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## KEY TRENDS IN IMPLEMENTING ADMINISTRATIVE LAW MECHANISM FOR THE INTERACTION OF SECURITY AND DEFENCE SECTOR ENTITIES TO ENSURE NATIONAL SECURITY

**Abstract. Purpose.** The purpose of the article is to outline the key trends in implementing administrative law mechanism for the interaction of security and defence sector entities to ensure national security. **Results.** The issue of the administrative law mechanism for the interaction of security and defence sector entities to ensure national security as an object of study is poorly studied due to its relatively recent actualisation. The study focuses on revealing the main trends in implementing the administrative and legal mechanism for the interaction of security and defence sector entities with regard to ensuring national security. The author clarifies that this issue can be characterised through two parallel discourses – the organisational and implementation aspects, which differ in the essence of administrative and legal relations that mediate these processes. The focus is on the implementation aspect determining that the main trends in implementing the administrative and legal mechanism for the interaction of security and defence sector entities with regard to ensuring national security should be distinguished depending on the field, in which the organisation and implementation of joint activities of entities under study is carried out through the representation of their common tasks, and considering that they can be manifested by fixing the need to organise such interaction within the scope of the powers of a particular actor to ensure its implementation. **Conclusions.** The basic trend in implementing the administrative and legal mechanism of interaction of security and defence sector entities with regard to ensuring national security is to prevent and counter threats to the national interests of Ukraine in all sectors of activities of the State and society, as well as to ensure their implementation and preservation. In general, from the theoretical perspective, these trends are: 1) law enforcement – joint implementation of security and protection functions in relation to national security objects (state security, state border, critical infrastructure, etc.); 2) information – exchange of necessary information, including secure and unimpeded access to it; 3) coordination – focus and coherence of activities, enabling to formulate tactics of joint actions in terms of unity.

**Key words:** administrative and legal mechanism, interaction, ensuring security, ensuring national security, mechanism, national interests, security and defence sector.

### 1. Introduction

The trends in implementing the administrative and legal mechanism for the interaction of security and defence sector entities with regard to ensuring national security can be considered in two aspects: first, what are the trends in regulating joint activities of the security and defence sector entities as an organisational and functional component of the activities of authorised entities; second, what are the trends in interaction of the actors under study, which are deter-

mined by the authorised entities as being subject to practical implementation (Zhuk, 2021).

This study is focused on addressing this issue from the implementation aspect given the key trends, as follows: 1) it makes sense to distinguish depending on the field, in which the organisation and implementation of joint activities of entities under study is carried out through the representation of their common tasks; 2) they can be manifested by fixing the need to organise such interaction

within the scope of the powers of a particular actor to ensure its implementation.

The issue of the administrative and legal mechanism for interaction of security and defence sector entities with regard to ensuring national security as an object of study is generally under-researched, which is due to its relatively recent actualisation. Accordingly, there are currently no scientific works that would address this object and subject matter.

## **2. Theoretical issues of the functioning of security and defence sector entities**

Depending on the sector in which the joint activities of the actors under study are organised and implemented, we can distinguish the interaction of the security and defence sector entities in the following fields: 1) ensuring state security and state border security; 2) defence; 3) protection of critical infrastructure; 4) domestic and foreign policy; 5) social and humanitarian; 6) economic; 7) environmental; 8) scientific and technological, etc.

For example, in the field of ensuring state security, joint activities of the state special-purpose body with law enforcement functions of law enforcement and intelligence bodies and other state bodies and persons involved in ensuring state security in accordance with the legislation of Ukraine are organised and carried out. The purpose of such cooperation is to ensure state security and protect the national interests of Ukraine from external and internal threats, counteract intelligence, subversive, sabotage, terrorist and other activities of intelligence and subversive entities, as well as eliminate the preconditions for their implementation and localise possible negative consequences (Decree of the President of Ukraine On the Approval of the Strategy for Ensuring State Security of Ukraine, 2022). For example, in November 2020, officers of the SBU Special Operations Centre A, together with the National Police, released 13 hostages in Lutsk and arrested an armed terrorist who had hijacked a Krasnylivka-Berestechko bus with passengers in the city centre. Thanks to the Boomerang special operation planned by the SBU Anti-Terrorist Centre, law enforcement officers managed to avoid civilian casualties (The SBU together with the National Police freed 13 hostages in Lutsk and detained a terrorist. Security Service of Ukraine, 2020). In the same year, they also managed to expose the organisers of an interregional group selling weapons and ammunition in Kryvyi Rih. Among other things, the organisers of the group were found to have documentary evidence of their participation in the activities of the so-called 'Assembly of indigenous peoples of the Russian Land 'Veche Rusi', which promotes sep-

arartist ideas to the detriment of the territorial integrity of Ukraine. According to operational information, the organisation's foreign curators could have used the cell's representatives in secret to conduct extremist actions during the local self-government elections (In Kryvyi Rih, the SBU together with the National Police exposed an interregional organized group of arms dealers, 2020).

In turn, state border security requires integrated border management, focused on the joint implementation of protection functions by clearly defined security and defence sector entities (the Ministry of Internal Affairs of Ukraine, the State Border Guard Service of Ukraine, the State Migration Service of Ukraine, the Security Service of Ukraine, the National Police, the National Guard, the Armed Forces (Air Force and Navy)), which act together and also cooperate with the Ministry of Foreign Affairs of Ukraine, the Ministry of Infrastructure of Ukraine, the Ministry of Finance of Ukraine, the State Customs Service, the State Service of Ukraine for Food Safety and Consumer Protection both at the state border, and within the state, making optimal use of national resources to achieve the goals of public policy on integrated border management in order to create and maintain a balance between ensuring an adequate level of border security and maintaining the openness of the state border for legitimate cross-border cooperation, as well as for travellers (Decree of the Cabinet of Ministers of Ukraine On the approval of the Strategy for integrated border management for the period until 2025, 2019).

The 2020-2022 Action Plan for the Implementation of the Integrated Border Management Strategy until 2025 entrusts the Ministry of Internal Affairs of Ukraine with the responsibility to develop a procedure for regulating the interaction between the State Border Guard Service of Ukraine and the National Police in responding to crisis situations at the state border, which shall be formalised by a relevant order. Furthermore, the Ministry of Internal Affairs of Ukraine, together with the Ministry of Finance of Ukraine, should determine the procedure for regulating interaction between the State Border Guard Service of Ukraine and the State Customs Service in the performance of tasks at the state border (Order of the Cabinet of Ministers of Ukraine On the approval Action Plan for the Implementation of the Integrated Border Management Strategy for the period until 2025, 2019).

In addition, the specific areas of implementation of the administrative and legal mechanism for interaction of security and defence sector entities with regard to ensuring national

security in this case are: access to departmental databases, joint activities to achieve unity, improvement of coherence in the tactics of joint actions of the units of the interacting parties, for example, detection of unmanned aerial vehicles or constant search and rescue readiness at sea, risk analysis (Order of the Cabinet of Ministers of Ukraine On the approval Action Plan for the Implementation of the Integrated Border Management Strategy for the period until 2025, 2019), etc.

According to the relevant legislation, in the defence sector, the Ministry of Defence of Ukraine is a responsible entity that ensures the relations of the Armed Forces of Ukraine with state bodies, public organisations and citizens. In its turn, the General Staff of the Armed Forces of Ukraine organises their interaction with ministries, other central executive bodies, defence councils of the Autonomous Republic of Crimea and oblasts, the cities of Kyiv and Sevastopol in the performance of defence tasks (Law of Ukraine On the Defence of Ukraine, 1991).

Evidently, in this field, the interaction between the security and defence sector actors is mainly organised for the purpose of jointly performing defence functions and implementing Ukraine's military policy. In particular, Ukrainian border guards were redeployed in many areas on 24 February and acted together with the Armed Forces of Ukraine (The border guards have been redeployed and are acting together with the Armed Forces of Ukraine - the spokesperson of the State Security Service of Ukraine, 2022). To ensure the effectiveness of joint actions, we would also like to note that relevant training is being actively carried out. For example, large-scale tactical exercises for the airborne defence of the Azov Sea coast were held at the Petrivske training ground near Berdiansk. The military of the Armed Forces of Ukraine and the National Guard of Ukraine, including marines, border guards, military aviation, etc. took part in the combat cohesion. The main purpose of such exercises is to practice the interaction of various units and military management in various types of combat (The Ukrainian military on the coast of the Sea of Azov practiced repelling an enemy attack, 2022). For now, the interaction of the actors under study in the information sector, in particular, refuting fakes and other misinformation spread on the Internet, is extremely relevant.

In the field of critical infrastructure protection, the interaction between the entities being studied is carried out to ensure the security and resilience of facilities that are strategically important for the economy and security of the state, society, and population, and whose

disruption may harm the vital national interests of Ukraine (Decree of the Cabinet of Ministers of Ukraine On the approval of the Concept of creating a state system for the protection of critical infrastructure, 2017). The main area of such cooperation is information exchange, the mechanism thereof is determined by the Cabinet of Ministers of Ukraine. The priorities include counteracting foreign economic expansion, preventing the use of financial instruments to create systemic crises in the Ukrainian economy (Protection of critical infrastructure facilities, 2022), anti-subversive protection of such facilities, and cyber defence of state information resources and other critical information infrastructure facilities.

In the domestic political sector, the security and defence sector actors interact, for example, regarding the revitalisation and development of the Crimean Tatar language, allowing for current circumstances, which are largely shaped by the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation (Decree of the Cabinet of Ministers of Ukraine on the approval of the Concept of the Development of the Crimean Tatar Language, 2021). For this purpose, the Ministry of Internal Affairs of Ukraine and the Security Service of Ukraine, in cooperation with other actors, promptly respond to violations of the right to education in the Crimean Tatar language, in particular by introducing special economic and other restrictive measures (sanctions) against individuals and legal entities, taking other measures in accordance with the law (Order of the Cabinet of Ministers of Ukraine Operational Plan for the Implementation of the Strategy for the Development of the Crimean Tatar Language for 2022-2032, 2022).

Another striking example in this area is the interaction of the actors under study in resolving internal contradictions in Ukrainian society on religious grounds, in particular, the activities of the Russian Orthodox Church and related religious organisations in Ukraine. For example, the Security Service of Ukraine, together with the National Guard of Ukraine and the police, conducts counterintelligence activities to prevent the use of religious communities as a centre of the «Russian world» and to protect the population from provocations and terrorist acts (The most massive search by the SBU in the UOC (MP). What is known and to whom they came. BBC Ukraine, 2022).

The activities were intensified, in particular, due to the fact that on 1 December 2022, Decree of the President of Ukraine No. 820/2022 enacted the Decision of the National Security

and Defence Council of Ukraine of 1 December 2022 « On some aspects of the activities of religious organisations in Ukraine and the application of personal special economic and other restrictive measures (sanctions)», which clearly states that the Security Service of Ukraine, together with the National Police of Ukraine and other state bodies, responsible for issues in the field of national security, should intensify measures to identify and counter subversive activities of Russian special services in the religious environment of Ukraine (Decree of the President of Ukraine On the decision of the National Security and Defence Council of Ukraine dated December 1, 2022 «On some aspects of the activities of religious organisations in Ukraine and the application of personal special economic and other restrictive measures (sanctions)», 2022).

### 3. Activities of the security and defence sector in foreign policy

In the foreign policy sector, the entities under study interact, for example, regarding the application of special economic and other restrictive measures (Law of Ukraine On Sanctions, 2014). The Specialised Law stipulates that sanctions may be imposed by Ukraine against a foreign state, a foreign legal entity, a legal entity controlled by a foreign legal entity or a non-resident individual, foreigners, stateless persons, and entities engaged in terrorist activities, due to the need to protect the national interests, national security, sovereignty and territorial integrity of Ukraine, counteract terrorist activities, as well as prevent violations and restore violated rights, freedoms and legitimate interests of Ukrainian citizens, society and the state. In particular, the Security Service of Ukraine submits proposals for the application, cancellation and amendment of sanctions to the National Security and Defence Council of Ukraine (Law of Ukraine On Sanctions, 2014).

In the social and humanitarian sector, the interaction under study concerns, for example, the prevention of the destruction of basic content of national historical memory, its levelling as an important component of national unity, consolidation of society and government, or increasing the level of trust in the media (Analysis of public policy on national security and defence of Ukraine, 2015). In particular, the latter is a rather difficult task, since such activities can be objectified as the application of appropriate measures (e.g., the National Security and Defence Council of Ukraine apply restrictive sanctions, the Security Service of Ukraine, among other entities, is responsible for ensuring the implementation and monitoring of the effectiveness of these programmes),

and by providing official information at joint briefings covered by the media (for example, Ukrainian communicators launched a new platform, Ukraine Media Centre (Kyiv+Lviv), together with the Ministry of Defence and the Ministry of Internal Affairs. Ukraine Media Centre will host daily briefings, events and expert interviews (Together with the Ministry of Defence and the Ministry of Internal Affairs, Ukrainian communicators are launching a new platform - Ukraine Media Center (Kyiv+Lviv), 2022).

In the economic sector, it should be noted that a rather important area of interaction between the actors under study is counteraction to the oligarchisation of the Ukrainian economy. For example, in 2021, Law of Ukraine «On prevention of threats to national security associated with excessive influence of persons having significant economic and political weight in public life (oligarchs)» No. 1780-IX was adopted. It defines the legal and organisational basis for the functioning of the system of preventing excessive influence of oligarchs, the content and procedure for applying measures of influence to these persons. In particular, the decision to recognise a person as having significant economic and political weight in public life (oligarch) is made by the National Security and Defence Council of Ukraine on the basis of a proposal by the Cabinet of Ministers of Ukraine, a member of the National Security and Defence Council of Ukraine, the National Bank of Ukraine, the Security Service of Ukraine or the Antimonopoly Committee of Ukraine (Law of Ukraine On prevention of threats to national security associated with excessive influence of persons who have significant economic and political weight in public life (oligarchs), 2021). It should be noted that the new anti-corruption strategy for 2021-2025 does not specifically mention oligarchs. However, there is an action plan for the implementation of the anti-oligarchic law approved at the government level (We are waiting for the conclusions of the Venice Commission: Deputy Minister of Justice regarding the law on deoligarchization, 2022). The document so far consists of 20 points that envisage a number of measures, starting with the development of a regulation on the register of oligarchs, and sets a time frame for their implementation (Maliuska, 2021). The security and defence sector is not directly involved in the implementation of this plan, but it is possible that they may cooperate with its responsible executors.

In the environmental sector, an important area of interaction between the actors under study is counteraction to threats to environmental safety, including environmental disas-

ters, the timely detection thereof is a guarantee of proper human health protection and ecosystem sustainability. Moreover, analysing the provisions of the Strategy for environmental security and adaptation to climate change for the period until 2030, approved by the Decree of the Cabinet of Ministers of Ukraine No. 1363-r of 20 October 2021 (Decree of the Cabinet of Ministers of Ukraine On the strategy for environmental security and adaptation to climate change for the period until 2030, 2022), the security and defence sector is not involved in addressing the current state of affairs in this field. In particular, there are no provisions on the need to ensure appropriate interaction. In our opinion, this is a miscalculation by strategic planners, as threats to Ukraine's environmental security are formed both gradually under the influence of natural phenomena and deliberately by individuals. At present, the issue of environmental safety during the war is quite relevant, as it includes the loss of biodiversity and threats to Red Data Book species, fires in ecosystems due to hostilities, chemical pollution from shelling and missiles, pollution of soil, sea with oil products, and water with organic matter due to damage to utilities (Omelchuk, Sadohurska, 2022), etc. Therefore, it would be appropriate to define at the legislative level the areas of cooperation between individual actors of the security and defence sector in the field of ecosystem destruction, soil pollution, biodiversity reduction, and the increase in the number of pests in forests, as it is necessary to record the damage that should be compensated by the aggressor in the future (Omelchuk, Sadohurska, 2022).

In the scientific and technological sector, it should be noted that the interaction of the security and with regard to ensuring national security within is manifested, for example, in space activities. According to Law of Ukraine «On space activities» No. 502/96-VR of 15 November 1996, space activities in the field of defence and national security are carried out by the Ministry of Defence of Ukraine and the intelligence agencies of Ukraine, which, together with the relevant ministries and other central executive authorities, are responsible for the implementation of the National Target Scientific and Technical Space Programme of Ukraine in the part related to the creation and use of military and dual-use space equipment. The procedure for interaction between the Ministry of Defence of Ukraine, the intelligence agencies of Ukraine and the central executive body that ensures making public policy on space activities is determined by the Regulations approved by the President of Ukraine (Law of Ukraine On Space Activities, 1996). In particular, in this area, there is interaction on the develop-

ment of the conceptual framework of the state space policy and the National Target Scientific and Technical Space Programme of Ukraine in terms of the creation and use of space technology in the interests of Ukraine's national security, as well as the formation and organisation of orders for work related to the creation and use of space technology (Law of Ukraine On Space Activities, 1996).

### 5. Conclusions

Therefore, the basic trend in implementing the administrative and legal mechanism of interaction of security and defence sector entities with regard to ensuring national security is to prevent and counter threats to the national interests of Ukraine in all sectors of activities of the State and society, as well as to ensure their implementation and preservation.

From a scientific perspective, we can identify the following areas trends: 1) law enforcement – joint implementation of security and protection functions in relation to national security objects (state security, state border, critical infrastructure, etc.); 2) information – exchange of necessary information, including secure and unimpeded access to it; 3) coordination – focus and coherence of activities, enabling to formulate tactics of joint actions in terms of unity.

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## ОСНОВНІ НАПРЯМИ РЕАЛІЗАЦІЇ АДМІНІСТРАТИВНО-ПРАВОВОГО МЕХАНІЗМУ ВЗАЄМОДІЇ СУБ'ЄКТІВ СЕКТОРУ БЕЗПЕКИ Й ОБОРОНИ ЩОДО ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ

**Анотація. Мета.** Метою статті є окреслення основних напрямів реалізації адміністративно-правового механізму взаємодії суб'єктів сектору безпеки й оборони щодо забезпечення національної безпеки. **Результати.** Проблематика адміністративно-правового механізму взаємодії суб'єктів сектору безпеки й оборони щодо забезпечення національної безпеки як об'єкта вивчення загалом є малодослідженою, що зумовлюється порівняно нещодавною її актуалізацією. Відповідно, наукових праць, які були б звернені до такого об'єктно-предметного поля, наразі немає. Дослідження спрямоване на розкриття основних напрямів реалізації адміністративно-правового механізму взаємодії суб'єктів сектору безпеки й оборони щодо забезпечення національної безпеки. Уточнено, що ця проблематика може бути схарактеризована через два паралельних дискурси – організаційний та реалізаційний аспект, різниця між якими полягає у сутності адміністративно-правових відносин, що опосередковують ці процеси. Зосереджено увагу на реалізаційному аспекті та визначено, що основні напрями реалізації адміністративно-правового механізму взаємодії суб'єктів сектору безпеки й оборони щодо забезпечення національної безпеки слід виокремлювати залежно від сфери, у якій здійснюється організація та реалізація спільної діяльності досліджуваних суб'єктів через репрезентацію їхніх спільних завдань, а також з урахуванням, що вони можуть мати прояв шляхом закріплення необхідності організації такої взаємодії у межах повноважень конкретного суб'єкта забезпечення її здійснення. **Висновки.** Базовим напрямом реалізації адміністративно-правового механізму взаємодії суб'єктів сектору безпеки й оборони щодо забезпечення національної безпеки визначено запобігання та протидію загрозам національним інтересам України в усіх сферах життєдіяльності держави та суспільства, а також забезпечення їх реалізації та збереження. Узагальнено, що з теоретичного погляду такими напрямками є: 1) правоохоронний – спільна реалізація функцій охорони та захисту щодо об'єктів національної безпеки (державної безпеки, державного кордону, критичної інфраструктури тощо); 2) інформаційний – обмін необхідною інформацією, у тому числі безпечний та безперешкодний доступ до неї; 3) узгоджуваль-

ний – спрямованість та злагодженість діяльності, що дає змогу сформувати тактику спільних дій в умовах єдності.

**Ключові слова:** адміністративно-правовий механізм, взаємодія, забезпечення безпеки, забезпечення національної безпеки, механізм, національні інтереси, сектор безпеки й оборони.

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