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CONTROL AND SUPERVISORY PROCEDURES FOR ENSURING THE NATIONAL SECURITY OF UKRAINE IN THE CONTEXT OF EUROPEAN INTEGRATION

Abstract. Purpose. The purpose of the article is to reveal the particularities of control and supervisory procedures for ensuring the national security of Ukraine, as well as also to highlight certain problematic aspects of the implementation aspect. **Results.** The study reveals that control and supervisory procedures, as a type of administrative procedures in ensuring the national security of Ukraine, have a dual legal nature, which is manifested in the context of development of administrative law relations arising from both authorisation and the need to ensure the effective functioning of the system of ensuring the national security of Ukraine in the context of European integration. Their implementation is due to the general purpose of ensuring the protection of Ukraine's national interests, its compliance with international obligations, identifying shortcomings and stopping illegal or even unlawful actions and bringing offenders to justice. **Conclusions.** It is determined that the subject matter of control and supervision is, on the one hand, the inspection of entities subject to control by the authorisation system, and, on the other hand, the efficiency of the functioning of the system of ensuring national security of Ukraine in the context of European integration. According to this criterion, two groups of control and supervisory procedures are characterised with their own varieties, such as: the functioning thereof is conditioned by the authorisation system; the availability thereof is a consequence of the functioning and development of the system of ensuring national security of Ukraine in the context of European integration. It is clarified that control and supervisory procedures for the effective functioning of the national security system of Ukraine in the context of European integration can also be classified by the actors of democratic civilian control specified in the Law of Ukraine "On National Security of Ukraine". The essence of the state financial control is independently described. It is summarised that control and supervisory procedures for ensuring Ukraine's national security in the context of European integration do not exist independently, and, in practice, they are intertwined with each other. For example, when controlling the content and status of implementation of strategic programmes and plans, the implementation of measures and the effectiveness of the funds allocated for their implementation are analysed at the same time.

Key words: administrative procedure, administrative and legal mechanism, European integration, security, control, supervision, national security.

1. Introduction

National security has a procedural form. This is an axiom, because any activity aimed at protecting public or individual values must be carried out in a manner and within the framework of legal requirements.

As a general rule, the procedural form provides for a step-by-step implementation of a specific action, a certain order of its performance. Therefore, it is logical that such actions are classified according to certain criteria, grouped according to a certain criterion.

Control and supervisory procedures, as a type of administrative procedures in the field of ensur-

ing national security of Ukraine, have a dual legal nature, which is manifested in the context of development of administrative and legal relations arising from both authorisation and the need to ensure the effective functioning of the system of ensuring national security of Ukraine in the context of European integration.

Since the content and essence of such procedures are an under-researched issue within the administrative and legal field of scientific knowledge, this study is directly aimed at revealing their features, as well as highlighting certain problematic aspects of the implementation aspect.

The issues being analysed are characterised by a fairly solid scientific basis of a general nature. In particular, this refers to the sufficient scientific validity of the legal nature of such procedures in general. However, despite the existence of certain general theoretical basis regarding the specifics of the issue raised, the content and essence of control and supervisory procedures in the field of national security in the context of European integration have not been scientifically covered, which calls for a more thorough study.

2. General approaches to defining control and supervisory procedures

In general, control and supervisory procedures are to ensure the protection of public goods. Therefore, their practice should be as formalised as possible. The main tools of such procedures are inspection, monitoring and response measures. In turn, inspections can be scheduled and unscheduled.

It should be noted that, in our opinion, control and supervisory procedures in the field of national security in the context of European integration are clearly arranged performance, defined by law, of control and supervisory actions by authorised actors and public entities, which are carried out within the provisions of the Law of Ukraine "On National Security of Ukraine". Relying on its provisions and the content of European integration standards, we believe that they are implemented to ensure the protection of Ukraine's national interests, its compliance with international obligations, identifying shortcomings and stopping illegal or even unlawful actions and bringing offenders to justice.

Moreover, the subject matter of control and supervision is, on the one hand, the inspection of entities subject to control by the authorisation system, and, on the other hand, (1) compliance with the requirements of the national legislation in force and European standards in the activities of the national security bodies, prevention of their use for the usurpation of power, violation of human and civil rights and freedoms; (2) the content and state of implementation of strategies, doctrines, concepts, state programmes and plans in the field of national security and European integration; (3) the level of support to the national security bodies (staffing, equipment with modern weapons, military and special equipment, provision of necessary stocks of material resources and readiness to perform assigned tasks in peacetime and in a special period); (4) efficiency of the use of resources, including budgetary funds and financial assistance provided by European partners (Law of Ukraine On National Security of Ukraine, 2018).

Therefore, the subject matter of control and supervision as a basis enables to examine certain types of control and supervisory procedures for ensuring Ukraine's national security in the context of European integration.

First, these are ones related to the inspection of the activities of entities subject to control by the authorisation system. For example, the media sector can be considered.

Thus, the National Council supervises and controls compliance by media entities with the law and licence conditions in accordance with the requirements of Law of Ukraine No. 2849-IX "On Media" of 13 December 2022. When considering the issue of violation of legislation and/or licence conditions by a media entity, the National Council shall allow for: the results of the official monitoring of the National Council; explanations of the media entity, officials and employees, other persons; expert opinions; information provided by other state bodies within their competence; materials of inspections conducted by the National Council; any other factual data that enable to establish the presence or absence of a violation (Law of Ukraine On Media, 2022; Hulatkan, 2022).

Based on the results of the review of the violation of the law and/or the terms of the licence, the National Council makes one of the following decisions: (1) no violation of the law and/or the terms of the licence; (2) additional inspection; (3) the application of response measures to a media entity, such as prescriptions, fines, entering information on the cancellation of a licence by a court decision, cancellation of registration, prohibition of publication and distribution of print media, temporary or complete prohibition of online media distribution (Law of Ukraine On Media, 2022; Hulatkan, 2022).

Furthermore, the provisions of the law being analysed stipulate that supervision and control over compliance with legislation in the field of protection of economic competition, use of the radio frequency resource of Ukraine for broadcasting and electronic communications, as well as compliance with other legal requirements, are carried out by state bodies within their competence. If the National Council identifies signs of a possible violation of the law, the response to which does not fall within its powers, the National Council shall apply to the state body that is authorised to take appropriate response measures (Law of Ukraine On Media, 2022).

Therefore, the control and supervisory procedure for ensuring the national security of Ukraine in the context of European integration in the media sector is primarily aimed

at ensuring the creation of an optimal regime for the functioning of the legal field for the development of a domestic model of the communication environment within the country that will meet public demands, requirements of European legislation and strategic priorities of Ukraine's development.

Moreover, in our opinion, other control and supervisory procedures for ensuring Ukraine's national security in the context of European integration in the authorisation sector can be defined in a similar way, with the only difference between them being the object component. In the procedure analysed above, such an object is a model of the communication environment within the country.

For the area under study, the control and supervisory procedures for ensuring Ukraine's national security in the context of European integration, which relate to the efficiency of the system of its ensuring, are of greater importance.

The comprehensive consideration of this issue requires clarifying that the concept of "effectiveness" is inextricably linked to the concept of "effect" (Raizberh, 2002). However, this category is relative; it is inherent only in a purposeful process. In addition to effectiveness, researchers have always paid considerable attention to the concept of "efficacy." According to P. Drucker, efficacy is the result of doing the right things; and effectiveness is the result of doing properly these things. That is, both of these concepts are equally important (Krasnorutskiy, Vlasenko, Halych, 2016; Druker, 2015).

3. Effectiveness of control and supervisory procedures

It is believed that effectiveness is an indicator of development. It is also its most important incentive. In an effort to improve the effectiveness of a particular type of activities and their combination, specific measures that contribute to the development process are identified and those that lead to regression are cut off (Demchenko, Momot, 2013, p. 208). Accordingly, in the context of the study, this category can be understood as the results of the activities of administrative units that can be objectively assessed (Danylenko, 2019, p. 225).

Thus, control and supervisory procedures for the effective functioning of the national security system of Ukraine in the context of European integration are a procedure for the purposeful activity of the actors of this system, which is carried out with the aim of assessing the actions taken and decisions made by the entities subject to their control or accountable to them.

In this context, we mean the following:

– Control and supervisory procedures for compliance with legislation and Euro-

pean standards in the field of national security in the context of European integration. The essence of such a procedure is to verify compliance with legal requirements to follow all stages of procedural activities, identify deviations from the established rules and eliminate obstacles that may provoke such deviations;

– Control and supervisory procedures regarding the content and state of implementation of strategies, doctrines, concepts, state programmes and plans for ensuring national security in the context of European integration. Their essence is represented by the comparison of the planned and desired with the result obtained. During their implementation, the following is analysed and examined: 1) the completeness, timeliness and effectiveness of the planned measures; 2) whether the measure has been fully implemented in relation to the expected results; 3) whether the deadlines for the implementation of measures have been met (Anti-corruption program of the Security Service of Ukraine for 2021-2024, 2022) etc;

– Control and supervisory procedures regarding the level of resource provision for the security and defence sector entities. The essence of such procedure is to analyse the needs of personnel, technical, material, financial, regulatory, methodological and other areas. It should be noted that it is difficult to find information in open sources on how the state provides for the security and defence forces, let alone the results of control and supervision procedures;

– Control and supervisory procedures for the proper use of resources, including budget funds and financial assistance provided by European partners. The purpose of these procedures is to identify ineffective use or misuse of funds, resources, and assistance provided to ensure national security in the context of European integration. These procedures examine the effectiveness of state property management, the effectiveness of management of public and international funds, and the efficacy, cost-effectiveness and productivity of the use of public and international funds.

It should also be noted that control and supervisory procedures for the effective functioning of the national security system of Ukraine in the context of European integration can also be classified by the actors of democratic civilian control specified in the Law of Ukraine "On National Security of Ukraine." It should be noted that this law defines the types of democratic civilian control, which creates a regulatory framework for the control and supervisory procedures carried out by: the President of Ukraine, the Verkhovna Rada of Ukraine, the National Security and Defence Council

of Ukraine, the Cabinet of Ministers of Ukraine, executive authorities and local self-government bodies, the judiciary in the form of control procedures; and the public in the form of public supervision (Law of Ukraine On National Security of Ukraine, 21).

This is quite logical, since the European Commission for Democracy through Law (Venice Commission) in its report on the democratic oversight of security services (European Commission for Democracy through Law (Venice Commission), 2015) noted that, given certain specificities of the activities of state bodies responsible for national security, the state shall control them through the following mandatory mechanisms: parliamentary accountability, judicial accountability, expert accountability and a complaints mechanism.

For example, according to the Regulations of the Verkhovna Rada of Ukraine, parliamentary control and oversight procedures are as follows: (1) the procedure of parliamentary hearings on national security and defence issues of public interest that require to be regulated by law; (2) the procedure for conducting a parliamentary inquiry on issues of public interest in a particular area; (3) the procedure for a public-parliamentary inquiry; (4) the procedure for a parliamentary inquiry and appeal.

It should also be noted that in today's environment, non-compliance with financial discipline is perhaps the main problem of ensuring Ukraine's national security in the context of European integration. Therefore, the state financial control exercised by the Accounting Chamber is of particular importance as a type of parliamentary control over the implementation of the state budget.

According to the Accounting Chamber's reports for 2018-2021, it can be stated that during the state external financial control (audit) measures, the auditors of the Accounting Chamber identified violations and shortcom-

ings in the administration of state budget revenues in accordance with Articles 116 and 119 of the Budget Code of Ukraine, as well as violations of budget legislation (including misuse of budget funds and planning violations), inefficient use of the State Budget of Ukraine, totalling over UAH 262 billion. For more details, see the table (Official website of the Accounting Chamber, 2022) (Table 1).

Moreover, most financial violations occurred at the stage of planning the use of budget funds; in some reporting years, this amounted to more than 60% (Official website of the Accounting Chamber, 2022). In the field of national security and defence, the Accounting Chamber identified violations worth over UAH 16 billion (in 2019, UAH 5,390.2 million; in 2020, UAH 5.5 billion; in 2021, UAH 5.2 billion).

These violations are detected during the implementation of a number of external state financial control measures (financial audit, performance audit, examination, analysis and other control measures) (Law of Ukraine On the Accounting Chamber, 2015). For example, the 2019 report of the Accounting Chamber states that it has audited: the effectiveness of the use of budget funds, allocations for medical care and health improvement of personnel and maintenance of preschool education institutions of the Security Service of Ukraine but marked "restricted" and an audit of the effectiveness of the use of budgetary funds allocated to support the activities of the National Anti-Corruption Bureau of Ukraine marked "Secret". In general, in 2019, the Accounting Chamber carried out 5 external state financial control (audit) measures in the field of state security and defence, two of which were classified as "Secret", one as "Top Secret" and one as "For Official Use" (Official website of the Accounting Chamber, 2022); in 2020, 7 external state financial control (audit) measures were carried out, including five performance audits

Table 1

Based on the reports of the Accounting Chamber for 2018-2021

No.	Types of violations	Years of audit by the Accounting Chamber			
		2018	2019	2020	2021
1	Violation of revenue administration	UAH 6 billion 834,7 million	UAH 2 billion 967,4 million	UAH 4 billion 767,5 million	UAH 8,8 billion Including in planning – 83,8 billion
2	Violations of budget legislation, including misuse of funds and violations in planning	UAH 5 billion 794,7 million	UAH 32 billion 108,5 million	UAH 9 billion 562,9 million	UAH 65,7 billion
3	Inefficient management of funds and their inefficient use	UAH 4 billion 410,9 million	UAH 14 billion 684,1 million	UAH 11 billion 928 million	UAH 27,7 billion

and 2 financial audits, with two control measures being classified as "Top Secret" and one as "Secret" (Official website of the Accounting Chamber, 2022).

4. Conclusions

To sum up, the control and supervisory procedures for ensuring Ukraine's national security in the context of European integration do not exist independently, and in practice they are intertwined with each other. For example, when controlling the content and status of implementation of strategic programmes and plans, the implementation of measures and the effectiveness of the funds allocated for their implementation are analysed at the same time. In other words, shortcomings of both organisational, regulatory and financial nature are identified, the solution of which contributes to the timely and effective implementation of the planned goals and objectives in full.

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КОНТРОЛЬНО-НАГЛЯДОВІ ПРОЦЕДУРИ ЗАБЕЗПЕЧЕННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ УКРАЇНИ В УМОВАХ ЄВРОІНТЕГРАЦІЇ

Abstract. Purpose. Метою статті є розкрити особливості контрольно-наглядових процедур забезпечення національної безпеки України, а також висвітлення окремих проблемних аспектів реалізаційного аспекту. **Results.** Уточнено, що контрольно-наглядові процедури, як різновид адміністративних процедур у сфері забезпечення національної безпеки України мають подвійну юридичну природу, яка розкривається у розрізі розвитку адміністративно-правових зв'язків, породжених як дозвільною діяльністю, так і необхідністю забезпечення ефективності функціонування системи забезпечення національної безпеки України в умовах євроінтеграції. Їхнє здійснення обумовлене загальною метою – забезпечення захисту національних інтересів України, дотримання нею міжнародних зобов'язань, виявлення недоліків та припинення неправомірних чи навіть протиправних дій

й притягнення до відповідальності порушників. **Conclusions.** Визначено, що предметом контролю і нагляду з одного боку є перевірка підконтрольних суб'єктів дозвільної системи, а з іншого – ефективність функціонування системи забезпечення національної безпеки України в умовах євроінтеграції. За цим критерієм схарактеризовано дві групи контрольно-наглядових процедур, що мають власні різновиди, зокрема: функціонування яких обумовлено дозвільною системою; наявність яких є наслідком функціонування та розвитку системи забезпечення національної безпеки України в умовах євроінтеграції. Уточнено, що контрольно-наглядові процедури щодо ефективності функціонування системи забезпечення національної безпеки України в умовах євроінтеграції можна класифікувати також за суб'єктами здійснення демократичного цивільного контролю, які зазначені у Законі України «Про національну безпеку України». Окремо схарактеризовано сутність державного фінансового контролю. Узагальнено, що контрольно-наглядові процедури забезпечення національної безпеки України в умовах євроінтеграції не існують автономно, у практичній площині вони переплітаються одна з одною. Наприклад, при проведенні контрольних заходів щодо змісту та стану реалізації стратегічних програм і планів одночасно проводиться аналіз виконання заходів й ефективність виділених коштів на їхню реалізацію.

Ключові слова: адміністративна процедура, адміністративно-правовий механізм, євроінтеграція, забезпечення безпеки, контроль, нагляд, національна безпека.

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