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LEGAL AND ECONOMIC FOUNDATIONS OF THE NATIONAL SECURITY OF UKRAINE: STATE AND PROSPECTS

Anatolii Nikitin¹, Oleksandr Tarasenko², Oleksandr Dubenko³

Abstract. The *subject* of the study is the state and prospects of development of legal and economic foundations of regulation of legal relations in the sphere of national security of Ukraine. *Methodology.* In the process of research were used general scientific and special legal methods. Dialectical method made it possible to compare the level of legal protection of private and public interests as a type of national interests in comparison with the objects of national security. By means of analysis were determined quantitative and qualitative parameters of measures implemented within the framework of ensuring national security of Ukraine in the sphere of protected national interests of legal and economic nature. Synthesis provided the formation of common features that mediate the existence of the main categories in the sphere of national security, taking into account the time period in which the relevant measures are implemented. Comparative-legal method allowed us to identify common and distinctive features in the implementation of measures of legal and economic nature to ensure national security at different times and in the future. The *purpose* of the article is to establish the state and determine the prospects of development of legal and economic provision of regulation of social relations in the sphere of national security, taking into account geopolitical and internal challenges of the corresponding period of the existence of Ukrainian statehood. The *results* of the study showed that the state of legal and economic security of national security of Ukraine needs to be adjusted and improved taking into account the needs of the time in the geopolitical space, which is reflected in the organizational, legal and legislative work of the Verkhovna Rada of Ukraine and the research of scientists. *Conclusion.* The legal and economic foundations of Ukraine's national security developed under the influence of a number of factors, among which the determining ones are: international standards; creation of a legal regulation mechanism harmonizing private and public interests as part of national interests; prompt response to external and internal challenges, creation of the most effective conditions for the existence of civil society, including economic, involvement of institutions of democratic civil control in this activity. It is established that the formation of legal and economic security of national security of Ukraine took place in three stages: the initial period, when the general rules of normalization of legal relations in this area were laid down; the period of unification and systematization of normative regulations in this sphere, taking into account the proportionality of public and private national interests included in the content of national security, with the priority of the latter, in particular in the field of economic security; the period of adaptation of the regulatory framework in the field of national security to the geopolitical challenges that Ukraine faced after the Revolution of Dignity. The defining features of these stages are characterized. It is established that the legal regulation and economic provision of national security of Ukraine today is determined by the following features: in the first place among the national interests are the state sovereignty, territorial integrity, democratic constitutional order, which are associated with a real threat to these interests due to the existing aggression; a number of strategic documents in the relevant areas of national security, the content of which contains a qualification of threats, directions of state policy and appropriate response measures, in particular to ensure economic security, were categorically defined; the legal status of subjects of national security has been normalized and significantly expanded; the content of the powers and

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functions of these subjects is reduced, and the content of the activities of citizens and public organizations is ignored; for the first time elements of democratic civil control in the sphere of national security are introduced into the legal field. Analyzed modern scientific developments on the national security of Ukraine, which allowed to highlight promising directions of development of measures of legal and economic nature aimed at ensuring national security, including the prevention of threats in the sphere of influence of geopolitical vectors of the modern world system on the formation of Ukrainian statehood, preventing the impact of negative factors of internal and external origin, in particular: separatism; cybercrime; corruption; economic and financial threats; energy crisis; COVID-19 pandemics, etc. In addition, a characteristic feature of such measures should be their ex-ordinary effectiveness, which is mediated by the involvement of all branches of government and institutions of civil society through deep coordination of such activities, the use of international experience, cooperation with international organizations of a military-economic type, the dissemination of the jurisprudence of international courts, using the example of the European Court of Human Rights, etc.

Key words: national security of Ukraine, economic security, economic and financial threats, state, prospects, legal principles, national interests.

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1. Introduction

Any society and any state, as an external civilized manifestation of the former's being, needs external and internal means of ensuring its own identity, originality and authenticity. In order to create guarantees for the existence of the above-mentioned virtues of human existence, the question of creating social, economic and, probably, first of all, legal mechanisms of international and national origin is significant, even painfully important. Among such legal constructs a prominent place is occupied by the legal construct, reproduced in international and Ukrainian legislation – it is national security.

Unfortunately, more than ever in our time, when Ukraine has been subjected to destructive aggression from a neighboring state with which it has long had a communicative socially conditioned relationship, the question of normalization, the importance and prospects for improving national security is extremely relevant and requires careful study.

In connection with the widespread notion of national security as a state of protection of the rights, freedoms and interests of the individual, the interests of society and the state, which creates prerequisites for ensuring sustainable development of the latter, in the first normative acts of the world community after the end of World War II the specified virtues received a direct mutual guarantee, taking into account the theoretical and empirical material available at the time. Thus, even the UN Charter reproduces the basic premises for the assertion of the basic principles of national security, which are manifested, *inter alia*, through such measures to maintain international security as: the settlement and resolution of international disputes which might lead to a breach of the peace, the development of friendly relations, the development of international cooperation in solving problems of

an economic, social, cultural, humanitarian nature, etc. (1948). The content of the Universal Declaration of Human Rights traces the elements of maintaining the security of the international community and the corresponding nationality in the context of ensuring the protection of human rights and freedoms, but taking into account the stated fundamental provisions of the existence of the UN (Art. 29), which actually balance the public and private interests in the protection of national security as a harmonious phenomenon (1948).

The problem of national security and its legal regulation at the level of legislation of Ukraine and other modern countries has been the subject of research by a number of scholars from different countries, where they sought to approach this social and legal phenomenon as a colorful category, which is traced in all manifestations of public life, regardless of the geographical or geopolitical location of the country.

It is necessary to single out works of a general nature, on the example of studies of the conceptual foundations and effectiveness of the National Security Strategy of Ukraine (Zahorulko, 2020), the components of the system of its support and the main tasks at the current stage (Titarenko et al., 2021), roles and forms of participation of public organizations in ensuring the National Security of Ukraine (Kovalova et al., 2020), the essence and directions of influence of NATO as an important factor in ensuring the National Security of Ukraine (Biloshytskyi et al., 2021), definitions of national security, its main interpretations and signs, structure and factors, in particular in the comparison and interdependence of the categories "national interests" and "national values" (Kryvyzyuk et al., 2021), administrative and legal foundations of national security of Ukraine (Hetman et al., 2022).

There are also separate studies in which certain factors of national security are revealed: the essence of migration as a prerequisite for ensuring national security and its legal regulation (Buhaichuk et al., 2021), cybercrime in the manifestation of the complex category "information terrorism" as one of the serious threats to national security (Varenia et al., 2021), the banking sphere as an environment for the development of cybercrime in its multifaceted nature (Vitvitskiy et al., 2021), the nature of economic security as the material basis of national security (Aleksandrova et al., 2021) and its international and national guarantees (Yarmol et al., 2021).

The above conclusions indicate the great relevance of additional research of the state and prospects of development of the right and economic foundations of national security of Ukraine, especially given the tectonic shifts in the geopolitical space of the modern world community, which are currently taking place after the escalation of the Russian invasion of the territory of Ukraine.

2. The essence and manifestations of national security: a scientific approach

Existing studies of the essence, content and areas of manifestation of national security make it possible to formulate the following considerations.

Thus, according to the consequences of structural-functional analysis, national security in a postmodern society is perceived through the prism of measures to adequately counteract threats to vital national interests (Kryvyzyuk et al., 2021). That is, in fact, national security is perceived in the plane of this scientific point of view exactly as a complex axiological socially conditioned phenomenon-non, which is an appropriate reflection of the postmodern culture in the axiological dimension of the socio-political being of a particular society. It is proposed to distinguish between positive and negative effects of the postmodern development of society on the perception of national security in it, where the first is perceived through new directions of its manifestation, and the second – through the violation of established traditions and customs in various spheres of public life, in particular, the functioning of the state as a socio-political superstructure. The above gave the authors the opportunity to formulate the need to develop a certain standard of national security, which would correspond to a mutually consistent construction of national interests and national values, which to a certain extent corresponds to the needs of the time, taking into account retrospective and mental parameters.

Within the framework of philosophical consideration of the essence of separatism, as one of the negative counterbalances to the national security

of any modern country, it is pointed out that in the nature of this category of manifestations of such a trend of social being in the modern world as social transgression, which involves the leveling of certain cultural values, normative rules, moral foundations within the appropriate national boundaries (Levyk et al., 2021). At the same time, the roots of separatism can be traced in the interaction of the everyday and political world of the individual and society, in the juxtaposition of the categories of "social transgression," "frontier". That is, there is actually a clash of interests of a particular individual and society, where separatism manifests itself through the boundary state of the individual, being on the border of the interests of different groups or societies, which actually have a different set of national values, as a result of which the volume and content of national security are different. Taking into account the above-mentioned opinions, the perception of the content of such a boundary condition through philosophical-reflexive, ethical-normative and usually-practical manifestations seems very significant, where the last two are significant in the context of the topic of this work.

From the point of view of administrative-legal regulation of the system of national security of Ukraine, the essence of the latter is considered as a totality of circumstances, within which the conditions for the stable development of any individual, society and state are created. Among the main subjects, which are responsible for ensuring national security, are the power structures, in particular the Armed Forces of Ukraine, endowed with special powers. According to researchers, the justification for the effectiveness of national security by prioritizing nonviolent means of protecting national interests and values is indisputable (Hetman et al., 2022).

In the context of the content of national security are defined groups of measures related to: the protection of territorial integrity and state sovereignty, ensuring constitutional order, creating conditions for political and economic security, ensuring public order, the fight against crime, etc. The social and legal means of implementation of these measures is a set of legal norms enshrined in various state programs, regulations, directives and international treaties, as well as other sources of national law. As for the subject composition of such relations and assessment of the effectiveness of their activity, the previous considerations received full support (Titarenko et al., 2021).

Particular attention is paid to the place of public organizations among the subjects ensuring national security, in terms of normalization of their legal status. An attempt has been made to differentiate this issue in terms of functional and zonal criteria

of the legal status of these organizations precisely depending on the specifics of involvement in activities in the field of national security, where the first involves determining their place among other actors directly ensuring national security, a clear definition of their respective competencies, the level and scope of cooperation with them and the degree of participation in the implementation of relevant measures, and the second involves manifestation of their competencies depending on the sphere and territory of national interests and the need to implement appropriate measures to protect national security. The position of researchers is quite rational in terms of improving the organizational and legal means of participation of public organizations in the system of measures to ensure national security, in particular through more thorough regulation of their legal status, a clear definition of their place among the other subjects of such activities, the creation of mechanisms for cooperation and coordination of their work, the introduction of developments in the international community in this matter (Kovalova et al., 2020).

An important component of the national security of a modern state, including Ukraine, remains the issue of protection against external aggression, which may manifest itself in relevant internal and external manifestations. In such conditions an important role is played by international legal organizations of different functional orientation, among which NATO as a leading military alliance, based on established, generally recognized values of a democratic society, has recently taken a priority place. Ukraine's cooperation with this organization in the light of geopolitical events of recent decades, especially manifestations of aggression by some neighboring countries of our state, testifies to the correctness and great relevance of this activity, which is reflected in all spheres of life, in particular in the rule-making sphere. Such activity in the context of national security creates prerequisites for:

- 1) increasing the level of defense capability of Ukraine;
- 2) creating economic foundations for a proper investment climate on the territory of the state;
- 3) further involvement in other forms of integration processes with modern developed countries, in particular with the European Union;
- 4) identification of internal and external problems that prevent the proper satisfaction of a set of national interests (information security, public corruption, insufficient development of foreign policy relations, etc.) (Biloshytskyi et al., 2021).

A relatively new type of threat to the national security of Ukraine in the form of hybrid war, which manifests itself through the use of a complex of class military and rather extraordinary non-military information-psychological, economic and political

tools, remains quite relevant. This requires the formation and implementation of a set of appropriate preventive, preventive and controlling measures by the security and defense sector. In addition, the main direction of response of the national security system is the above-mentioned measures to integrate Ukraine into the international security system through NATO membership, which has the consequence of modernization of the security and defense sector management system in order to bring it in line with the challenges of modern conflicts, achieving a level of interoperability of defense forces, the transition to standards of the said international organization, etc. (Bratko et al., 2021).

Given the above, the issue of information security has long been a global problem, which has appropriate manifestations at the level of certain internal socio-political, economic and legal institutions of any country, including Ukraine. Noteworthy are studies in which so-called information terrorism, including cyberterrorism and media terrorism, categories of cybercrime in the information space, is defined as a significant component of the national security of the modern country. The most dangerous manifestations of threats to national security in the information space in modern conditions include: the use of computer systems and software, media content for extremist and terrorist crimes of a transnational nature, actions with signs of cyberterrorism (intimidation of public authorities, local government, international organizations through the misuse of relevant information and telecommunications technologies), the use of computer systems and software to commit extremist and terrorist crimes (Varenia et al., 2021).

No less important in the conditions in which Ukrainian statehood is being formed is the issue of taking into account the problems of migration processes, with external and internal factors, in a set of measures to ensure national security. According to the authors, among the priorities among measures to ensure national security in terms of regulating migration processes is the proper normalization of the issue of fixing the migration status of an eminent person, the definition of his legal status regardless of the legal connection with the state of residence and the legal regime of the latter, taking into account the practice of the European Court of Human Rights (Buhaichuk et al., 2021).

Among others, the economic well-being of society and the individual occupies a worthy place among the components of national security, which is appropriately reflected in studies of the spheres of national security. Thus, the issue of international and national guarantees of economic security is periodically raised in the context of rulemaking, law enforcement activities, in particular, the jurisdiction

of the European Court of Human Rights, which is the guardian of economic, social, natural and other human rights and economic security of the state. The determining principles of this component of national security are: the rule of law, legality, freedom of enterprise, priority of national interests, ending aggression against Ukraine and the return of occupied territories, creating a real mechanism to maximize the social and economic rights of citizens, improving mechanisms for bringing the economy out of the shadows, eradicating corruption from all spheres of society, etc. (Yarmol et al., 2021).

In contrast to the previous study, according to other scientists, the solution to the issue of economic security as a component of national security of Ukraine should be solved by overcoming the negative causes of internal genesis, where the following threats are in the first place: the uneven economic development of certain territories, the decline of certain industries, low living standards of the population, etc. According to the authors, the above creates the preconditions for the implementation of a set of macroeconomic measures of economic, legal, organizational and administrative nature, carried out by public authorities and local government using various forms and methods of state and legal regulation to ensure human rights, improve living standards and achieve sustainable development of the state (Aleksandrova et al., 2021).

In the area of economic security, other views on threats to national security have gained ground, in particular due to the negative impact of the COVID-19 pandemic on national interests (Pidyukov et al., 2021) and qualified cybercrime in the financial, in particular, banking sphere (Vitvitskiy et al., 2021). The first one proposes to differentiate institutional, procedural and behavioral features, principles and indicators of the typology of challenges and threats caused by the crown virus pandemic in the world. The authors make a reasonable conclusion about the comparison of social protection and severe economic restrictions in the framework of the manifestation of these negative trends in public life. At the same time, the above has served to highlight two major trends in the development of the global community that directly affect national security: deglobalization, due to the preference for national and regional cooperation, and the geopolitical growth of China as a significant player in international economic policy. The study of qualified cybercrime leads to the identification of a number of areas for the design of coordinated public-private cooperation aimed at regulating issues:

- 1) general classification of cybercrime, as well as similar types of offenses in the banking sphere;
- 2) development of mechanisms of organizational and legal nature to ensure objective display of statistical data on cybercrime;

- 3) creation of a system to combat this type of crime, allocation of a place in it for special actors in the form of cyber units of all law enforcement and law enforcement structures.

A separate place among the threats of modern society is occupied by the problem of providing all kinds of energy and resources vital for the existence of society. That is why the so-called energy security is fully perceived in scientific circles as a component of national security and must, along with other significant elements, be taken into account and subjected to scrupulous processing. It is appropriate to conclude that energy security directly correlates with economic security as part of the national security of a modern developed country and is indirectly reflected in the functioning of the socio-political and economic institutions of developing countries (Mara et al., 2022).

According to the results of the monitoring of existing studies on the nature of national security, including those cited above, the essence of national security includes categories of public and personal well-being, which is mediated by the creation of the most accidental conditions for the existence of both society and a particular individual, manifested as a physiological and social being with a set of natural, spiritual, social needs and the interests arising from them. At the same time, it should be noted that the relevance of the study of organizational, legal, socio-political, economic and legal foundations of the functioning and ensuring national security is mediated by the volume and depth of relevant scientific research, indicating the functional, zonal and regional factor in the development and improvement of this sphere of social life. Prospective directions of development of measures to ensure national security, including prevention of threats in the sphere of influence of geopolitical vectors of the modern world system on the formation of Ukrainian statehood, prevention of influence of negative legal and socio-economic factors of internal and external origin, in particular: 1) separatism; 2) cybercrime; 3) corruption; 4) economic and financial threats; 5) energy crisis; 6) COVID-19 pandemics etc. are highlighted in any order.

3. Legal and economic foundations of the national security of Ukraine: state and prospects

The state of normative regulation of social relations related to the implementation of activities that constitute the subject of national security of Ukraine directly follows from numerous works in this area, analyzed above, which received publicity on the eve of the expansion of armed aggression against Ukraine. This view is a scientific perception of the legal reality that currently exists in Ukraine.

An additional view of the above can be formed as a result of the study of legal acts in this area, where it is necessary to distinguish the subjects of these relations, the object and content.

The development of the international legal acts analyzed above in the Basic Law of Ukraine found a direct reflection in the first edition of the two most important achievements of Ukrainian society – human security (Art. 3) and state and public security (Art. 17), which are directly reproduced in the content and manifestation of the latter through environmental (Art. 16), economic (Art. 17) and informational (Art. 17), geopolitical (Art. 18) security, security of personal and family life (Art. 32) and other intangible manifestations on the prevention and elimination of threats to public and private interests protected by the State of Ukraine (1996). It was the Constitution of Ukraine that recognized, in addition to the objects that are protected as part of national security measures, also prominent subjects of such activities, which implement the relevant state policy in the internal and external spheres. First of all, this is the Verkhovna Rada of Ukraine (Art. 85), the determining competence of which is legislative activity in this sphere (Art. 92), the President of Ukraine, who guarantees the realization of the state policy in the sphere of national security, in particular by leading the activity of the National Security and Defense Council of Ukraine and taking other important measures (mobilization, sole management of the power block of the state during the crisis, etc.) (Art. 106), Council of National Security and Defense of Ukraine, which is a coordinating and supervising body of a mixed legal nature and provides, above all, operational management of all sub-objects of public administration and the private sector in times of crisis of society (107), the Cabinet of Ministers of Ukraine as the main participant of the executive power in this order of implementation of state security policy (Art. 116).

A logical continuation of security policy after the adoption of the Constitution of Ukraine was the adoption of the fundamental normative act in this area, which in fact is common regarding the definition of the basic principles of delimitation of definitional concepts, subject composition, object and content, namely the National Security Concept of Ukraine (1997), which defined the objects of national security as follows: rights and freedoms of a citizen, spiritual and material values of society, constitutional order, sovereignty, territorial integrity, inviolability of state borders; provided for: the range of principles of national security, priority national interests, a list of possible threats in the following important areas of life (political, economic, social, military, environmental, scientific and technological, information) and outlined (the main directions of state policy

of national security of Ukraine and the system bodies and measures to ensure it).

However, the legislative foundations laid down in the Constitution of Ukraine again demanded a different legal form of such a document and relevant main provisions in it, which contributed to the adoption of a new normative-legal act of the relevant jurisdiction – the Law of Ukraine "On the Fundamentals of National Security of Ukraine" (2003). This law embodied the legal regulation of a number of issues manifested in this sphere of public life.

Among his most significant possessions, the following should be noted:

1) systemic definition of the goal of state policy in the sphere of national security – protection of national interests and ensuring the security of individuals, society and the state in Ukraine from external and internal threats in all spheres of life;

2) a comprehensive and voluminous functionally oriented legislative definition of "national security" and other important categories;

3) a statement of the legal foundations of national security, including the documents arising from this normative act, developed and approved by the President of Ukraine: National Security Strategy of Ukraine, Cyber Security Strategy of Ukraine, Military Doctrine of Ukraine;

4) the legal regime of the objects of these relations is also extended to:

– the rights and freedoms of all people regardless of the legal status of a citizen of Ukraine;

– moral and ethical, cultural, historical, intellectual values of society, informational and environmental environment and natural resources;

5) differentiated subjects of ensuring national security, where in addition to those specified by the Constitution of Ukraine, the National Bank of Ukraine, the courts of general jurisdiction, the Prosecutor's Office of Ukraine, the National Anti-Corruption Bureau of Ukraine, local state administrations and local self-government bodies, the power structures (the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Border Service of Ukraine and other military formations formed in accordance with the legislation of Ukraine), civil defense bodies and units, citizens of Ukraine and citizens' associations;

6) the basic principles of activities in this area were supplemented by the following principles: democratic civil control over the military organization of the state and other structures in the system of national security; use of interstate systems and mechanisms of international collective security in the interests of Ukraine;

7) The range of priorities of national interests has been expanded, including: ensuring constitutional

human rights and freedoms; ensuring environmentally and technologically safe living conditions for citizens and society, preservation of the natural environment and rational use of natural resources; creating conditions for the full life and development of children, their safety, well-being, and growth in a safe family environment; Ukraine's integration into the European political, economic and legal space with the aim of acquiring membership in the European Union and into the Euro-Atlantic security space with the aim of acquiring membership in the North Atlantic Treaty Organization; development of equal and mutually beneficial relations with other countries of the world in the interests of Ukraine;

8) threats to the national security of Ukraine and relevant directions of state policy in the most important spheres of life were differentiated, which made it possible to distinguish:

- in the political sphere, the following subgroups of threats and directions: in the foreign policy sphere, in the sphere of state security, in the military sphere and the sphere of security of the state border of Ukraine, in the domestic political sphere;
- in the economic sphere;
- in the social and humanitarian sphere;
- in the scientific and technological sphere;
- in the field of civil protection;
- in the information field.

9) special functions and powers of the above-mentioned subjects of national security are defined.

Summarizing the results of the analysis and comparison of the model of legal consolidation of the foundations of national security according to the Concept and the Law of Ukraine "On the Fundamentals of National Security of Ukraine", it is necessary to point out a more comprehensive and systematic approach to the essence of this socio-political and legal category, which are formulated in the second legal act, as well as giving priority among national interests to human interests, that is, private as opposed to public.

The dramatic events of the Ukrainian reality since 2013 related to the hybrid aggression against Ukraine have led to appropriate changes in the normative regulation of public relations related to national security, in particular the adoption of the new Law of Ukraine "On National Security of Ukraine" (2018). It also reflected the general trends that appeared on the agenda of Ukrainian society and raised the procedure for regulating the relevant relations to a qualitatively new level of legal technique.

First, in the definition of national security, there was a transformation of the priorities of national interests to be protected within the framework of appropriate measures of its content. State sovereignty, territorial integrity, democratic constitutional order

came to the first place among them due to the real threat to these interests due to the existing aggression.

Second, it was possible to find definitions of categories of such strategic documents as the National Security Strategy of Ukraine, the Military Security Strategy of Ukraine, the Cybersecurity Strategy of Ukraine, the Strategic Defense Bulletin of Ukraine, the Strategy of Public Security and Civil Protection of Ukraine, the Strategy for the Development of the Defense Industry of Ukraine, which is also indirectly due to the above-mentioned reason.

Third, the national interests have received a general definition, among which the fundamental ones are highlighted: state sovereignty and territorial integrity, democratic constitutional order, non-interference in the internal affairs of Ukraine; sustainable development of the national economy, civil society and the state to ensure the growth of the standard of living and quality of life of the population; Ukraine's integration into the European political, economic, security and legal space, membership in the European Union and the North Atlantic Treaty Organization, development of equal and mutually beneficial relations with other states. It is the latter of the national interests, as a form of response to the existing threat from the aggressor, as well as the request of the Ukrainian society, was directly implemented within the framework of the relevant constitutional amendments (2019).

Fourth, the legal status of the subjects of national security is regulated in detail by introducing a specific term "security and defense sector", which defines the essence of the defense and security forces, as well as the separate role of citizens and public associations, which differ from the previous ones by non-specificity for their general legal status of activities.

Fifth, the content of the powers and functions of the above-mentioned entities is detailed, while the content of the activities of citizens and civic organizations in this area is left out, which is obviously due to the non-specificity of their competence against the background of the general legal status.

Sixth, for the first time, elements of democratic civilian control in the field of national security were introduced into the legal field in compliance with the principles of the rule of law, legality, accountability, transparency, efficiency and effectiveness.

Seventh, the qualification of threats and directions of state policy and appropriate response measures in the sphere of national security are laid down in the framework of the relevant strategies of a particular direction.

The study of legislative work in the field of national security of Ukraine allows us to determine the following legal prospects for ensuring the national security of Ukraine. Aggression against Ukraine, as one of the priority threats to national

security, initiates the submission to the Verkhovna Rada of Ukraine in the vast majority of draft laws that stimulate the protection of various private and public interests that are the object of national security, precisely in the conditions of martial law. In particular, as of July 22, since the beginning of the war, the legislative body of Ukraine has adopted almost three hundred laws and resolutions, of which 201 (67%) are directly or indirectly devoted to ensuring national security in war (2022).

The above-mentioned legislative acts can be differentiated according to the direction of the state policy to ensure national security, namely: in the foreign policy sphere – 19%, in the state security sphere – 13%, in the military sphere and the security sphere of the state border of Ukraine – 9%, in the domestic political sphere – 15%, in the economic sphere – 14%, in social and humanitarian spheres – 15%, in the scientific and technological sphere – 1%, in the sphere of civil protection – 3%, in the ecological sphere – 6%, in the information sphere – 5%.

An example of these legislative initiatives can be: in the foreign policy sphere – Resolution of the Verkhovna Rada of Ukraine dated June 19, 2022 No. 2298-IX "On the Appeal of the Verkhovna Rada of Ukraine to the Member States of the European Union and the European Union Institutions to support granting Ukraine the status of a candidate country for accession to the European Union" (Resolution of the Verkhovna Rada of Ukraine, June 19, 2022, No. 2298-IX), in the field of state security – Law of Ukraine dated May 31, 2022, No. 2293-IX "On Amendments to Chapter V Final Provisions" of the Law of Ukraine "On the National Agency of Ukraine for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes on Asset Management Under Martial Law" (Law of Ukraine, May 31, 2022, No. 2293-IX), in the military sphere and the sphere of security of the state border of Ukraine – Resolution of the Verkhovna Rada of Ukraine of April 21, 2022 No. 2227-IX "On Adoption as a Basis of the Draft Law of Ukraine on Amendments to the Law of Ukraine 'On Prevention of Corruption' on Peculiarities of Application of Legislation in the Field of Prevention of Corruption in the Conditions of Martial Law" (Resolution of the Verkhovna Council of Ukraine, April 21, 2022, No. 2227-IX), in the domestic political sphere – Law of Ukraine of May 12, 2022 No. 2259-IX "On Amendments to Certain Laws of Ukraine on the Functioning of the Civil Service and Local Self-Government during the Period of Martial Law" (Law of Ukraine, May 12, 2022, No. 2259-IX), in the social and humanitarian spheres – Resolution of the Verkhovna Rada of Ukraine dated April 1, 2022 No. 2185-IX "On Adoption as a Basis of the Draft Law of Ukraine on Compensation for Damage

and Destruction of Certain Categories of Immovable Property as a Result of Military Acts, Terrorist Acts, Sabotage Caused by the Military Aggression of the Russian Federation" (Resolution of the Verkhovna Rada of Ukraine, April 1, 2022, No. 2185-IX), in the information sphere – Law of Ukraine of March 24, 2022 No. 2149-IX "On Amendments to the Criminal Code of Ukraine on Increasing the Effectiveness of Combating Cybercrime in the Conditions of Martial Law" (Law of Ukraine, March 24, 2022, No. 2149-IX).

No less relevant is the development of a draft law that proposes to amend the legislation governing relations in the field of national security by expanding the range of subjects of national security by the State Space Agency of Ukraine with the corresponding range of functions and powers (Official Portal of the Verkhovna Rada of Ukraine (2022)). Draft Law on Amendments to the Law of Ukraine "On the Fundamentals of National Security of Ukraine" and the Law of Ukraine "On Space Activities").

Summarizing the above, it is necessary to note the following. The legal and economic foundations of the national security of Ukraine were formed within the framework of the normative provisions of the Constitution of Ukraine and fundamental legislative acts adopted to develop its provisions, where three stages can be distinguished: 1) the initial period within the framework of the National Security Concept of Ukraine of 1997, which laid down the general rules for regulating legal relations in this area; 2) the period of unification and systematization of regulatory requirements in this area in compliance with the proportionality of public and private national interests included in the content of national security, with priority given to the latter within the framework of the Law of Ukraine "On the Fundamentals of National Security of Ukraine" from 2003 to 2018; 3) the period of adaptation of the regulatory framework in the field of national security to the geopolitical challenges faced by Ukraine after the Revolution of Dignity within the framework of the Law of Ukraine "On National Security of Ukraine" from 2018 to the present.

The transformation of the normative and economic basis of social relations in the field of national security has created conditions for qualitative transformations of the legal regulation mechanism, which would take into account the dynamics of socio-political and economic processes in modern society, as well as foreign and domestic political challenges, creating a compromise structure between the defining interests of society and the individual.

Among the prospects for the normalization of legal relations in the field of national security of Ukraine, the priority measures taken by all institutions of power and public origin to protect national interests, in particular measures in the foreign policy sphere,

in the field of state security, in the military sphere and in the field of state border security of Ukraine, in the domestic political, economic, social and humanitarian spheres, in the scientific and technological sphere, in the field of civil protection, in the environmental and information spheres are highlighted. In addition, a characteristic feature of such measures should be their extraordinary efficiency, which is mediated by the involvement of all branches of government and civil society institutions on the basis of deep coordination of such activities, the use of international experience, cooperation with international organizations of military-economic type, the dissemination of judicial practice of international courts following the example of the European Court of Human Rights, etc.

4. Conclusions

As conclusions on the basis of the study of the state and prospects of development of legal and economic foundations of public relations in the field of national security of Ukraine, it is necessary to express the following.

The legal and economic foundations of Ukraine's national security are based on the fundamental provisions of international law, primarily the UN Charter and the Universal Declaration of Human Rights, which balance the interests of man and society and do not harm the former. It is the Constitution of Ukraine that continued the progressive movement towards the implementation of international standards for the protection of national interests within the framework of measures that are part of the national security of Ukraine, where from the very beginning the protection of private rights and interests was a priority, which fully corresponds to the content of Art. 3 of the Constitution of Ukraine.

The formation of legal and economic support of national security of Ukraine has passed three stages:

- 1) the initial period, when the general rules for regulating legal relations in this area were laid down;
- 2) the period of unification and systematization of regulatory requirements in this area in compliance with the proportionality of public and private national interests that are part of the content of national security, with priority given to the latter;
- 3) the period of adaptation of the regulatory framework in the field of national security to the geopolitical challenges faced by Ukraine after the Revolution of Dignity.

Each of these stages is determined by its own generalizing features. Thus, the first one defines the general concept of national security, the constituent elements of the relevant relations (subjects, object and content), the range of principles of national security and national interests, including economic

content, the main threats and directions of state policy. Among the features of the second one are the following: the system-forming definition of the purpose of the state policy in the field of national security, the system of legal foundations of national security has been formed, the issue of the legal regime of national security objects with priority given to some of them, including economic content, and its subjects in terms of functions and powers has become widespread; differentiated threats to the national security of Ukraine, including economic and financial, and relevant directions of state policy in the most important spheres of life. The third stage was marked by the following changes: state sovereignty, territorial integrity and democratic constitutional order came to the forefront of national interests due to the real threat to these interests in connection with the existing aggression; categorical definitions of a number of strategic documents in the relevant areas of national security were found, with the inclusion in their content of the qualification of threats, directions of state policy and appropriate response measures; the legal status of the subjects of national security was regulated and significantly expanded; the content of the powers and functions of the above-mentioned subjects is dechronized, and the content of the activities of citizens and public organizations is left out of attention; for the first time, elements of democratic civilian control in the field of national security were introduced into the legal field.

In the context of the study of the prospects of legal and economic regulation of national security, the legislative work of the Verkhovna Rada of Ukraine was analyzed in order to respond to the most serious challenge to the statehood of Ukraine – the aggression of the Russian Federation, which allowed to identify the following areas of national security by proportion: in the foreign policy sphere, in the sphere of state security, in the military sphere and in the sphere of security of the state border of Ukraine, in the domestic political, economic, social and humanitarian spheres, in the scientific and technological sphere, in the sphere of civil protection, in the environmental and information spheres.

The modern scientific developments on the issues of ensuring the national security of Ukraine are analyzed, which allowed to identify promising directions for the development of legal and economic measures aimed at ensuring national security, in particular, preventing threats in the sphere of influence of geopolitical vectors of the modern world system on the formation of Ukrainian statehood, preventing the influence of negative factors of internal and external origin: 1) separatism; 2) cyber crimes; 3) corruption; 4) economic and financial threats; 5) energy crisis; 6) COVID-19 pandemics, etc.

In addition, a characteristic feature of such measures should be their extraordinary efficiency, which is mediated by the involvement of all branches of government and civil society institutions on the basis of deep coordination of such activities, the

use of international experience, cooperation with international organizations of military-economic type, the dissemination of judicial practice of international courts on the example of the European Court of Human Rights, etc.

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