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ON DEFINING THE CONCEPT OF THE ADMINISTRATIVE AND LEGAL STATUS OF THE SECURITY SERVICE OF UKRAINE IN THE FIELD OF PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES

Abstract. Purpose. The purpose of the article is to formulate the author's definition of the concept of the administrative and legal status of the Security Service of Ukraine in the field of protection of critical infrastructure facilities. **Results.** The article emphasizes that the Security Service of Ukraine operates at the intersection of law enforcement, counterintelligence, analytical, and protective activities. This enables it to identify threats to critical infrastructure at early stages, forecast their development, and ensure a strategic level of response. In this context, the administrative and legal status of the Security Service of Ukraine ceases to be merely a formal legal category and becomes a fundamental prerequisite for the effective functioning of the entire system of protection of critically important facilities. Injurisprudence, several types of status are distinguished: general legal and sectoral, including administrative status, each of which incorporates a significant array of features of social status. The legal status is based on the actual social status, that is, the real position of a person within a given system of social relations. Social and legal statuses correlate as content and form. The article provides an in-depth and comprehensive analysis of theoretical and scholarly sources, on the basis of which the main conceptual approaches to the interpretation of the category of "status" from the perspective of legal science are identified. A separate study of interpretations of administrative and legal status in relation to various subjects is conducted. An authorial approach to defining the administrative and legal status of the Security Service of Ukraine as a subject ensuring security, stability of functioning, and protection of critical infrastructure facilities is proposed. **Conclusions.** It is concluded that the administrative and legal status of the Security Service of Ukraine in the field of protection of critical infrastructure facilities is a systemic set of legal elements defined by the legislation of Ukraine that establish the place, role, and purpose of the Security Service of Ukraine in social and legal relations arising from the implementation of activities aimed at ensuring the security and resilience of the functioning of critical infrastructure facilities.

Key words: status, administrative and legal status, Security Service of Ukraine, protection, critical infrastructure.

1. Introduction

Unlike most state authorities whose competence is limited to a specific area of public administration, the Security Service of Ukraine operates at the intersection of law enforcement, counterintelligence, analytical, and protective activities. This provides it with the ability to identify threats to critical infrastructure at early stages, forecast their development, and ensure a strategic level of response. In this context, the administrative and legal status of the Security Service of Ukraine ceases to be merely a formal legal category and becomes a fundamental condition for the effective functioning of the entire system of protection of critically important facilities.

For many years, certain problematic issues related to the activities of the Security Service

of Ukraine have been examined in the scholarly works of O. M. Bandurka, M. M. Burbyka, O. V. Brusakova, S. D. Husariev, O. Ye. Kahlinskyi, O. V. Kovalov, A. T. Komziuk, and Yu. V. Pavliutin. However, the complex polysectoral nature of the SBU's activities, as well as the high degree of secrecy inherent therein, results in insufficient coverage of the specifics of its administrative and legal status, particularly within individual spheres of social life, such as the protection of critical infrastructure facilities.

Therefore, the purpose of this article is to formulate the author's definition of the concept of the administrative and legal status of the Security Service of Ukraine in the field of protection of critical infrastructure facilities.

2. Analysis of the Concept of “Legal Status”

The concept of “status” expresses the position, standing, place, or role of someone or something. The term originates from Latin, from *status*, which means the state or condition of a particular object (Babii, Burchak, Koretskyi, Tsvietkov, 1983). There is a certain unity between the etymological and philosophical interpretations of this term, since in philosophical science it corresponds to the categories of “state” and “condition,” which are understood as the unity of being and non-being, a continuous process of change that should lead to the emergence of something new, to the transformation of possibility into reality, and to actual existence. In general, the category of status was introduced into philosophy by Aristotle, who considered it in close connection with the categories of “essence” and “relation” (Petrushenko, 2009; Shynkaruk, 2002).

Thus, based on etymological and philosophical approaches, status is a descriptive term that characterizes the place, role, position, or condition of a certain subject or object within a system of external characteristics. Sociology significantly influenced the development of the understanding of the concept of “status,” where it acquired the meaning of one of the central categories.

According to documents and official sources of the international organization UNESCO, social status is defined as a person’s position in society and in social relations (UNESCO, 2023). In a sociology textbook by V. N. Horodianenko, social status is defined as the position of an individual in the social system associated with belonging to a particular social group or community, encompassing the totality of social roles and the quality and degree of their performance. It includes a generalized characteristic of an individual’s position in society, such as profession, qualifications, education, nature of work performed, position held, material well-being, possession of power, party and trade union affiliation, business relations, and belonging to demographic or ethnic groups (nationality, religion, age, marital status, family ties).

In addition, social statuses, as noted by the author, are divided into ascribed statuses, which are obtained independently of the subject, most often from birth (race, gender, age, nationality), and achieved statuses, which are acquired through the individual’s own efforts (marital status, professional and qualification level, etc.). Among statuses, an integral status and auxiliary statuses are distinguished. In some cases, their interaction may lead to intrapersonal conflicts (Horodianenko, 2003).

In the study by O. V. Belkova, social status is characterized as the position of an individual in society. The concept of “position” is also used in various meanings: “a certain standing determined by relevant circumstances; a place and role in society, in a social or professional environment.” Regarding the use of the notions of “role” and “place” in social life, it can be stated that an individual’s position in certain circumstances determines which actions a person may perform and which actions may be required of them, as well as the manner in which such actions are performed. Position (status) characterizes something that is independent of the will of the individual occupying it and may be defined as an established range of opportunities beyond which a person cannot go. These opportunities are not determined by the individual but by social norms accepted in a particular society or social group and are conditioned by the presence of certain characteristics that allow a person to occupy such a position (Belkova, 2003).

In jurisprudence, several types of status are distinguished: general legal status and sectoral statuses, including administrative status, each of which incorporates a significant array of features inherent in social status. For example, S. Ya. Burda writes that legal status is a theoretical construct that combines normative characteristics, theoretical concepts, and real practice of the implementation of legal provisions. The specific nature of legal status as a category lies in the fact that it allows, in a comprehensive manner and taking into account various perspectives, its normative regime and legal forms of social opportunities and constraints, to model the legal condition of various persons and organizations, thereby overcoming the shortcomings of a one-sided approach to the study of a subject solely as a bearer of rights or legal obligations (Burda, 2010).

According to I. Y. Snihur, legal status is the legally established position of an individual in society. The legal status is based on the actual social status, that is, the real position of a person within a given system of social relations. Social and legal statuses correlate as content and form. Based on this, the author concludes that legal status is a complex, integrative category that reflects the relationships between the individual and society, the citizen and the state, the individual and the collective, as well as other social connections (Snihur, 2007).

A broad characterization of this category is provided by T. P. Popovych, who defines legal status as a concept that makes it possible to outline the place and position of an individual in relations with the state and society as a whole. Such relations are reflected in the form of mutual rights and obligations, which constitute the basis of legal status. On this basis,

the scholar distinguishes broad and narrow definitions of the category. According to the broad approach, legal status includes subjective rights, freedoms, and legal obligations combined with legal personality and legal responsibility. From the perspective of the narrow approach, legal status is the legally established position of an individual in society, reflected in the totality of their rights and obligations defined and guaranteed by the Constitution and laws of Ukraine, other normative legal acts, and international treaties, the binding force of which has been approved by the Verkhovna Rada of Ukraine (Popovych, 2023).

3. The Content of Administrative and Legal Status

Administrative and legal status constitutes a derivative of the classical legal status and characterizes the position of a natural or legal person within the framework of public authority legal relations. T. O. Kolomoiets defines the category of administrative and legal status as a set of subjective rights and obligations enshrined in the norms of administrative law. At the same time, a mandatory feature of acquiring administrative and legal status is the presence of specific subjective rights and obligations of a subject, which are exercised both within administrative legal relations and beyond them (Kolomoiets, 2011; Bezpalo, Horbach, 2017).

However, as a rule, scholarly approaches to the interpretation of administrative and legal status are oriented toward a specific subject. For example, I. P. Holosnichenko defines the administrative and legal status of an individual as a complex of their rights and obligations enshrined in the norms of administrative law, the implementation of which is ensured by certain guarantees. This status is based on administrative legal capacity, that is, the ability to possess rights and perform obligations of an administrative and legal nature (Averianov, 2004).

According to S. L. Kurylo, the administrative and legal status of internal affairs bodies (modern police) and local authorities as subjects of interaction is their position within the system of social relations and the mechanism of public administration, which is determined by the state through the consolidation in the norms of administrative legislation of their tasks, functions, powers, and responsibility. These elements are implemented by the relevant subjects through administrative and legal (managerial) relations, in particular those arising directly during their interaction in matters of ensuring public security and public order (Kurylo, 2012).

O. V. Lytvyn provides the following interpretation of the administrative and legal status

of civil servants: a list of subjective rights, legal obligations, guarantees of their implementation, as well as restrictions defined by current legislation, which in their entirety ensure the exercise of powers by a civil servant within the framework of the functions and tasks of public service. Based on this understanding, the author proposes to distinguish the following constituent elements of administrative and legal status: rights; obligations; guarantees for the exercise of rights and obligations; and restrictions applicable to civil servants (Lytvyn, 2009).

O. Yu. Drozd, L. V. Soroka, and L. I. Myskiv characterize the administrative and legal status of executive authorities as a type of legal status that determines the rights, obligations, powers, and responsibility of a specific subject within this system (a ministry, service, agency, inspection, central executive authority with a special status, collegial body, other central executive authority, or local authority) in the field of public administration and specific administrative relations. In their view, such status is established by laws or other normative legal acts, but most often by regulations governing the principles and organization of their activities (Drozd, Soroka, Myskiv, 2023).

D. O. Ishchuk packryvaе the administrative and legal status of the National Agency on Corruption Prevention as a set of elements enshrined in the norms of administrative law that determine the direction of the Agency's activities, as well as its purpose within the system of relevant subjects. According to the scholar, the elements of such status include the Agency's structure, tasks, functions, powers, guarantees, and responsibility. The author identifies the following specific features of the administrative and legal status of the National Agency on Corruption Prevention:

1. the purpose of the Agency's existence is to prevent the commission of corruption offenses and to create all necessary conditions to minimize or eliminate corruption risks in the activities of enterprises, institutions, and organizations;
2. it employs specific forms and methods of combating corruption in its activities (for example, electronic asset declaration);
3. it has a special hierarchical structure that affects the specifics of managerial decision-making;
4. it is endowed with a specific range of powers and legal guarantees of activity;
5. the main form of the Agency's direct work consists of meetings held on a regular basis (Ishchuk, 2021).

4. Conclusions

The conducted analysis has demonstrated the diversity of scholarly concepts regarding the understanding of the content and signifi-

cance of administrative and legal status. Their examination and comparison make it possible to formulate an authorial interpretation of this category in view of the issue raised in this article. Therefore, it is argued that the administrative and legal status of the Security Service of Ukraine in the field of protection of critical infrastructure facilities constitutes a systemic set of legal elements defined by the legislation of Ukraine, which establish the place, role, and purpose of the Security Service of Ukraine within social and legal relations arising from the implementation of activities aimed at ensuring security and resilience in the functioning of critical infrastructure facilities.

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ДО ВІЗНАЧЕННЯ ПОНЯТТЯ АДМІНІСТРАТИВНО-ПРАВОВОГО СТАТУСУ СЛУЖБИ БЕЗПЕКИ УКРАЇНИ ЩОДО ЗАХИСТУ ОБ'ЄКТІВ КРИТИЧНОЇ ІНФРАСТРУКТУРИ

Анотація. *Мета статті* полягає у необхідності сформулювати авторське визначення поняття адміністративно-правового статусу Служби безпеки України щодо захисту об'єктів критичної інфраструктури. **Результати.** У статті наголошено, що Служба безпеки України функціонує на

перетині правоохоронної, контррозвідувальної, аналітичної та захисної діяльності. Це надає їй здатність виявляти загрози для критичної інфраструктури ще на ранніх етапах, прогнозувати їх розвиток і забезпечувати стратегічний рівень реагування. У такому контексті адміністративно-правовий статус Служби безпеки України перестає бути лише формальною юридичною категорією - він стає базовою умовою ефективного функціонування всієї системи захисту критично важливих об'єктів. В юриспруденції існує декілька різновидів статусу: загальний правовий та галузеві, зокрема, адміністративний, кожен з яких передає значний масив ознак соціального. В основі правового статусу лежить фактичний соціальний статус, тобто реальне становище людей в даній системі суспільних відносин. Соціальний і правовий статуси співвідносяться як зміст та форма. У статті проведено глибокий та комплексний аналіз теоретико-наукових джерел, на підставі чого виокремлено головні концептуальні підходи до тлумачення категорії «статус» з точки зору правової науки. Проведено окреме дослідження тлумачень адміністративно-правового статусу в розрізі різних суб'єктів. Запропоновано авторський підхід до визначення адміністративно-правового статусу Служби безпеки України, як суб'єкту забезпечення безпеки, стабільності функціонування та захисту об'єктів критичної інфраструктури. **Висновки.** Зроблено висновок, що адміністративно-правовий статус Служби безпеки України щодо захисту об'єктів критичної інфраструктури – це системна сукупність визначених законодавством України юридичних елементів, які встановлюють місце, роль та призначення Служби безпеки України у суспільно-правових відносинах, що виникають з реалізації діяльності направленої на забезпечення безпеки і стійкості функціонування об'єктів критичної інфраструктури.

Ключові слова: статус, адміністративно-правовий статус, Служба безпеки України, захист, критична інфраструктура.