

On the issue of the essence of the National Guard of Ukraine as a component of the security and defense sector

Oleg Sakhon,

Postgraduate degree seeker at the Kharkiv National University of Internal Affairs

ORCID: <https://orcid.org/0009-0009-7041-5184>

Abstract. *The article emphasizes that the Ukrainian military has gone through a long path of national liberation struggle, Cossack uprisings, liberation movements, which allowed at the current stage of development of statehood in Ukraine to form effective military and law enforcement formations and bodies. In modern conditions, we can talk not only about separate paramilitary formations united by a common goal and a talented commander, as was the case in Cossack times, but also about deeper management ties, coordinated systems of bodies and units responsible for organizing the service, working with personnel, operational and combat training, aviation management, organizing communications and technical support of information systems, as well as cybersecurity.*

It is determined that administrative and legal regulation is tasked with balancing the needs of all components of the security and defense sector, including by creating organizational, managerial and regulatory frameworks for involving the public in both democratic civilian control and volunteer, educational activities in bodies and units, etc. It is considered that the Doctrine of the National Guard of Ukraine forms the basis of the author's understanding of the latter as a military formation with law enforcement functions, the basis of whose activities are unique tactics, techniques, methods, administrative procedures that allow the command, military personnel and civilian personnel to perform the tasks assigned to them, including those associated with a risk to life and health, and ensure institutional stability and high public trust.

It is considered that the Doctrine of the National Guard of Ukraine forms the basis of the author's understanding of the latter as a military formation with law enforcement functions, the basis of whose activities are unique tactics, techniques, methods, administrative procedures that allow the command, military personnel and civilian personnel to perform the tasks assigned to them, including those associated with a risk to life and health, and ensure institutional stability and high public trust.

Key words: *National Guard of Ukraine, security and defense sector, component, national security, administrative and legal regulation.*

Problem statement. The Ukrainian army has gone through a long path of national liberation struggle, Cossack uprisings, liberation movements, which allowed at the current stage of development of statehood in Ukraine to form effective military and law enforcement formations and bodies. At the same time, the National Guard of Ukraine continues the heroic path of the Ukrainian army, in the conditions of a full-scale invasion of the Russian Federation, it appears as one of the central military formations, which plays a key role in deterring armed aggression and ensuring public security and order.

State of the study. The scientific and theoretical basis for the administrative and legal understanding of problematic issues of supervision (control) in certain spheres of human economic activity has been formed in the scientific research of such leading domestic scientists as V. B. Averyanov, O. I. Bezpalova, P. D. Bilenchuk, V. M. Vasylenko, O. P. Getmanets, S. M. Gusarov, V. M. Dubinchak, M. V. Zavalny, T. O. Kolomojets, A. T. Komzyuk, M. M. Lytvyn, M. D. Martynov, A. F. Melnyk, R. S. Melnyk, O. M. Muzychuk, S. S. Ovcharuk, V. M. Plishkin, O. Yu. Sinyavska, A. O. Sobakar, E. Yu. Sobol, V. V. Sokurenko and others. However, despite the comprehensive nature of previously conducted scientific research, scientists have actually ignored the problematic issues of the essence of the National Guard of Ukraine as a component of the security and defense sector.

Purpose and objectives of the study. The purpose of the article is to determine the essence of the National Guard of Ukraine as a component of the security and defense sector. To achieve this goal, it is necessary to solve the following tasks: analyze the historical path of the formation of the security and defense forces of Ukraine; consider the essence of the security and defense sector and

the characteristic problems associated with this concept; establish the essence of the National Guard of Ukraine as a component of the security and defense sector.

Scientific novelty of the study. The scientific novelty of the research lies in the fact that the author, for the first time, based on the use of a historical approach, analysis of domestic legislation and legal doctrine, examined the essence of the National Guard of Ukraine as a component of the security and defense sector.

Presentation of the main material. It should be noted that since ancient times, Ukrainian soldiers have distinguished themselves in military campaigns. Thus, "both in the Polish Crown and the Grand Duchy of Lithuania, military contingents from Ukrainian lands went on a campaign in their separate formations. And the glory of the exploits of the princes of Ostroz, Vyshnevetsky and others spread throughout Europe. Even after the Union of Lublin in 1569, the army of the Polish-Lithuanian Commonwealth was filled with Ukrainian nobility. But even at this stage, the people put forward another military force that was forming independently. We are talking about the Ukrainian Cossacks, who managed not only to reach the level of a full-fledged border army but also to create the Zaporizhian Sich and to become a participant in the military-political relations of European countries. The logical conclusion of this process is the restoration of the Ukrainian state by Bohdan Khmelnytsky. Cossack hundreds and regiments, serdyuky and hetman's companies, and Zaporozhians from the Sich and the Slobodsk cavalry figured in almost all military conflicts of the 17th-18th centuries. The abolition of the Ukrainian Cossack State and its branches – the Zaporozhian Sich and the Sloboda Cossack Regiments – did not stop the military component of the Ukrainian people. Moreover, the paradox

was that the empires that divided the Ukrainian lands were forced to preserve for a long time certain Ukrainian military structures or even create new ones. The Transdanubian Sich in the Ottoman Empire and the Banat Sich in the Holy Roman Empire, the Bug, Azov and Black Sea (Kuban) Cossacks as part of the Russian Empire, there are references to attempts by a group of Ukrainian Cossacks to gain a foothold in Georgia” [1].

It is with the help of administrative and legal norms that the functioning of the security and defence sector of Ukraine is ensured not only as units capable of performing combat missions but also as multifaceted management structures, which, in order to fully function, must solve a whole range of tasks related to personnel, information and technical and social support, etc.

The Law of Ukraine “On National Security of Ukraine” defines that “the security and defence sector is a system of state authorities, the Armed Forces of Ukraine, other military formations established in accordance with the laws of Ukraine, law enforcement and intelligence agencies, special-purpose state agencies with law enforcement functions, civil defense forces, the defense-industrial complex of Ukraine, the activities of which are under democratic civilian control and, in accordance with the Constitution and laws of Ukraine, are functionally aimed at protecting the national interests of Ukraine from threats, as well as citizens and public associations who voluntarily participate in ensuring the national security of Ukraine” [2].

As S. Yu. Polyakov notes, “relatively recently, a new complex formation has appeared in Ukrainian state-building practice, which was supposed to encompass all state authorities, the Armed Forces of Ukraine, and other military formations – the Security and Defence Sector. According to Parliamentary Assembly of the Council of Europe (PACE) Resolution 1713 of 2007, the security sector may consist of higher government bodies, the armed forces, the police in uniform or in civilian clothes, the gendarmerie, intelligence services, border services, internal security services, as well as the police and military formations working for the country or related to it. It should be noted that the term “Security and Defence Sector of Ukraine” is not an established term and does not have clear traditions of its use. [3].

In general, it should be noted that the Explanatory Dictionary of the Ukrainian Language understands the word “sector” as “1. Part of a circle, bounded by an arc and two radii. 2. Part of the national economy with certain economic and social features. 3. Department in an institution or organisation” [4, p. 744]. As we can see, at the level of essential understanding, the category “sector” serves to designate a certain part of the totality, which implies a relationship between this part and other parts, as well as a certain centre coordinating their joint functioning (activity).

It is worth being aware that this category is somewhat inconsistent with the provisions of the Constitution of Ukraine, which does not contain any mention of the “security and defence sector”. Thus, Article 17 of the Constitution of Ukraine stipulates that “the defence of Ukraine, the protection of its sovereignty, territorial integrity and inviolability shall be entrusted to the Armed Forces of Ukraine. . Ensuring state security and protecting

the state border of Ukraine shall be entrusted to the relevant military formations and law enforcement agencies of the state; the organisation and procedure for their activities shall be determined by law ”[5]. The absence of this category in the Fundamental Law is a rather significant problem, as it may act as a gap in the regulatory framework, which, under certain conditions, can be used to concentrate influence on the power structures at the level of a separate state institution, in particular a certain central executive body.

According to M.M. Lobko and F.V. Saganyuk, the concept of “security and defence sector” can encompass “a system of forces and means defined by law of state authorities, local self-government and military administration, and military formations and law enforcement agencies, which are entrusted with the functions of ensuring military security and defence of the state to maintain its defence potential, prevent threats and neutralise threats of a military nature, and repel armed aggression in the event of an armed attack on Ukraine” [6, p. 137].

In the context of this definition, it is worth noting that the very emergence of the category of “security and defence sector” may be due to the fact that in the context of hybrid warfare and diverse threats in the field of cybersecurity, fruitful interaction and coordination of security and defence forces, carried out on an ongoing basis using common resources, means, and information systems of various bodies and units, becomes fundamentally necessary.

V.K. Gorovenko and V.P. Tyutyunnyk draw attention to the fact that “the security and defence sector is one of the subsystems of the system of maintaining the national security of Ukraine, the subjects of which protect its national interests from external and internal threats by using weapons, implementing special measures or legal coercion within the limits of the powers granted to them” [7, p. 23].

Agreeing with the opinion of researchers, it is necessary to emphasise the importance of national security as a leading common goal that must be achieved in the course of the activities of security and defence forces. National security covers various areas and vital interests. Thus, such components of national security as socio-political security, military security, information security, food security, energy security, security of the education system, scientific and technical security, security of the health care system, security of the transport system, environmental security, security of the media, and cultural and moral security are distinguished [8, p. 23].

At the same time, in the context of the studied issues, the managerial aspect is of primary importance. In this context, the opinion of G.A. Goncharenko that “security sector management is a process by which accountable security institutions ensure security as a state good through open policy and practice is noteworthy. Accountability of security institutions is ensured by democratic control, which is carried out by a number of stakeholders, including democratic institutions, the government, civil society and the media. It is stated that the security and defence sector of Ukraine consists of four interrelated components: security forces; defence forces; defence-industrial complex; citizens

and public associations who voluntarily participate in ensuring national security” [9, p. 40].

Agreeing with the scientist, it should be noted that it is administrative and legal regulation that is tasked with balancing the needs of all components of the security and defence sector, including by creating organisational, managerial, and regulatory frameworks for involving the public in both democratic civilian control and volunteer and educational activities in bodies and units, etc.

At the same time, maintaining such a balance in modern conditions is extremely difficult, since it is necessary to take into account a large number of various challenges in the information and other spheres. Thus, security management is one of the key functional areas of open systems network management. Two key aspects of security management are the management of user security services and ensuring the security of network management systems. Telecommunication control networks are used as an example of control applications that simultaneously provide control and require security and security management services [10, p. 544]. Foreign scientists present five key links in security risk management: security risk planning, security risk identification, security risk assessment, security risk response, and security risk monitoring [11, p. 219].

At the same time, one of the most important components of the security and defence sector is the National Guard of Ukraine. Scientists note that “the system of administrative legislation regulating the service and combat activities of the NGU was formed throughout the independence of Ukraine” [12, p. 64]. Thus, “On October 11, 1991, the Verkhovna Rada of Ukraine adopted the Concept of Defence and Construction of the Armed Forces of Ukraine, according to which the ground defence troops, which included the Border Troops, the Republican Guard and the Civil Defence Troops, became part of the Armed Forces of Ukraine. Subsequently, on November 4, 1991, by Resolution of the Verkhovna Rada of Ukraine No. 1175-XII, the Law of Ukraine No. 1174-XII “On the National Guard of Ukraine” was put into effect, according to which the NGU became a state armed body based on internal troops, which is called upon to protect the sovereignty of Ukraine, its territorial integrity, as well as the life and personal dignity of citizens, and their constitutional rights and freedoms from criminal encroachments and other anti-social actions. In 1995, the operational management of the National Guard was subordinated to the President of Ukraine, and later, on December 15, 1999, the Decree of the President of Ukraine No. 1573/99 “On Changes in the Structure of Central Executive Bodies” was issued, which liquidated the Main Directorate of the Commander of the National Guard, and its functions were transferred to the Ministries of Internal Affairs and Defence. The National Guard resumed its activities in accordance with the Law of Ukraine No. 876-VII “On the National Guard of Ukraine” of March 13, 2014, according to which the National Guard became a military formation with law enforcement functions, which is part of the system of the Ministry of Internal Affairs of Ukraine” [12, pp. 63-64].

According to the Law of Ukraine “On the National Guard of Ukraine”, the latter is “a military formation with

law enforcement functions, which is part of the system of the Ministry of Internal Affairs of Ukraine and is intended to perform tasks to protect and safeguard the lives, rights, freedoms and legitimate interests of citizens, society and the state from criminal and other unlawful encroachments, to protect public safety and order and to ensure public safety, as well as in cooperation with law enforcement agencies - to ensure state security and protect the state border, to stop terrorist activities, the activities of illegal paramilitary or armed formations (groups), terrorist organizations, organized groups and criminal organizations” [13].

In our opinion, an important document that allows us to more deeply understand the essence of the activities of the National Guard of Ukraine is the Doctrine of the Activities of the National Guard of Ukraine, developed by a working group under the general leadership of the Commander of the National Guard of Ukraine, according to which “the entire historical path of Ukraine’s emergence as an independent state indicates that in order to ensure security, preserve the life and health of its citizens, protect their rights and personal dignity, it constantly needs powerful, adaptive, effective security and defence forces. One of the most important components of such forces is the NGU, the role and significance of which became evident after the Revolution of Dignity, during the fight against illegal armed formations in the east of the country, which were actively supported by the armed forces of the Russian Federation and especially strengthened with the beginning of the full-scale invasion of the Russian Federation into Ukraine” [14, p. 11].

Harald Hoyback emphasises that “doctrine” has been part of military language for at least a century. Nevertheless, it is a concept that is not well understood. Doctrine cannot be, or rather should not be, everything to everyone. On the contrary, doctrine can be an instrument of command, an instrument of education, or an instrument of change [15, p. 879].

Thus, it is the Doctrine of the National Guard of Ukraine that forms the basis of the author's understanding of the latter as a military formation with law enforcement functions, the basis of whose activities are unique tactics, techniques, methods, and administrative procedures that allow the command, military personnel, and civilian personnel to perform the tasks assigned to them, including those associated with a risk to life and health, and ensure institutional stability and high public trust.

Conclusion. Thus, within the framework of this article, it was noted that the Ukrainian military has gone through a long path of national liberation struggle, Cossack uprisings, and liberation movements, which allowed at the current stage of development of statehood in Ukraine to form effective military and law enforcement formations and bodies. In modern conditions, we can talk not only about separate paramilitary formations united by a common goal and a talented commander, as was the case in Cossack times, but also about deeper managerial ties, coordinated systems of bodies and units responsible for organising the service, working with personnel, operational and combat training, aviation management,

organising communication and technical support of information systems, as well as cybersecurity.

It has been emphasised that administrative and legal norms ensure the functioning of the security and defence sector of Ukraine not only as units capable of performing combat missions but also as multifaceted management structures, which, in order to fully function, must solve a whole range of tasks related to personnel, information and technical and social support, etc.

Attention has been drawn to the fact that at the level of essential understanding, the category "sector" serves to designate a certain part of the whole, which implies a relationship between this part and other parts, as well as a certain centre coordinating their joint functioning (activity).

It has been established that the very emergence of the category of "security and defence sector" may be due to the fact that in the conditions of hybrid warfare and diverse threats in the field of cybersecurity, fruitful interaction and coordination of security and defence

forces, carried out on an ongoing basis using common resources, means, and information systems of various bodies and units, becomes fundamentally necessary.

It has been determined that administrative and legal regulation is tasked with balancing the needs of all components of the security and defence sector, including by creating organisational, managerial and regulatory frameworks for involving the public in both democratic civilian control and volunteer and educational activities in bodies and units, etc.

It has been considered that the Doctrine of the National Guard of Ukraine forms the basis of the author's understanding of the latter as a military formation with law enforcement functions, the basis of whose activities are unique tactics, techniques, methods, and administrative procedures that allow the command, military personnel and civilian personnel to perform the tasks assigned to them, including those associated with a risk to life and health, and ensure institutional stability and high public trust.

REFERENCE:

1. Army and Ukrainians // ArmyInform: website. URL: <https://armyinform.com.ua/2020/12/06/vijsko-j-ukrayinzi/>.
2. On the National Security of Ukraine: Law of Ukraine of 21.06.2018 No. 2469-VIII // Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text>.
3. Polyakov S. Yu. The Armed Forces of Ukraine in the Structure of the Security and Defense Sector. Scientific Bulletin of the Institute of International Relations of the National Aviation University. 2012. No. 1. <https://jrnل.nau.edu.ua/index.php/IMV/issue/view/302>.
4. Explanatory Dictionary of the Ukrainian Language / Edited by Doctor of Philological Sciences, Prof. V. S. Kalashnikov. 2nd ed., corrected and supplemented. Kharkiv: Prapor, 2006. 992 p.
5. Constitution of Ukraine: dated 28.06.1996 No. 254k/96-vr // Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.
6. Lobko M.M., Saganyuka F.V. Security and Defense Sector: Problems of Formation and Development. Collection of Scientific Papers of the Center for Military and Strategic Studies of the Ivan Chernyakhovsky National Defense University of Ukraine. 2014. No. 1 (50). P. 134–139.
7. Gorovenko V.K., Tyutyunnyk V.P. Current Problems of the Security and Defense Sector of Ukraine. Science and Defense. 2014. No. 4. pp. 20–25.
8. Aliguliyev R., Imamverdiyev Y., Mahmudov R., Aliguliyev R. Information security as a national security component. Information Security Journal. 2021. No. 30 (1). URL: <https://www.tandfonline.com/doi/abs/10.1080/19393555.2020.1795323>.
9. Goncharenko G.A. Security sector management: concept and essence. Scientific notes of Tavrida National V.I. Vernadsky University. 2020. Vol. 31 (70). No. 2. pp. 40-46.
10. Patel A. Security management for OSI networks. Computer Communications. 1994. No. 17 (7). pp. 544-553
11. Wang P., Wen Y. Research on Security Risk Management Process. In: International Academic Conference on Frontiers in Social Sciences and Management Innovation (IAFSM). Chongqing, 17-18 November 2018. pp. 219-224.
12. Kornienko D. M. The system of administrative legislation regulating the service and combat activities of the National Guard of Ukraine. Honor and Law. 2020. No. 4 (75). pp. 62-68.
13. On the National Guard of Ukraine: Law of Ukraine of March 13, 2014 No. 876-VII // Database "Legislation of Ukraine" / Verkhovna Rada of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/876-18>.
14. Doctrine of the National Guard of Ukraine: Order of the Commander of the National Guard of Ukraine dated December 22, 2023 No. 1097. 58 p. URL: <https://ngu.gov.ua/wp-content/uploads/2024/01/vkp-ngu-1-00-doktryna-diyalnosti-nacziionalnoyi-gvardiyi-ukrayiny.pdf>.
15. Hoiback H. What is Doctrine? Journal of Strategic Studies. 2011. No. 34 (6). pp. 879-900.