The system of entities involved in ensuring national security and state defense, and the specific features of their administrative-legal status

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Abstract. This article establishes that ensuring national security is viewed as a comprehensive activity involving the state, public authorities, military formations, law enforcement agencies, local self-government bodies, civil society institutions, and citizens. This activity is directed toward the timely detection, prevention, containment, and neutralization of internal and external threats to the national interests of Ukraine. It is demonstrated that the system of entities interacting within the sphere of ensuring Ukraine's national security and defense constitutes a complex, multi-level organizational and legal mechanism. Its functioning is based on the principles of legality, the rule of law, the unity of state policy, the delineation of competencies, the coordination of activities, mutual responsibility, and the continuity of management. Methodology. This scientific study is based on both general and specialized methods of scientific inquiry. In particular, structural-logical and system-functional methods were employed to analyze reference literature, provisions of specific legal acts (including the Constitution of Ukraine and the Laws of Ukraine "On National Security of Ukraine," "On the Rules of Procedure of the Verkhovna Rada of Ukraine," and "On the Cabinet of Ministers of Ukraine"), as well as scholarly articles, monographs, and textbooks by domestic researchers that provide a comprehensive analysis of these provisions. Results. It is emphasized that the system of entities involved in ensuring the national security and defense of Ukraine constitutes a complex, multi-level organizational and legal mechanism. Its functioning is based on a clear delineation of competencies, the coordination of activities, and the concerted exercise of powers by all its constituent elements. Each entity possesses a distinct administrative-legal status, which defines its position, role, and functional purpose within the national security system. It is precisely the comprehensive nature of this interaction—grounded in the principles of legality, the rule of law, subordination, coordination, and mutual accountability—that ensures the coherence of state policy in the sphere of national security and defense, facilitates timely responses to contemporary threats, and guarantees an adequate level of protection for Ukraine's national interests.

Key words: system of entities, ensuring national security and state defense, specific features, administrative-legal status.

INTRODUCTION

Ensuring the national security and defense of a state is one of the most critical functions of any modern state. The protection of sovereignty, territorial integrity, the constitutional order, human and civil rights and freedoms —as well as the stable functioning of state institutions— depends directly on the effective operation of the mechanisms designed for this purpose. This issue has taken on particular urgency in the context of the Russian Federation's large-scale armed aggression against Ukraine. This situation has necessitated the refinement of existing public administration mechanisms within the national security sphere, the expansion of the powers of specific state authorities, the strengthening of interagency coordination, and the establishment of an effective system of interaction among all entities within the security and defense sector.

In contemporary legal scholarship, the provision of national security is viewed as a comprehensive activity involving the state, public authorities, military formations, law enforcement agencies, local self-government bodies, civil society institutions, and individual citizens. This activity is directed toward the timely detection, prevention, containment, and neutralization of internal and external threats to Ukraine's national interests. Such an endeavor cannot be carried out in isolation by individual government bodies; rather, it requires an integrated system of entities whose activities are mutually coordinated, interdependent, and regulated by legal norms [1, p. 65].

RESEARCH METHODOLOGY

This research is based on both general and specialized methods of scientific inquiry. Specifically, structural-logical and system-functional methods were employed to analyze reference literature, provisions of various legal acts (including the Constitution of Ukraine and the laws of Ukraine "On National Security of Ukraine," "On the Rules of Procedure of the Verkhovna Rada of Ukraine," and "On the Cabinet of Ministers of Ukraine"), as well as scholarly articles, monographs, and textbooks by domestic researchers that provide a comprehensive analysis of these provisions.

Using the comparative legal method and the method of generalization, the concept of a "system of interacting entities" was examined, its characteristic features were identified, and the activities of the individual entities involved were delineated.

The validity and reliability of the research are ensured through the use of a wide range of sources, including legal acts of varying legal force, dictionaries, and scholarly commentaries. Risks arising from ambiguities in legal regulation and a lack of consistency in its application are minimized by employing a conceptual framework well-established in legal science.

Methodological limitations arise from the restricted access to information regarding certain aspects of the activities of the entities involved in ensuring the state's national security and defense. These limitations are addressed by drawing upon data from diverse sources, verifying this information, cross-referencing it with generally accepted approaches, and critically analyzing the available data.

RESULTS

The legal framework for the functioning of the system of entities involved in ensuring the state's national security and defense consists of the Constitution of Ukraine, the Law of Ukraine "On National Security of Ukraine," the Law of Ukraine "On Defense of Ukraine," the Law of Ukraine "On the Legal Regime of Martial Law,"

the Law of Ukraine "On the National Security and Defense Council of Ukraine," and the Law of Ukraine "On the Cabinet of Ministers of Ukraine," as well as laws regulating the activities of specific components of the security and defense sector. These legislative acts define the competencies of the entities responsible for ensuring national security, the procedures for exercising their powers, the principles of interaction among them, and the mechanisms for coordinating their activities.

According to the Law of Ukraine "On National Security of Ukraine," the security and defense sector encompasses a system comprising state authorities, the Armed Forces of Ukraine, other military formations, law enforcement agencies, intelligence agencies, special-purpose bodies with law enforcement functions, civil protection forces, and the defense-industrial complex, as well as citizens and public associations that voluntarily participate in ensuring national security. At the same time, the legislative definition of the security and defense sector does not fully elucidate the nature of the system of interaction among its components, which necessitates a comprehensive administrative-legal analysis of this phenomenon [2]. The concept of a "system of interacting entities" should be viewed not merely as a collection of state authorities vested with specific powers, but as an integrated organizational and legal mechanism. Its elements are interconnected by a unified purpose, shared objectives, aligned functions, legally defined mandates, and established forms of coordination. It is precisely this systemic nature of interaction that enables the achievement of a common outcome—one that could not be secured through the actions of any single state body alone.

A defining feature of this system is its multi-level organizational structure. At the strategic level, the core directions of state policy regarding national security are established, national priorities are set, and political decisions on how to respond to threats are adopted. At the operational-management level, the implementation of these decisions is organized; this involves coordinating the activities of executive authorities, planning security measures, and overseeing their execution. At the tactical level, specific law enforcement, military, counterintelligence, intelligence, border security, rescue, and other operations are carried out to neutralize concrete threats.

The effectiveness of the system's functioning depends largely on appropriate administrative-legal regulation of the interactions among its constituent entities. Such regulation entails a clear delineation of competencies, as well as the establishment of procedures for information exchange, the coordination of management decisions, joint operational planning, the conduct of interagency operations, and the oversight of the implementation of adopted decisions. A lack of proper coordination or the duplication of mandates among individual agencies negatively affects the speed of response to threats and can lead to the inefficient use of state resources [3, p. 123].

Interaction between civilian structures and entities within the security and defense sector is of particular importance. Contemporary challenges demonstrate that ensuring national security is no longer the exclusive function of the military or law enforcement agencies. This process involves executive authorities, the judicial system, diplomatic missions, scientific organizations, critical infrastructure enterprises, educational institutions, volunteer organizations, and individual citizens. Such a comprehensive approach aligns with the modern concept of "total security," wherein threats are countered through the consolidation of resources from both the state and society.

From an administrative-legal perspective, the system of entities involved in ensuring national security and defense can be defined as a set of state authorities, military formations, law enforcement agencies, special services, local self-government bodies, other state agencies, enterprises, institutions, organizations, and civil society institutions—all regulated by administrative-legal norms. Within the scope of their legally defined competencies, these entities engage in coordinated activities to implement state policy aimed at protecting national interests, sovereignty, territorial integrity, the constitutional order, and other vital interests of the state and society [4, p. 577].

DISCUSSION

The system of entities interacting within the sphere of ensuring the national security and defense of Ukraine constitutes a complex, multi-level organizational and legal mechanism. Its functioning is based on the principles of legality, the rule of law, the unity of state policy, the delineation of competencies, the coordination of activities, mutual responsibility, and the continuity of management. Consequently, further administrative-legal analysis should focus on examining the specific administrative-legal status of each entity within this system, as well as defining their respective roles in ensuring the effective functioning of the state's security and defense sector.

The President of Ukraine occupies a central position within the system of entities involved in ensuring the state's national security and defense. Under the Constitution of Ukraine, the President serves as the Head of State and the guarantor of Ukraine's state sovereignty and territorial integrity, as well as the guarantor of adherence to the Constitution of Ukraine and the observance of human and citizens' rights and freedoms. The specific features of the President's constitutional-legal status underpin his leading role in formulating and implementing state policy regarding national security, coordinating the activities of state authorities, making strategic decisions for the defense of the state, and ensuring the effective functioning of the security and defense sector [5, p. 271].

The administrative-legal status of the President of Ukraine in the sphere of national security is defined by a combination of constitutional, administrative-legal, and specialized norms. These norms establish the President's competence, powers, and operational guarantees, as well as the procedures for interaction with other entities within the security sector and the mechanisms for exercising managerial functions. Unlike most other entities within the national security system, the President of Ukraine does not belong to any of the branches of state power; however, the President exerts a decisive influence on the activities of legislative,

executive, and judicial bodies, specifically in the realm of national security and defense. This unique aspect of the President's status enables the exercise of overall political leadership over the security and defense sector, as well as the coordination of the activities of various public authorities [6, p. 76].

The constitutional powers of the President of Ukraine encompass a wide range of issues directly related to ensuring national security. Primarily, the President serves as the Supreme Commander-in-Chief of the Armed Forces of Ukraine, which grants the authority to exercise general leadership in the sphere of state defense, define the primary directions for the development of the Armed Forces of Ukraine and other components of the defense forces, and make decisions regarding the deployment of military formations in accordance with the Constitution and laws of Ukraine.

A significant role within the President's scope of authority is the leadership of the National Security and Defense Council of Ukraine. Under the Constitution of Ukraine, the President heads this Council, determines its personal composition, organizes its operations, and enacts the decisions adopted by the Council through presidential decrees. It is precisely through the functioning of the National Security and Defense Council of Ukraine that interagency coordination is ensured among executive bodies, military command, law enforcement agencies, and other entities within the security and defense sector.

An important element of the President of Ukraine's administrative-legal status is the authority to make decisions during crisis situations. In particular, in accordance with the Constitution of Ukraine, the President decides on the imposition of martial law or a state of emergency—subject to subsequent approval of the relevant decrees by the Verkhovna Rada of Ukraine—decides on general or partial mobilization, and directs measures to repel armed aggression and organize the defense of the state. It is the President who ensures the consolidation of the activities of all entities within the security and defense sector during emergencies, which underscores his pivotal role in maintaining the continuity of public administration.

Thus, the President of Ukraine occupies a key position within the system of entities involved in ensuring national security and state defense. His administrative-legal status is characterized by a comprehensive scope of powers, a combination of political, organizational, coordinating, and managerial functions, and a distinct role in facilitating interaction among state authorities, military formations, law enforcement agencies, and other components of the security and defense sector. The President of Ukraine ensures the strategic coherence of state policy in the realm of national security, serves as the central coordinating link for the entire system, and establishes the necessary organizational and legal conditions for the effective functioning of the mechanism designed to protect Ukraine's national interests.

The Verkhovna Rada of Ukraine occupies a unique position within the system of entities involved in ensuring the state's national security and defense, as the Constitution of Ukraine entrusts it with the exercise of legislative functions and parliamentary oversight in this sphere. Unlike the President of Ukraine, who provides strategic leadership for the security and defense sector, the Verkhovna Rada of Ukraine establishes the legal framework for the functioning of the entire national security system, defines the foundations of the state's domestic and foreign policy, exercises oversight over the activities of executive branch bodies, and participates in making critical decisions regarding the protection of Ukraine's sovereignty and territorial integrity.

The administrative-legal status of the Verkhovna Rada of Ukraine in the realm of national security is primarily defined by the Constitution of Ukraine, the Law of Ukraine "On the Rules of Procedure of the Verkhovna Rada of Ukraine," the Law of Ukraine "On National Security of Ukraine," the Law of Ukraine "On Defense of Ukraine," and other legal acts that regulate the parliament's activities [7].

One of the core functions of the Verkhovna Rada of Ukraine is the legislative support of state policy in the sphere of national security. The parliament enacts laws that define the national security system, the legal status of entities within the security and defense sector, and the operational procedures for military formations, law enforcement agencies, special services, civil protection bodies, and other entities whose activities relate to the defense of the state. It is the Verkhovna Rada that establishes legal mechanisms for responding to contemporary security challenges, refines legislation in line with international standards, and ensures the alignment of the national legal system with European Union law and NATO standards. An important area of activity for the Verkhovna Rada of Ukraine is defining the foundations of state policy in the sphere of national security and defense. Specifically, the parliament approves national-level programs, enacts laws regarding the reform of the security and defense sector, establishes priorities for the budgetary funding of relevant agencies, and creates the legislative framework necessary for the development of the defense-industrial complex, the civil protection system, cybersecurity, and information security. Thus, the Verkhovna Rada of Ukraine not only establishes the regulatory basis for the functioning of the national security system but also defines the strategic directions for its future development [8, p. 14].

A significant component of the administrative-legal status of the Verkhovna Rada of Ukraine is the exercise of parliamentary oversight over the activities of entities within the security and defense sector. This oversight function is carried out through parliamentary hearings; the review of reports from the Cabinet of Ministers of Ukraine, heads of central executive bodies, law enforcement agencies, and special services; the submission of parliamentary inquiries; the establishment of temporary special commissions and temporary investigative commissions;

and the work of the Verkhovna Rada's specialized committees. Parliamentary oversight aims to ensure the legality of the activities of security and defense sector entities, the efficient use of budgetary funds, the observance of human rights and freedoms during the implementation of security measures, and increased transparency in public administration.

Consequently, the Verkhovna Rada of Ukraine serves as a key actor in the sphere of national security and defense; its administrative-legal status is defined by a combination of legislative, constituent, oversight, and representative powers. The National Security and Defense Council of Ukraine (hereinafter – the NSDC of Ukraine) occupies a special place within the system of entities involved in ensuring the national security and defense of the state. In accordance with the Constitution of Ukraine, it serves as a coordinating body for national security and defense affairs under the President of Ukraine.

The legal framework for the activities of the NSDC of Ukraine is established by the Constitution of Ukraine, the Law of Ukraine "On the National Security and Defense Council of Ukraine," the Law of Ukraine "On National Security of Ukraine," as well as other regulatory legal acts governing the operations of entities within the security and defense sector. The constitutional entrenchment of the NSDC's status underscores the exceptional importance of this body within the state governance mechanism; it is through the NSDC that the activities of entities belonging to different branches of government—and performing functions distinct in nature—are coordinated.

The administrative-legal status of the National Security and Defense Council (NSDC) of Ukraine is defined by the aggregate of its competencies, functions, powers, organizational structure, procedures for its formation, and the specific nature of its interaction with other entities involved in ensuring national security. A key feature of this status is that the NSDC of Ukraine does not replace the activities of other state authorities, nor does it interfere with the exercise of their specific, direct powers. Its primary purpose is to ensure the coordination of actions among all entities within the security and defense sector, to formulate a unified state position on responding to national security threats, and to oversee the implementation of relevant management decisions—specifically regarding countering terrorist threats, cybercrime, and information operations.

One of the core functions of the NSDC of Ukraine is the coordination of executive branch bodies in the realm of national security and defense. In practice, this involves organizing the collaborative efforts of the Ministry of Defence, the Ministry of Internal Affairs, the Security Service of Ukraine, intelligence agencies, the State Border Guard Service, the National Guard, the State Emergency Service, and other central executive bodies whose activities relate to ensuring the security of the state.

Thus, the National Security and Defense Council of Ukraine serves as the central coordinating entity for interaction within the sphere of national security and defense; its administrative-legal status is characterized by a comprehensive combination of analytical, coordinating, supervisory, organizational, and advisory powers. The Cabinet of Ministers of Ukraine serves as the central component of the executive branch within the state's national security and defense system. It is tasked with implementing state policy as defined by the Constitution of Ukraine, the laws of Ukraine, acts of the President of Ukraine, and decisions of the National Security and Defense Council of Ukraine. While the President of Ukraine provides strategic leadership for the security and defense sector, and the Verkhovna Rada of Ukraine establishes the legislative framework for its operation, the Cabinet of Ministers of Ukraine ensures the practical execution of adopted political and legal decisions by organizing the activities of the central executive bodies responsible for implementing state policy in the sphere of national security.

The administrative-legal status of the Cabinet of Ministers of Ukraine is defined by the Constitution of Ukraine, the Law of Ukraine "On the Cabinet of Ministers of Ukraine," and other regulatory legal acts. A key feature of this status is the comprehensive nature of its mandate, which encompasses organizational, coordination, rule-making, and oversight powers. In the realm of national security, the Cabinet of Ministers of Ukraine does not exercise direct command over military or law enforcement units; rather, it establishes the necessary organizational, financial, personnel, and material-technical conditions for their effective functioning [9].

A primary function of the Cabinet of Ministers of Ukraine is the coordination of the central executive bodies that comprise the security and defense sector. Through a system of ministries and other central executive bodies, the Government ensures the implementation of state policy across areas such as defense, public security and order, state border protection, civil protection, cybersecurity, migration policy, and the protection of critical infrastructure. At the same time, it organizes interagency cooperation, allocates resources, approves state programs, and monitors the execution of assigned tasks.

An important component of the administrative-legal status of the Cabinet of Ministers of Ukraine is its role in providing resources to the security and defense sector. The Government develops the draft State Budget of Ukraine, determines funding levels for the components of the security and defense sector, manages the state defense procurement order, organizes the material and technical support for military formations and law enforcement agencies, and coordinates the activities of the defense-industrial complex. In the current environment, the state's capacity to respond promptly to threats and maintain an adequate level of defense capability depends, to a significant extent, on the effectiveness of government management [10, p. 18].

Thus, the Cabinet of Ministers of Ukraine occupies a central position within the executive branch and ensures the practical implementation of state policy in the sphere of national security and defense. Its administrative-

legal status is characterized by a combination of organizational, coordination, financial management, and oversight powers, which ensure the coherent operation of central executive bodies and the effective functioning of Ukraine's security and defense sector.

The Ministry of Defence of Ukraine is a central executive body responsible for formulating and implementing state policy in the spheres of defence, military development, and the enhancement of the capabilities of the defence forces. Its administrative-legal status is defined by the Constitution of Ukraine, the Laws of Ukraine "On National Security of Ukraine," "On Defence of Ukraine," and "On Central Executive Bodies," as well as the Regulation on the Ministry of Defence of Ukraine. Unlike the Armed Forces of Ukraine, which directly carry out tasks related to the defence of the state, the Ministry of Defence of Ukraine provides the managerial, organizational, regulatory, and resource-related support necessary for the functioning of the defence forces—a role that establishes its unique position within the system of interacting entities.

The administrative-legal status of the Ministry of Defence is characterized by a comprehensive scope of authority, encompassing strategic defence planning, the implementation of state military policy, the coordination of subordinate military command bodies, international military cooperation, personnel management, the administration of state resources, and the development of defence capabilities. The Ministry also ensures civilian democratic control over the Armed Forces of Ukraine—a core principle for the functioning of the security and defence sector in accordance with European and Euro-Atlantic standards [11].

Consequently, the Ministry of Defence of Ukraine serves as a key entity in the administrative-legal framework supporting the security and defence sector; its activities are directed toward establishing the organizational and legal conditions necessary for the effective execution of tasks related to the protection of Ukraine's state sovereignty and territorial integrity. The Security Service of Ukraine (SBU) is a specialized state body with law enforcement functions, tasked with ensuring state security and protecting the sovereignty, constitutional order, territorial integrity, and information security of Ukraine. The administrative-legal status of the SBU is defined by the Constitution of Ukraine, the laws of Ukraine "On the Security Service of Ukraine" and "On National Security of Ukraine," as well as other regulatory legal acts. A distinctive feature of its status lies in the combination of law enforcement, counterintelligence, operational-investigative, and specialized activities, which enables it to effectively counter threats to state security.

Within the national security system, the SBU performs functions related to the detection, prevention, and suppression of intelligence and subversive activities by foreign special services; counter-terrorism; the protection of state secrets; cybersecurity; and the safeguarding of state sovereignty and the constitutional order. Carrying out these tasks requires constant interaction with the President of Ukraine, the National Security and Defense Council of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Defense of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the State Border Guard Service of Ukraine, intelligence agencies, and the prosecutor's office. Thus, the administrative-legal status of the SBU is characterized by broad, specialized powers and a pivotal role in coordinating measures to neutralize threats to state security, making it a central entity in the sphere of national security and defense [12, p. 139]. It should also be noted that, alongside the entities already discussed, local self-government bodies, military administrations, enterprises within the defense-industrial complex, civil society institutions, and citizens of Ukraine play an important role in ensuring national security and defense. Although their mandates are primarily of a supporting or specialized nature, it is their participation that ensures the comprehensive functioning of the national security system and enhances the effectiveness of interaction among all its constituent entities.

CONCLUSIONS

Thus, the system of entities involved in ensuring the national security and defense of Ukraine constitutes a complex, multi-level organizational and legal mechanism. Its functioning is based on a clear delineation of competencies, the coordination of activities, and the concerted exercise of the powers vested in all its constituent elements. Each entity possesses a distinct administrative-legal status, which defines its position, role, and functional purpose within the national security system. It is precisely the comprehensive nature of this interaction—grounded in the principles of legality, the rule of law, subordination, coordination, and mutual accountability—that ensures the coherence of state policy in the realm of national security and defense, facilitates timely responses to contemporary threats, and guarantees an adequate level of protection for Ukraine's national interests.

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