

The essence of the system of actors ensuring national security

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Abstract: The article aims to clarify the actual essence of the system of actors ensuring national security of Ukraine. To achieve the goal of the research, a complex of general and specific methods of scientific knowledge is used (dialectical, abstraction, analysis and generalization, documentary analysis, summarization). It is argued that this system is not a set of entities, because the set of elements does not form a system since it is not characterized by the degree of interaction of its components, which leads to the appearance of a qualitatively new integrity – the form of expression of the structure which actually forms the system. Based on the analysis of scientific literature, it is identified that during the post-Soviet period of the development of the doctrine of national security and its provision, the essence of the complex of actors ensuring national security was understood as a set of these entities. In the current development of these doctrines, this complex is interpreted as a system. The modern understanding of national security and its provision indicates that certain foundations (principles of responsibility, patriotism, and national solidarity) impose requirements extending to a wide range of subjects, encompassing both public service agencies and civil society actors. Furthermore, it creates conditions for holistic interaction between different types of subjects, forming a subsystem of the national security system from these entities. The complex of actors ensuring national security of Ukraine appears as a system because it has its key features.

Keywords: *Actors, Civil society institutions, National security, Public service agencies, Set, System.*

1. Introduction

The common national security system is the single state-legal mechanism, in which each security entity performs the functions of protecting national interests within the powers determined by the legislation of Ukraine.

The actors of ensuring national security are participants in relevant legal relations who have subjective rights and fulfill legal obligations to provide it. In a general sense, any element of the State establishing can be perceived as national security actor (from the highest public authorities to every citizen), since they are united by a common goal – to ensure national security.

There are those entities, for which the provision of national security is a direct duty (bodies of special competence) and those that perform this function indirectly (bodies of general competence). The bodies of general competence are the President of Ukraine, the National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine, the Verkhovna Rada of Ukraine, the Constitutional

Court of Ukraine and courts of general jurisdiction, central and local bodies of executive power, local self-government, the system of non-state entities. At the same time, it should not be limited to State administration bodies, since it is considered incomplete to describe the phenomenon of national security without outlining the general vision of the structure of the national security system. The components of this structure are the authorities and management of all branches of government, as well as public organizations and individual citizens in accordance with the current legislation.

The bodies of special competence, whose criterion is the possibility of using force, or the so-called national security forces, are formed and developed in accordance with the decisions of the President of Ukraine and the Cabinet of Ministers of Ukraine to implement short-term and long-term national security programs. They are: the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine and the National Police, the National Guard of the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the State Border Service of Ukraine, the State Customs Service of Ukraine, the State Security Department of Ukraine, other troops, military formations and the departments, in which the legislation of Ukraine provides for military service, as well as structural subdivisions of executive authorities, which are entrusted with the functions of ensuring national security.

Consequently, national security is a set of conditions achieved through purposeful security activities carried out by a number of entities, which include different types of actors responsible for the appropriate level of national security of Ukraine. The specified activity is generally aimed at preventing national security risks, protecting, and preserving the conditions necessary for national security, as well as restoring its proper state. Therefore, national security is a complex set of conditions of existence of subjects in an objective reality, and these same conditions exist mainly only when they are provided by the relevant subjects. Ensuring such circumstances allows the state to achieve real independence, developing through democratic, legal and social values, moving towards European and Euro-Atlantic integration. However, both national security is unattainable without its provision, and the latter is also impossible by itself. In this sense, it should be emphasized that ensuring national security of Ukraine is the result of the operation of a person (groups of people), directly or indirectly aimed at the implementation of this mission. Therefore, in the current conditions of crisis factors in Ukraine, which negatively affect the state of national security, as well as in the context of the modern development of the Ukrainian national security doctrine, there is a need to form a modern scientific view on the form of expression of the structure of the complex of national security entities, being at the same time its key element.

2. Materials and Methods

To date, various aspects of the system of actors ensuring national security have already been revealed in the research of a number of scientists. For example, V.A. Lipkan [1] believes that the system of these entities includes leaders and decision-making bodies at the appropriate levels and constituting the management subsystem of the entire scheme of these bodies as a whole and each of them separately. It is necessary to agree with the author's opinion regarding the fact that the provision of national security involves specific type of State and non-State entities' activity to organize the system of national security provision, ensure its optimal functioning, sustainable development, and management, which covers not only the definition of goals, tasks and functions of these actors, but also the development and improvement of their organizational, functional, informational and psychological structure; provision of material, information and other resources; preparation and implementation of management decisions; ensuring the coordination and interaction of State and non-State actors in ensuring national security; regulation of their organization and functioning on the basis of geopolitical situation and deviations from objectives; creation of an effective accounting and control system.

In turn, O.O. Reznikova [2] understands the national security actors as State authorities, civil society institutions and citizens; body of government covered by the unified leadership and formed in accordance with the laws of Ukraine, military formations, law enforcement and special bodies and

services, the activities of which, in accordance with the Constitution and laws of Ukraine, are aimed at protecting national values and interests from external and internal hazards by conducting special, legal coercion or the use of weapons within their powers. That is, the actors are the State (including its institutions, officials), society (social strata and groups, public organizations), as well as individual citizens.

O.O. Tikhomirov [3] claims that the theory of national security includes all State and public institutions participating in the process of its ensuring as the security actors, namely: the State apparatus as the system of State agencies, local self-government, citizens and their associations.

Fair is the opinion of H.P. Sytnyk [4], who believes that the structure of the system of national security actors is formed by a set of interconnected and mutually dependent subjects of ensuring national security (State officials, State and local self-government bodies, State institutions, forces and means of the security sector, civil society actors, individual citizens) and mechanisms (institutional, organizational, legal, etc.) ensuring the coordinated activity of the specified entities on the basis of current legislation.

Summarizing the above, S.V. Chumachenko [5] comes to the conclusion that the actors ensuring national security of Ukraine are a system of complementary and interrelated public and local authorities, as well as public associations, whose purposeful activities are oriented in a single direction and contribute to effective, timely and adequate modern challenges to ensure national security, which cannot be achieved by the individual activity of separately authorized State agencies or the representatives of the private sector.

Without diminishing the significance of the scientific contribution to the development of the doctrine of ensuring national security of Ukraine, it should be noted that scientific works revealing various aspects of the specified system, firstly, as a rule, are based on the post-Soviet doctrine of ensuring national security, which significantly differs from the current doctrine, and therefore – from understanding the content of the corresponding system; secondly, the disclosure of certain aspects of the essence of the national security actors system is not comprehensive and does always take into account the provisions of the current legislation.

Therefore, the purpose of the article is to clarify the essence of the system of national security actors. To achieve this goal, the following tasks are set: 1) to analyze the views of scientists and researchers on the meaning of the concept of "system", as well as to highlight its features; 2) to consider the positions of Ukrainian scientists regarding understanding the form of expression of the structure of the complex of national security actors and to establish the possibility of understanding these entities as components of a complete system; 3) define the concept of a system of national security actors; 4) summarize the research results.

To achieve the goal of the research and the scientific objectivity of its results, a complex of general and specific methods of scientific knowledge was used. The research methodology is based on dialectical method, which was applied to clarify the essence of the system of national security actors by analyzing the views of scientists on the meaning of the concept of "system", as well as to highlight its features, examining the expression of the structure of the national security actors system and establishing the possibility of understanding these entities as components of a complete system.

The methods of abstraction, analysis and generalization helped in the process of developing definitions of legal categories of "system", "complex", "system of ensuring national security", "system of actors ensuring national security".

With the help of the system-structural method, the features of national security actors were allocated.

Documentary analysis method made it possible to study the characteristics of the national security doctrine which had been the ruling in soviet period and the one originated from the updated methodology by examining the relevant legal instruments.

Analytical method made it possible to identify certain gaps in the rules of the current legislation on national security issues and to propose the ways to overcome them.

Using summarization method the conclusion has been made that the essence of the system of actors ensuring national security is a relatively decentralized subsystem of the national security system, taking into account the different legal status of entities belonging to it.

3. Results and Discussion

Firstly, it should be noted that the understanding of the essence of the system of entities providing national security of Ukraine should be based on a clear comprehension of the category "system", which should not be equated with the term "complex". The definition of «system» has already been given wide attention by domestic scientists [6]. For example, M.A. Azhazha [7] notes that system should be considered something that can sustain itself and function as a whole through the interaction of its elements.

In turn, O.K. Kuzmenko [8] believes that system is a set of qualitatively defined elements between which there is a natural connection or interaction. The specific feature of the system is systemic and integrative factors ensuring its integrity.

It is difficult to fully agree with the above, because the set of elements does not form a system, considering that it is not characterized by such a degree of interaction of components, which leads to the emergence of qualitatively new integrity – the form of expression of the structure of which actually forms the system. In this regard, we can agree with M.V. Afanasieva [9], who believes that system is an integration of similar in content formations and structurally ordered holistic unity with relative independence, stability, autonomy of operation and interaction with the external environment to achieve a certain goal.

That is, interaction of the elements of the structure forms a new integrity (system) primarily due to the adherence of these parts to a certain system objective that is primary or secondary to these elements. The fact is that such the latter follow a corresponding purpose. At the same time, the basis of such a goal or its secondary importance for the element only indicates that there may be different types of elements in the system, in particular the main and additional ones (secondary).

Having specified the essence of the system, we will consider the possibility of interpreting the complex of actors ensuring national security as a structure, the form of expression of which can be called system. The problematic issue is that to this day (despite the fact that scientists have already considered the status of national security entities to a certain level), it is not yet possible to talk about the system of national security actors in Ukraine. This aspect is also complicated by the current legislation, which does not give a clear answer to the question of the existence of the specified system and its constituent elements, which could be qualitatively understood and classified, subsequently forming a modern doctrine of ensuring national security.

In the context of the above, it should be noted that Clause 16, Part 1, Art. 1 of the Law of Ukraine "On the National Security of Ukraine" refers to the "security and defense sector", which is understood by the legislator as a corresponding "system" of actors; however, there is no indication of a coherent system of national security actors and its connection with the specified sector. Besides, we can notice that some scientists considering this issue indicate that it is exactly the «set » of the relevant subjects, not coherently interacting actors of administrative law, naturally forming.

In this regard, O.M. Dubenko [10] notes that the national security system encompasses, among other things, the «set of actors». N.V. Stepanenko [11] point out that the national security system appears as the set of actors organized by the State. In turn, H.P. Sytnyk [12] interprets this system as an interconnected set of organizational structures. The provided views generally reflect the definition of the national security system, which was enshrined in Par. 2, Chapter V of the National Security Concept (Foundations of State Policy of Ukraine, 1997) which is already inoperative.

Along with that, it is also necessary to pay attention to the works by scientists who claim that the actors of ensuring national security of Ukraine form the system of relevant subjects. For example, Yu.O. Mykhailova [13] correctly points out that "national security needs to be addressed systematically", the corresponding «systemic» also affects the form of expression of the structure of

subjects, encompassed by joint obligation (in particular, voluntarily undertaken) to perform certain tasks to ensure national security of Ukraine (it is a question of defining a specific form of objective expression of the structure of the of the circle of these entities). Consequently, there is a system of actors ensuring national security in Ukraine, which is understood as the entire set of State authorities, as well as non-governmental bodies, which are united by common goals and tasks to protect, preserve and strengthen national values and interests, performing their activities in a certain interaction with each other in accordance with the requirements of the current legislation and directing their efforts to timely detection, prevention, neutralization of internal and external threats to national security.

A critical analysis of the provided view is obviously debatable, because the constructive idea that the subjects of ensuring national security form a system is conceptually based on non-constructive approaches to the effect that the specified subjects are in such an interaction, making it impossible to transform them into a coherent structure (that is, leaves them in the state of the aggregate of subjects). Besides, in defining the system of national security actors, the Author also identified their structure, the content of which is also quite debatable.

Thus, the proposed scientific structure of the «system» along with the state authorities says about "non-state authorities". By them Ukrainian scientists mean local self-government bodies [14], and it follows that the scientist did not indicate (at least, did not directly mention) the possibility of including collective and individual civil society actors into the indicated "system". The assignment of such entities to the specified system is extremely important, considering the ongoing process of democratization of the administrative and legal regime of national security, as well as the noticeable growth of the role of civil society in the process of Ukraine's development as a legal and democratic state, increasing significance of individual and collective civil society actors in resistance armed aggression against Ukraine. Therefore, it should be stated that the position of Yu.O. Mykhailova [13] regarding the system of national security actors is correct and progressive; however, it is not sufficiently clear and repeats the conceptual mistakes of scientists of the post-Soviet period (that is, it directly assumes that the structure of the complex of actors providing national security in its formal expression forms a set of subjects rather than a system, although it seems to be a system).

The existence of a system of national security subjects is also indicated by A.V. Nesterenko [15], who emphasized the existence of the system of actors ensuring national security and defense of Ukraine. Although he does not provide a definition of this concept, however, outlines the structure of this «system» namely, as an organized result of such components. The scientists have not substantiated the thesis as to why different types of administrative law actors may form a system of actors, namely in the sphere of ensuring national security and defense of Ukraine, which makes his view somewhat debatable as well (although progressivity of Nesterenko's approach to understanding the structure of the specified subjects should not be minimized).

Summarizing the above, we note that in fact the legislator made no mistake in pointing out that the appropriate form of determining the structure of the entities ensuring national security of modern Ukraine is precisely the «system» itself (although the rule refers directly to the security and defense sector) (Par. 16, Part 1, Art. 1 of the Law of Ukraine "On the National Security of Ukraine"). First of all, fair understanding of national security actors as a system is partially confirmed by the fact that this circle of entities can be considered in the context of their common nature - the possibility of their being part of the system of public administration actors. This system encompasses typical public administration actors (public service) and atypical ones (in particular, civil society actors) [16].

This view is also somewhat debatable, although the possibility of considering the system of actors in the mechanism of implementing the State policy of ensuring the national security of Ukraine, precisely in the field of public administration entities, was already emphasized by E.V. Kobko [17]. It is methodologically proved, though it does not reflect the totality of national security actors (mainly, if we take into account that the concept of public management actors is narrower than the category of actors of public administration) [16].

At the same time, this system in the formal and structural context appears as a scheme not due to certain indirect factors allowing scientists to «agree» on understanding the specified circle of subjects as a «system», but because of:

- Firstly, the conceptual basis of the modern doctrine of national security and its provision;
- Secondly, conformity of the quality of the complex of these entities with the basic features of the system.

Regarding the conceptual basis of the modern doctrine of national security and its provision as an argument for understanding the complex of actors ensuring it as a system, the following should be noted: in contrast to the post-Soviet period of the development of these doctrines, modern doctrine of national security (as and the doctrine of its ensuring) indicates that national security in general is a good and a value that should be shared by all, who are on the territory of Ukraine, as well as everyone's business, taking into account the requirements of the foundations of prospectus (prospective) legal responsibility, patriotism and national solidarity.

We consider it quite natural that in the post-Soviet period of the development of the doctrine of national security and its provision, the complex of entities providing national security was revealed precisely through the category "totality". This is due to the fact that the understanding that the actors under consideration are able to form and actually create a "system" is a derivative of the evolution of the very concept of "national security" (despite the fact that the concept is still ambiguous in the legislation). That is why Para. 2, Chapter V (Public Policy Framework) of the national security of Ukraine of 1997 that is no longer operational, the structure of national security actors was defined by the category "totality". Para. 1, Section I of the specified Concept interpreted national security as a state of protection of the vital interests of the individual, society and the State from internal and external threats, and therefore it was a necessary condition for the preservation and growth of spiritual and material values. Unfortunately, a similar approach to the understanding of national security is also reflected in Paragraph 9, Part 1, Article 1 of the Law of Ukraine "On the National Security of Ukraine", where security means protection of the State's sovereignty, territorial integrity, democratic constitutional system and other national interests of Ukraine from real and potential threats.

At the same time, at the theoretical level, the concept of national security is more consistent with the current development of the comprehensive doctrine of national security ([18]; [19]), which also considers non-military context of national security expression, as well as a wide range of entities, whose actions (omission) and decisions relate to national security and its provision. For example, I.Ya. Iskiv [20] interprets national security as a state of protection of the individual, society and the State from external and internal threats and hazards in all spheres of life that directs the State to enhance its resources, institutions and instruments to take measures to create a safe living environment.

In turn, E.V. Kobko [21] interprets this category as a state characterized by the following:

firstly, there will be no real and potential internal and external threats to the social order, economy, etc. in the country;

secondly, the citizens of the country will be able to fully realize their potential, as well as the constitutional rights and freedoms guaranteed to them;

thirdly, the existing State guarantees will fully ensure the stable development of society and the key interests of the Ukrainian nation".

At the same time, national security as an object of administrative and legal defense and protection appears as a special sphere of social relations arising in connection with the creation of safe conditions for the development and formation of society, and the purpose of which is the timely detection and prevention of real and potential threats to the national interests.

Thus, theoretical interpretation of the content of national security (and, accordingly, its provision) takes place under the updated methodology. In this regard, I.Ya. Iskiv [20] correctly points out that the policy of ensuring national security to date should secure a consistent transition from the imperative of security, built on the principle of protection of the individual, society and the state from external and

internal threats, to the policy of providing their security on the basis of sustainable socio-economic development, connected with a pragmatic strategy to prevent hazards and threats.

Based on the presented conceptual remarks, we come to the conclusion that the requirements of the principles of prospective legal responsibility, patriotism and national solidarity:

firstly, extend to a wide range of actors which fulfil them by virtue of the subject matter (that is, in the sense of 2, Article 19 of the Constitution of Ukraine), or voluntarily and willingly (taking into account Part 1, Article 19 of the Basic Law of Ukraine);

secondly, they create conditions for holistic interaction between the actors (public service bodies, their officials, collective and individual civil society actors), which are aimed at achieving the systemic goal (in the relevant part) of ensuring the national security of Ukraine.

With regard to the conformity of the quality of the complex of subjects with the basic features of the system, the following features of the latter can be singled out:

1) since all schemes are structural elements of a broader system, the complex of actors ensuring national security is an element of the system for its securing;

2) the system of national security actors, like any other system, is relatively stable (unchanging). This means that the system under consideration may alter in the number of subject elements (primarily, as a result of the creation of new, reorganization of existing public service bodies), in the number of forms, scope of directions, tasks and functions of national security (depends on the number of real and potential risks) and other components of the activities of the actors under consideration; however, are invariable to their mission (basic purpose). This mission is generally reflected in the effective and timely application of various methods, tools and means for establishing and supporting (restoring) the operational environment of the State, the existence of an individual and society, characterized by the relevant level of security, objectively characterizing the state of national security;

3) the system of national security entities, like any other system, is not the sum of a conglomerate of any constituents. In this regard, it should be noted that the scientists correctly name the State the key subject of ensuring national security, because it performs functions in this area through legislative, executive and judicial authorities. However, the position has already been established (also expressly reflected by the legislator) that ensuring national security is the activity in which local self-government bodies [22] and civil society actors [23], [24] may take place.

Although the system of actors ensuring national security of Ukraine (aside from the international dimension) consists of such diverse subjects as public authorities (State authorities and local self-government bodies), as well as civil society actors, their systemic interaction (on the basis of and without authority) indicates the existence of their actual integration as a system. In this context, we should agree with Yu.O. Mykhailova [13], who emphasizes that «national security needs a system of ensuring it», and therefore such provision is a broad legal phenomenon, which is achieved in various ways and means, as well as involving different administrative law actors, which is due, at least, to such circumstances: firstly, threats (risks) to national security (that is, conditions, processes and factors undermining national interest and posing a threat to national security objects [10] that may arise in various spheres of social life, whose full prevention and monitoring and oversight are complicated by the inability of the professional public service to exercise total influence on these spheres of life in a legal and democratic State. Secondly, broad interpretation of the notion of «national security» [25]. Thirdly, democratization of Ukrainian society, which is also accompanied by the reform of decentralization of public power. The consequence of this is, on the one hand, the formation of a civil society independent of the influence of professional public service, independent of the legislative, executive and judicial branches. In this sense, it is possible to talk about the formal dependence (however, non-hierarchical) of civil society actors that is objectified through the prism of actions and decisions of the public service bodies, exercising control and supervision over the legality of the activities of civil society actors; however, indicated administrative and legal actions are consistent with the principles of law, and therefore this "dependence" is purely formal, as opposed to the dependence of civil society actors on the law. On the other hand, the consequence of the above is ensuring the

implementation of the constitutional freedom of local self-government, which enables the autonomy of local self-government bodies, partly also in matters of security at the local level, which is an element of the general provision of national security of Ukraine;

4) component systems of national security entities, like any other system, are not isolated from each other. Although administrative law actors as collective and individual subjects of civil society are autonomous from public service, and local self-government bodies (guided by the freedom of the latter) are autonomous from the State, neither civil society actors nor local self-government do not exist in isolation. Although they may take actions (make decisions) affecting the provision of national security without interacting with each other and with the State authorities, they are cooperating in the context of administrative and legal regime of ensuring national security. At the same time, effective achievement of the goal of ensuring the specified type of security in the vast majority of cases is possible precisely in the event that this activity will include an appropriate combination of collateral of all subjects of national security provision;

5) the system of entities providing national security has stronger links with its components than with those of other systems (even those systems covered by the respective security system). Having critically analyzed static and dynamic manifestations of the system of national security actors, we can conclude that it has logical and stable connections with the system of national security. At the same time, the link of this system with the State authorities, local self-government and civil society actors in terms of ensuring national security is stronger than the connection with the specified system and its individual elements, because the shift of the system's links to the subjects of this system will dilute the conceptual and organizational structure of the system, as a specific (subjective) element of the system of ensuring national security of Ukraine.

4. Conclusion

In the current development of the administrative law of Ukraine, as well as the doctrine of national security and its provision, it is expedient to talk not about the "totality", but rather about the "system" of actors providing national security in Ukraine (in their broad sense) that is objectified as a whole complex of subjects, which are in excellent holistic assistance. This understanding of the complex of the specified subjects is primarily based on the modern understanding of national security and its provision. Besides, a set of national security actors have special features of the system: 1) just as all systems are building blocks of a broader system, the system of entities ensuring national security is an element of the system of its provision; 2) the system under consideration is relatively stable within its mission; 3) it is not the sum of a conglomerate of any constituents, but unites different types of administrative law actors within the framework of specific mission, realized by them in legally defined directions; 4) the components of this system are not isolated from each other; 5) it has stronger ties with its constituents than with the elements of other systems.

At the same time, a critical analysis of the essence of this system allows us to conclude that it is a relatively decentralized subsystem of the system of ensuring national security system, taking into account the different legal status of entities belonging to the system. Although the system under consideration consists of entities with different (non-homogeneous) administrative and legal statuses (thus reflecting the objective needs for comprehensive national security provision), the very fact of their belonging to the corresponding system makes it possible to interpret them as special actors, which are characterized by the existence of the administrative-legal status of the national security actor. The essential content of this specific status is currently an issue that has already received the proper attention, but it needs a new solution in the context of the updated scientific opinion on the system of entities ensuring national security of Ukraine.

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