

# The essence and peculiarities of the Security Service of Ukraine as a state law enforcement body of special purpose

**Volodymyr Storozhenko,**

Postgraduate degree seeker at Scientific Institute of Public Law

ORCID: <https://orcid.org/0009-0003-0463-9346>

---

**Abstract.** The article, based on the analysis of the scientific views of scientists, summarises general theoretical approaches to determining the content and essence of law enforcement agencies. The author's definition of this concept is proposed. Based on the analysis of the norms of the current legislation, the main features of the legal status and organisation of the activity of the Security Service of Ukraine are highlighted.

It has been proven that law enforcement bodies are state authorities that, in accordance with the norms of the current legislation, are endowed with a special kind of authority and competence, which give them the opportunity to implement the law enforcement function of the state, which is expressed in the preventive, operative-investigative, and criminal-procedural activities of professional personnel composition, provided with the possibility of applying state coercion in order to prevent and stop administrative as well as criminal offences.

It has been substantiated that the Security Service of Ukraine is a single, independent body of state power with law enforcement functions, which is distinguished from other similar agencies by the following features: 1) the work of the SSU is aimed at ensuring state security; 2) it is the main body of state power in the system of combating terrorism in Ukraine; 3) the effective operation of the SSU is supported by a number of important guarantees, among which a special place belongs to independence and the prohibition of interference in the work of this institution; 4) personnel training for the Security Service of Ukraine is carried out in special educational institutions that provide professionally orientated knowledge and practical skills for effective performance of tasks assigned to the agency.

**Key words:** law enforcement agencies, Security Service of Ukraine, crime prevention, national security.

---

**Problem statement.** Article 17 of the Constitution of Ukraine enshrines: "Protecting the sovereignty and territorial integrity of Ukraine and ensuring its economic and informational security are the most important functions of the state, the matter of the entire Ukrainian people. The provision of state security and the protection of the state border of Ukraine rely on the relevant military formations and law enforcement agencies of the state, the organisation and procedure of which are determined by law" [1]. Among these bodies is the Security Service of Ukraine, which, according to the Law of Ukraine "On the Security Service of Ukraine," is defined as "a special purpose state body with law enforcement functions that ensures the state security of Ukraine" [2]. The legislative definition emphasises the unusual, distinctive status of the Security Service of Ukraine in the system of state authorities, which is characterised by a certain specificity of activity. As a law enforcement agency, the Security Service of Ukraine is characterised by a unique essence and special features, the definition of which has theoretical and practical value in the process of achieving the scientific objectives of the presented scientific research.

**State of the study.** Certain problematic aspects devoted to the activities of the Security Service of Ukraine have been studied in scientific works: S.V. Banakha, M.M. Blihora, A.V. Hrubinko, A.I. Godyaka, M.Y. Kulyka, G.Yu. Lukyanova, M.A. Makarova, V.V. Savenko, A.S. Simchuka, Yu.V. Tereshchenko, V.Z. Ukhacha, S.V. Kharchenko, and many others. However, despite significant theoretical development, research on the problem of defining the essence and characteristics of the Security Service of Ukraine as a state law enforcement body of special purpose is insufficiently elaborated in the scientific literature.

**Purpose and objectives of the study.** To find out the essence and features of the Security Service of Ukraine as a special state law enforcement agency. To achieve this goal, it is necessary to solve the following tasks: establish the content and features inherent in law enforcement agencies; outline the features of the Security Service of Ukraine, which characterise it as a special purpose law enforcement agency.

**Scientific novelty of the study.** The novelty of the article lies in the fact that the theoretical approach to clarifying the essence and features of the Security Service of Ukraine as a state law enforcement body of special purpose was further elaborated in it.

**Presentation of the main material.** It is worth starting the research by establishing the meaning of the term "law enforcement agencies." There are several positions on this matter: official, presented in the legislation of Ukraine, and doctrinal. Thus, the concept of "law enforcement agencies" is found in many regulatory and legal acts of the legislative and sub-legislative level, but the list of such agencies is presented only in Article 2 of the Law of Ukraine, "On State Protection of Court Employees and Law Enforcement Agencies." "Law enforcement agencies are the prosecutor's office, the National Police, the security service, the Military Law and Order Service of the Armed Forces of Ukraine, the National Anti-Corruption Bureau of Ukraine, the state border protection agencies, the Bureau of Economic Security of Ukraine, bodies and institutions for the execution of punishments, pretrial detention facilities, state financial control bodies, fish protection, state forest protection, and other bodies that perform law enforcement or law enforcement functions," it is written in the article [3].

Representatives of legal science often criticise the legislative definition of law enforcement agencies, shifting the emphasis in their scientific approaches towards other, more important features in their view that characterise law enforcement agencies and emphasise their special status. For example, V.M. Hyrych believes that law enforcement bodies are state bodies, the main purpose of which is to carry out law enforcement activities. The latter, in the opinion of this author, is a system of control-revision, operational-investigative, criminal-procedural, and administrative-enforcement measures, which are carried out in accordance with the procedure established by legislation, with the aim of maintaining law and order, detecting and immediately stopping offences that fall under the influence of the Criminal Code of Ukraine and the Code of Ukraine on Administrative Offences, as well as enforcement of criminal and administrative sanctions against offenders [4].

V.T. Malyarenko in the textbook "Court, Law Enforcement, and Human Rights Protection Bodies of Ukraine" notes that a law enforcement body should be understood as a state institution (or a state legal entity) that operates in the system of authorities and performs state functions based on the law (authority, organisational-administrative, control-verification, etc.) in various spheres of internal and external activity of Ukraine. Based on the analysis of interrelated elements that are part of the jurisdiction of law enforcement bodies, the author came to the conclusion that a law enforcement body is a jurisdictional body authorised by the state to perform functions or tasks of law enforcement, investigation or prevention of law violations in accordance with the procedure established by law, restoration of the violated right, protection of national (state) security, maintenance of law and order, ensuring the state of legality. [5, p. 9; 6, p. 50]

V.I. Lytyvnenko provided the author's definition of law enforcement bodies as a collective term that unites several groups of state bodies that, by the nature of the powers established by law in the implementation of law enforcement activities, are specialised in the field of protection of the rights and legitimate interests of a person, society, the state, or perform a law enforcement function together with others functions [7, p. 419; 8, p. 50].

M.V. Rudenko, based on the semantic and etymological analysis of the texts of legislative acts of Ukraine, as well as the establishment of their legal logic, came to the conclusion that law enforcement bodies in the modern sense are exclusively bodies of executive power, which, according to the legislation, have been given the status and powers of a state law enforcement body to protect important for society and individual interests, rights, and freedoms of people, the provision of which is a priority task of their activities. One of the main criteria for classifying a state authority as a law enforcement agency is definitely the presence of powers to conduct pre-trial investigations of criminal offences and conduct investigative activities, since their implementation is aimed at protecting citizens and the state from illegal encroachments and restoring violated rights and interests,

i.e., on the application and protection of the law regulated by the Constitution and laws of Ukraine [9, p. 42].

Thus, in view of the above, we can say that law enforcement bodies are state authorities, which, in accordance with the norms of current legislation, are endowed with special powers and competences, which give them the opportunity to implement the law enforcement function of the state, which is expressed in preventive, operational-investigative, and criminal-procedural activities of professional personnel, provided with the possibility of applying state coercion in order to prevent and stop administrative and criminal offenses. At the same time, the above is a standardised, minimal set of features that are characteristic of all, without exception, law enforcement agencies, including the Security Service of Ukraine. Along with them, there are additional features caused by the specific features of the activity of one or another centre of state power. Thus, the SSU is a special law enforcement body, whose special position is connected with several important differences.

The first and most important of them is that the Security Service of Ukraine is a body for ensuring state security. The Law of Ukraine "On the National Security of Ukraine" defines state security as the protection of state sovereignty, territorial integrity, the democratic constitutional order, and other vital national interests from real and potential threats of a non-military nature [10].

In addition to ensuring state security, the SSU occupies a central place in the context of countering and fighting terrorism. According to the Law of Ukraine "On Combating Terrorism," the latter is defined as a socially dangerous activity that consists in the deliberate, purposeful use of violence by taking hostages, arson, murder, torture, intimidation of the population and authorities, or committing other attacks on life or health. innocent people or threats to commit criminal acts in order to achieve criminal goals.

The fight against terrorism is based on the principles of: 1) legality and strict observance of human and citizen rights and freedoms; comprehensive use of legal, political, socio-economic, informational, propaganda, and other opportunities for this purpose; priority of preventive measures; 2) the inevitability of punishment for participation in terrorist activities; 3) priorities for protecting the lives and rights of persons exposed to danger as a result of terrorist activities; 4) a combination of public and private methods of combating terrorism; 5) non-disclosure of information about technical methods and tactics of conducting anti-terrorist operations, as well as about the composition of their participants; 6) unity of command in the management of forces and means involved in anti-terrorist operations; 7) cooperation in the field of combating terrorism with foreign countries, their law enforcement agencies, and special services, as well as with international organisations fighting terrorism; 8) an anti-terrorist operation can be carried out simultaneously with repelling armed aggression in accordance with Article 51 of the Charter of the United Nations and/or under the conditions of the introduction of a state of war or emergency

in accordance with the Constitution of Ukraine and the legislation of Ukraine [11].

The specificity of the SSU's activity is reflected in its system, the composition of which is fully regulated by legislation and is unique in comparison with other law enforcement agencies. In this regard, the Law of Ukraine "On the Security Service of Ukraine" establishes: the security service system consists of the Central Administration of the Security Service of Ukraine, regional bodies subordinate to it, military counterintelligence bodies, military formations, as well as educational, research, and other institutions of the Security Service of Ukraine. The organisational structure of the Security Service of Ukraine is determined by the President of Ukraine. The Central Administration of the Security Service of Ukraine and other bodies and institutions included in the system of the Security Service of Ukraine are legal entities, have a seal with the image of the state coat of arms of Ukraine and their name, other seals and stamps, and bank accounts. To organise and conduct anti-terrorist operations and coordinate the activities of entities fighting terrorism or involved in anti-terrorist operations, the Security Service of Ukraine operates the Anti-Terrorist Centre [2].

The influence of the SSU as a state security and counter-terrorism body makes it possible to use its resources for illegal pressure on the private and public sectors. In order to prevent this from happening, there is a system of tools for restraining and limiting the activities of the Security Service of Ukraine, some of which are related to the organisation's management. Thus, in accordance with Article 13 of the Law of Ukraine "On the Security Service of Ukraine," all activities of the Security Service of Ukraine and its Central Administration are managed by the Head of the Security Service of Ukraine. He or she bears personal responsibility for the performance of tasks assigned to the Security Service of Ukraine. The head of the Security Service of Ukraine is appointed and dismissed

by the President of Ukraine. The head of the Security Service of Ukraine has deputies who are appointed to positions at his request and dismissed from positions by the President of Ukraine. A specific aspect is that the Head of the Security Service of Ukraine and his deputies are subject to dismissal in case of violation of the requirements of the 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)" [12]. The last feature of the Security Service of Ukraine, as a state law enforcement body of special purpose, is the difficulty of forming a professional staff of the agency's bodies and divisions. The specificity of the tasks and functions assigned to the SSU requires its employees to have specific knowledge and practical skills. It is quite difficult to find potential personnel to work in the service, therefore, in accordance with Article 22 of the Law of Ukraine "On the Security Service of Ukraine," departmental educational institutions are created to ensure the professional education of the department's employees [2].

**Conclusions.** Summarising the scientific research, it should be noted that the Security Service of Ukraine is a single, autonomous, and independent body of state power with law enforcement functions, which is distinguished from other similar agencies by the following features: 1) the work of the SSU is aimed at ensuring state security; 2) it is the main body of state power in the system of combating terrorism in Ukraine; 3) the effective operation of the SSU is supported by a number of important guarantees, among which a special place belongs to independence and the prohibition of interference in the work of this institution; 4) personnel training for the Security Service of Ukraine is carried out in special educational institutions that provide professionally orientated knowledge and practical skills for effective performance of tasks assigned to the agency.

## REFERENCES

1. Constitution of Ukraine: Law dated 06.28.1996 No. 254k/96-BP. Information of the Verkhovna Rada of Ukraine. 1996. No. 30. Article 141.
2. On the Security Service of Ukraine: Law dated March 25, 1992 No. 2229-XI. Information of the Verkhovna Rada of Ukraine. 1992. No. 27. Article 382.
3. On state protection of court and law enforcement officials: Law No. 3781-XI of 12.23.1993. Information of the Verkhovna Rada of Ukraine. 1994. No. 11. Article 50.
4. Hyrych V.M. To the problem of defining basic concepts in the context of reforming law enforcement agencies. Analytical note. National Institute of Strategic Studies. May 13, 2013.
5. Malyarenko V.T. Court, law enforcement and human rights protection bodies of Ukraine: textbook. Kyiv, Yurinkom Inter, 2007. 352 p.
6. Khlystik M.A. Definition of the concept of a law enforcement agency in the legislation of Ukraine. Academic notes of V.I. Vernadsky Taurida National University, 2021. Volume 32(71). Pp. 49-54.
7. Lytvynenko V. I. Concept and classification of tasks of law enforcement agencies as subjects of anti-corruption in Ukraine. Scientific works of the National Academy of Sciences of Ukraine. 2015. No. 16. Pp. 418–424.
8. Rudenko M.V. Regarding the change of emphasis in defining the concept and system of law enforcement agencies. Actual problems of law: theory and practice. 2019. No. 1(37). Pp. 37-43.
9. On the national security of Ukraine: Law No. 2469-VIII of June 21, 2018. Information of the Verkhovna Rada of Ukraine. 2018. No. 31. Article 241.
10. On the fight against terrorism: Law No. 638-IV of March 20, 2003. Information of the Verkhovna Rada of Ukraine. 2003. No. 25. Article 180.
11. On the prevention of threats to national security associated with excessive influence of persons who have significant economic and political weight in public life (oligarchs): Law dated 09/23/2021 No. 1780-IX. Information of the Verkhovna Rada of Ukraine. 2021. No. 51. Article 421.