensuring information security]. *Yurydychnyi visnyk. Povitriane i kosmichne pravo – Legal Bulletin. Air and space law*, 1, 65-69 (in Ukrainian).

Pastukh, I.D. (2020). Administratyvno-pravovi zasoby administruvannya konfliktu interesiv u publichno-pravovykh vidnosynakh [Administrative and legal means of administration of conflict of interests in public and legal relations]. *Yurydychnyi naukovyi zhurnal – Legal scientific journal*, 9, 260-263 (in Ukrainian).

Pyrozhenko, V.O. (2005). Humanitarna skladova natsionalnoi bezpeky: predmet doslidzhennia ta kolo osnovnykh problem [The humanitarian component of national security: the subject of research and the range of main problems]. *Stratehichna panorama – Strategic panorama*, 2, 27–35 (in Ukrainian).

Sytnyk, H.P., Poshedin, O.I., Shevchenko, M.M., (2016). *Hlobalna ta natsionalna bezpeka: slovnyk-dovidnyk* [Global and national security: a reference dictionary]. Kyiv: NADU (in Ukrainian).

Zakon Ukrainy Pro Natsionalnu bezpeku Ukrainy: vid 21 chervnia 2018 roku [Law of Ukraine On National Security of Ukraine: dated June 21, 2018]. (2018). *rada.gov.ua*. Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#Text> (in Ukrainian).

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## **ГУМАНІТАРНИЙ СКЛАДНИК НАЦІОНАЛЬНОЇ БЕЗПЕКИ УКРАЇНИ: ЗМІСТ ПОНЯТТЯ**

**Анотація. Мета.** Метою статті є формулювання поняття та змісту гуманітарної безпеки як складника національної безпеки України. **Результати.** В дослідженні розглядається зміст та поняття гуманітарної безпеки, її ролі як складника національної безпеки України. Наводяться поняття, запропоновані деякими вченими, наприклад Л. Чупрій розглядає гуманітарну безпеку в контексті концептуальних засад політики безпеки в гуманітарній сфері, називає складником національної безпеки, він пропонує розглядати її в інституційному та функціональному аспектах. І. Здіорук висловлює думку, що стосовно поняття безпеки термін «гуманітарний» несе подвійний зміст, а саме із соціологічної точки зору це пов'язане з людиною і суспільством, і політологічної як антипод виробничо-технологічній сфері. О. Неймарк під гуманітарною безпекою розуміє стан захищеності національних цінностей, традицій, укладу життя та культурної і духовної спадщини народу, фізичного та психічного здоров'я нації, вільної самоідентифікації громадян, суспільних груп і країн, що забезпечує сталий розвиток суспільства, своєчасне виявлення, запобігання і нейтралізацію реальних та потенційних загроз національним інтересам у гуманітарній сфері. **Висновки.** Підсумовано, що на основі висвітленої в дослідженні наукової літератури та аналізу безпекової сфери країни доцільно доповнити п. 1 ст. 1 Закону України «Про національну безпеку України», де розкриваються основні терміни, поняття «гуманітарна безпека» із наступним його визначенням, зокрема як: «захищеність національних інтересів у сферах культури, науки, освіти, медицини, соціального забезпечення, інформації, суспільної моралі, молоді і спорту від зовнішніх, внутрішніх та гібридних загроз, забезпечення суб'єктами сектору безпеки і оборони безпечних умов для реалізації громадянами прав на отримання освітніх, медичних, культурних, соціальних, інформаційних, адміністративних послуг та інших послуг у гуманітарній сфері, які надають органи державної влади, органи місцевого самоврядування, установи та організації».

**Ключові слова:** національна безпека, гуманітарна безпека, зміст та поняття, законодавство, адміністративно-правове забезпечення.

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