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## Modern Threats to The National Security of the State and Ways to Overcome Them: Reassessment of Views in The Context of Armed Aggression

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#### Abstract

The article is devoted to the study of current problems of national security of the state, scientific research and substantiation of possible ways to overcome them in the context of armed aggression by the Russian Federation. The main focus of the research is on the issue of clarifying the current threats to the national security of Ukraine, which are present and negatively manifested in the context of armed aggression caused by the full-scale invasion and conduct of Russian troops on the territory of sovereign, independent Ukraine. It is determined that the primary indicator of effective counteraction to threats to national security is the introduction of an effective mechanism for ensuring national security, which is a system of regulatory, organizational, managerial, financial, information and other instruments. Such tools are used by the state to ensure the proper functioning of social relations that are of fundamental importance for the national security of the state. The following are among the promising areas of overcoming national security risks: improvement of legislation regulating the state's foreign activities in the field of national security; creation of an international program for interaction of national security entities with other agencies; improvement of the efficiency of labor relations directly within certain national security entities in Ukraine; improvement of the state policy in the field of national security; work with the HR system in the presented context; improvement of financial and logistical support, etc.

**Keywords:** National Security, Threats, Threat Prevention, Negative Consequences, Regulatory Framework

#### **INTRODUCTION**

As historical events testify, the Second World War radically changed views on guarantees of world peace because humanity understood the true value of human rights and freedoms, which led to a fundamental update of the legal mechanism for their protection (Ablamskyi et al., 2020). Everyone is born equal and expects to be treated similarly before the law in cases involving criminal activity and other obligations. It is problematic to have some people immune to legal consequences because they enjoyed special treatment in the eyes of the legislation meant to protect them (Sokurenko, Morhunov, Ablamskyi, 2023). Respecting and protecting all parties have always been the objective of every proceeding, aiming to achieve justice at every trial stage. This protection becomes of utmost importance when dealing with victims who have suffered injuries because of crime (Ablamskyi, Ansari, Nosach, 2022).

Modern Ukraine is a democratic, socially oriented state that is actively developing towards European and Euro-Atlantic integration. At the same time, a number of internal and external threats impede the successful course of these processes, including: armed aggression of the Russian Federation (Ablamskyi, Denakpon, Romaniuk, Šimić, Ilchyshyn, 2023); occupied territories; international and other types of terrorist threats; the COVID-19 pandemic; economic crisis; irrational use of natural, material, technical, financial, and human resources; demographic crisis and rising unemployment, etc. Unfortunately, the list of these threats has been growing in

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recent years. The events of 2014-2015 related to the annexation of Crimea and the occupation of parts of Donetsk and Luhansk regions, which put a crack in the national security system of Ukraine and Eastern Europe as a whole, are a clear indication of this. At that time, no clear measures were taken to quickly resolve the conflict and suppress the intentions of the aggressor country, which resulted in a full-scale invasion of Ukraine by Russian troops on February 24, 2022. In connection with the full-scale criminal invasion of Russian troops into Ukraine, not just a threat appeared, but a really great danger for the further existence and functioning of the state sovereignty and territorial integrity of Ukraine, and according to the estimates of many experts, even for itself the existence of the Ukrainian nation (Gusarov et al., 2023, p. 3; Kaewdok et al., 2018). This event finally undermined the existing system of international and national security, posing a threat to the entire civilized world. Unfortunately, Russia's aggression continues today, and therefore it is especially important to conduct a thorough analysis of the mistakes made in order to improve the existing legal framework in the field of national security (Farooq et al., 2010). On the other hand, on this basis, a set of effective measures aimed at ensuring the national security of the state, society and our citizens should be implemented, which is impossible without assessing real threats in this area.

## **METHODS**

The methodological basis of the study is general and special methods and techniques of scientific cognition. The concepts of "national security" and "threats to national security" of the State were defined using the logical and semantic method.

The use of the analytical method made it possible to assess the current threats to Ukraine's national security in the context of armed aggression and to characterize the legal framework for ensuring national security.

The methods of classification and systematization were used to classify threats to the national security of Ukraine. This classification is based on two key criteria depending on: 1) the scope of threats; 2) the impact of threats.

The comparative legal method was used to analyze the current legislation of Ukraine on national security of Ukraine, as well as to define the basic principles of national security and defense, goals and basic principles of state policy that will guarantee protection of society and every citizen from threats.

The methods of modeling and forecasting were used to propose ways to improve the legislation on national security, to work out the directions of optimizing the criteria for assessing the effectiveness of national security, as well as to establish prospects for improving the provision of national security of the state.

## PURPOSE AND OBJECTIVES OF THE STUDY

The issues of national security of the state and identification of threats to Ukraine's national security have been actively studied by scholars over the past 10 years. However, since the introduction of the legal regime of martial law in Ukraine, the life of the country and its citizens has changed significantly, and given the almost two-year undeclared war by Russia, the issue of overcoming threats to national security is of great importance. Moreover, the further vector of development of all democratic states on the European continent depends on it. In this regard, the purpose of the article is to analyze the current threats to Ukraine's national security and, on this basis, to identify possible ways to overcome them. In accordance with this purpose, it is necessary to solve the following tasks: to study the concept of "threats to national security"; to determine the administrative and legal framework regulating the issue of threats to Ukraine's national security; to reveal the current threats to Ukraine's national security under martial law.

#### **RESULTS AND DISCUSSION**

In today's civilized, democratic world, overcoming threats to the national security of the state is impossible without the introduction of an effective legal mechanism to counteract negative phenomena that undermine national security. Any mechanism is a set of interacting, complementary and interdependent elements that function to achieve a single goal. The concept of mechanism is used in many areas of public life. In the technical sciences, the understanding of a mechanism is reduced to the coordinated functioning of individual technical instruments to perform a certain function, to set in motion a certain process. However, in legal doctrine, such Modern Threats to The National Security of The State and Ways to Overcome Them: Reassessment of Views in The Context of Armed Aggression

technical instruments are individual units, public authorities, officials, whose uninterrupted operation is possible subject to proper organizational, managerial, regulatory and legal support and consideration of best foreign practices.

The issues of national security have always attracted attention among scholars and practitioners, as the Russian aggression that began in 2014 gave rise to a revision of the existing national security system of Ukraine. It is noted in the scientific literature that the problems of ensuring the security of the state and the world have always been of concern to humanity in the process of its civilizational progressive development. The end of the two world wars and the end of the Cold War did not reduce the number of threats to national and international security. Interstate conflicts, terrorist attacks, the threat of nuclear war, man-made and natural emergencies continue to pose a great danger in the twenty-first century (Khatnyuk, 2020, p. 65; Gupta 2020; Wanja et al., 2020). Ukrainian scientists and public administrators consider the issue of internal political security of the state in the context of the modern vision of the world social sciences (Brauch, 2011), including on the basis of the priority of human security (Chandler, 2012), as well as taking into account the approaches used by the European Union in its security policy (Council of the European Union, 2016; Analysis of threats to national security in the sphere of domestic policy, 2023). Therefore, the issue of identifying modern threats to the national security of the state is very relevant, and therefore requires further scientific study. In our opinion, it is impossible to identify existing threats to the national security of Ukraine without analyzing their administrative and legal regulation (Jam et al., 2011). Based on this, within the framework of this article, we will define the basic concepts of the study, establish the administrative and legal framework that regulates the issue of threats to the national security of the state, and determine the current threats to the national security of Ukraine.

## What should be understood by the concepts of "national security" and "threats to national security"?

First of all, it should be noted that any study begins with the establishment of basic concepts and categories. Within the framework of this study, such concepts are "national security" and "threats to national security", which we will consider in more detail.

The legal definition of "national security" is considered from different angles, because, as researchers note, "the very essence of the national security of the state is a multilevel formation that expresses a complex hierarchical construction of reality, a complex system of indirect dependencies of various kinds and orders, which are at different levels of perception of this phenomenon. In other words, national security can be considered and perceived both at the ordinary, everyday level of reflection of this phenomenon and at the theoretical level (Antonov, 2017, p. 25; Melnychenko, Fihel, 2021, p. 69). Let us single out and join the position of V. A. Lipkan, who considers national security as a set of officially accepted views on the goals and state strategy in the field of ensuring the security of the individual, society and the state from external and internal threats of a political, economic, social, military, technogenic, environmental, informational and other nature, taking into account available resources and capabilities (Lipkan, Yakovenko, 2006, p. 127; Pavlenko, Semenyuk, Lysetsyi, 2021, p. 103; Rashid Rashid, 2020). Indeed, national security covers both general (the state of security of the country) and individual (the security of an individual citizen) components. In addition, the author's position to some extent allows us to distinguish the characteristic features of the concept of "national security" and its components.

A broad interpretation of Ukraine's national security is also found in the academic literature. For example, in his scientific work "National Security of Ukraine: Evolution of Domestic Policy Problems," O. S. Vlasiuk (2015, p. 25) notes that in a broad sense, the national security of Ukraine is a way of self-preservation of the Ukrainian people, which has reached the level of organization in the form of an independent state. This method makes possible its free existence and self-development, as well as reliable protection against external and internal threats. The author defines the national security of Ukraine as a system of state-legal and social guarantees of stability of life and development of the Ukrainian people in general and each citizen in particular, protection of their basic values and legitimate interests, sources of spiritual and material development from possible real and potential, internal and external threats. Meanwhile, it is believed that this interpretation of the content of

national security is somewhat outdated, as it does not fully reflect the essence of this definition. It should be borne in mind that today, taking into account the martial law and the ongoing aggression by Russia, national security in its content covers broader features than the above.

## Normative and legal provisions on the definition of the concept of "national security"

In this scientific research, we will take as a basis the understanding of the concept of "national security" enshrined in the Law of Ukraine No. 2469-VIII (2018) "On National Security of Ukraine", which states that "national security of Ukraine is the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats". Important in this definition is the category of "other national interests of Ukraine", by which the legislator means "vital interests of a person, society and the state, the realization of which ensures the state sovereignty of Ukraine, its progressive democratic development, as well as safe living conditions and welfare of its citizens". The latter definition is important for understanding the concept of national security of the state in general, as it characterizes the inextricable link between the general state interests and the interests of citizens.

In view of the above, it should be noted that the national security of Ukraine consists of such elements as state sovereignty, democracy, constitutional order, territorial integrity, interests of society (its sustainable development), rights and legitimate interests of citizens, protection of the environment, critical infrastructure, protection of personal data, etc.

## Doctrinal approaches to understanding the concept of "threats to national security"

The next category that is important for this article is the understanding of the concept of "threats to national security", which is also reflected in the basic law on national security. Thus, according to the above-mentioned Law, "threats to the national security of Ukraine are phenomena, trends and factors that make it impossible, complicate or may make it impossible or complicate the realization of national interests and preservation of national values of Ukraine".

Meanwhile, it should be noted that threats to the national security of Ukraine are defined at the level of various legal documents, but without their specific content, as only the term "threats" is defined, which, in our opinion, needs to be regulated. One of these documents is the National Security Strategy of Ukraine "Human Security -Country Security", approved by the Decree of the President of Ukraine of September No. 392 (2020). This regulatory document defines such threats to national security as:

"the threat of the emergence and spread of infectious diseases; ineffective global governance tools; problems in the information sphere; new weapons systems using various technologies to which Ukraine does not have access; proliferation of weapons of mass destruction; cyber threats; international terrorism and crime; separatism; the global financial and economic crisis; protectionism and regionalism; Russia's hybrid war with Ukraine; intelligence and subversive activities of Russian special services on the territory of Ukraine; destructive propaganda by the Russian Federation; insufficient rearmament of the Armed Forces of Ukraine; inefficiency of state bodies, which complicates the development and implementation of effective policies; incomplete reforms in Ukraine; corruption; deterioration of critical infrastructure; environmental pollution; irrational use of natural resources; emigration; difficult demographic situation".

## Modern threats to the national security of the state

The analysis of the above makes it possible to state that the list of current threats to the national security of the state needs to be rethought and defined in accordance with the current picture. This is due to the fact that Russia's armed aggression against Ukraine has put the territorial integrity of our country under real threat, damaged critical infrastructure, exerted negative information and psychological pressure that destabilizes Ukrainian society, and led to the emergence of new threats and many other negative phenomena. All of this clearly demonstrates the urgent need to improve the basic law on national security of Ukraine, since the state's policy in all spheres of activity depends on a clear identification of existing threats to national security and the mechanisms for overcoming and eliminating them. At the same time, an important aspect is to improve the National Security Strategy of Ukraine, which is a key document for ensuring national security and developing other strategic planning regulations in this area.

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It is also necessary to dwell on the provisions of the Law of Ukraine No. 389-VIII (2015) "On the Legal Regime of Martial Law", which stipulates that "a special legal regime introduced in Ukraine or in some of its localities in the event of armed aggression or *threat* of attack, danger the state independence of Ukraine, its territorial integrity and provides for the provision of the relevant state authorities, military command, military administrations and local self-government bodies with the powers necessary to *avert the threat*, repulse armed aggression and ensure national security, *eliminate the threat* of danger to the state independence of Ukraine, etc.". As we can see, the Law clearly defines that martial law is established under the conditions of existing real threats to the national security of the state, and therefore a clear diagnosis of existing threats to the national security of Ukraine will become the foundation for the development of a new strategy and state policy for the protection of territorial integrity, sovereignty, state, public and private interests.

Continuing, we would like to pay special attention to the Military Security Strategy of Ukraine, approved by the Decree of the President of Ukraine No. 121 (2021). This document identifies military threats to the national security of the state, in particular, it states that

"the protection of the sovereignty and territorial integrity of Ukraine is the most important function of the state and its bodies, the cause of the entire Ukrainian people. Implementation of this norm in the context of the existing military threat to national security, the growing shortage of financial resources and the imbalance of military capabilities of Ukraine and the Russian Federation necessitates the development of a new military security strategy based on the comprehensive defense of Ukraine".

That is, this regulatory document establishes important provisions for overcoming threats to the national security of the state in the military sphere, defines goals, priorities and objectives of the implementation of state policy in the military sphere, defense and military construction, etc.

Taking into account the above, it can be noted that the concept of "threats to national security" is quite complex and multi-vector, and therefore it is necessary to divide and classify threats to the national security of Ukraine. In particular, we will be talking about both real (existing threats) and potential (possible) phenomena that may threaten national security.

We consider it appropriate to classify threats to Ukraine's national security according to the following two, in our opinion, key criteria: depending on

- 1) areas of spread: political, economic, social, cultural, military, environmental, energy, information and psychological, man-made (civil defense).
- 2) impact actions: internal threats and external threats.

Let us dwell on the characteristics of each of them in more detail.

# Depending On the Sphere of Proliferation, The Existing and Potential Threats to Ukraine's National Security Include:

- 1) political threats are a significant layer of factors and circumstances that complicate and sometimes even make it impossible to ensure the national interests of the state, society, and citizens. Such threats include: high-profile political scandals (especially against key state figures); confrontation of different political forces with each other over the sphere of influence on various spheres of public and political life; inadequate regulatory and legal support for the activities of public authorities (inconsistency or absence of regulations on the regulation of law enforcement and judicial bodies during the war, imperfection of current legislation on combating corruption (especially in the defense sector) and organized crime; gaps in establishing clear, effective cooperation at the international level with partner countries and countries that support the aggressor; appointments and awards that do not find a positive response in society (including rewarding bloggers with dubious reputations, appointing people with low moral principles to high positions, etc.); ineffective reforms (e.g., the judiciary, which was intended to reduce corruption through high salaries, but only exacerbated it), etc.
- 2) economic threats are those factors and conditions that impede the normal functioning of the economy. In particular, the scientific literature indicates that economic security as the ability of the national economy to

maintain stability and invulnerability to internal and external threats, to ensure high competitiveness in the global economic environment, sustainable and balanced growth are important criteria for assessing the quality parameters of the national economy, the strategic effectiveness of the state's economic policy in the economic sphere. In the context of full-scale aggression, this is of particular importance (Current challenges and threats to Ukraine's economic security in the context of martial law, 2023). Thus, economic threats include: a high level of shadow economy, rising inflation and budget deficit, decreasing gross fixed capital formation, rising unemployment, unfavorable investment climate, too high level of public debt, uncontrolled migration processes, political instability, etc. (Mihus, 2013). Also, the following are among the economic threats to the national security of Ukraine today: lack of an effective economic policy; obstacles in the export of Ukrainian products to the international market; damage caused by Russia to the food sector of Ukraine due to shelling, theft of grain; high level of foreign debt of Ukraine; low rates of development of small and medium-sized businesses due to complex tax mechanisms and control by the tax authority; monopoly on certain types of economic activity; ineffectiveness of the state's antimonopoly and regulatory policy; lack of favorable environment for foreign investments; unemployment and low standard of living; the growth of shadow crime in the economic sphere.

Economic threats also include the threats proposed by R. Shypovych and Yu. Yakovyshyn (2020, p. 589), in particular, disorganization of the financial and credit system, unavailability of credit resources, unfair competition, low legal discipline, lack or complete absence of economic ethics.

- 3) social threats, as, in our opinion, require special attention, since today the social security of citizens comes to the fore, and the provision of social guarantees by the state is of great importance. Social threats to national security include: poverty; property differentiation; insecurity of vulnerable population categories (children under 6 years of age, pregnant women, pensioners and the elderly); the irrationality of the allocation of budget funds in the social sphere; social insecurity of servicemen, their families and those who are discharged due to health conditions; lack of a strategy for social protection of the population; demographic crisis; a decrease in the quality of education, because there is no opportunity for full-fledged education of schoolchildren and students in certain cities due to constant shelling, alarms, lack of bomb shelters, etc.
- 4) military and war threats are the state, factors, and opportunities characterized by the constant use of military force by the aggressor. They include: undeclared war; terrorism, torture and humiliation of both civilians and military personnel; lack of state defense production; lack of support for research in the field of armaments; problems of material, financial, technical support of the Defense Forces; low level of public confidence in territorial recruitment centers; growing military threat on the border with Belarus, etc.

A rather acute issue is the violation of international maritime law, Russia's illegal economic activity in the waters of the Azov and Black Seas, which manifests itself in the restriction of navigation through the Kerch Strait, obstruction of industrial activity by Ukrainian ships and illegal gas and oil production in the seized areas of the Black Sea shelf with military elements of their protection and defense (Nikiforenko, Vikhtiuk, 2021, p. 216); accumulation of a large number of obsolete and unnecessary military equipment, weapons, explosives for the Armed Forces of Ukraine; incomplete legal registration and insufficient arrangement of the state border of Ukraine(Lipkan, 2009); proliferation of weapons of mass destruction and means of their delivery; insufficient effectiveness of existing structures and mechanisms for ensuring international security and global stability; illegal migration (Akimova, 2016).

- 5) environmental threats are those that are already causing or may cause damage to the ecology and environment. These include: low level of administrative and legal support for the state's environmental policy; high level of pollution in the gray zone, the war zone, in cities that are most often subjected to shelling (e.g., Kharkiv, Kherson, Mykolaiv, Odesa, Kirovohrad, etc.); man-made environmental disasters; water, air, and land pollution; potential consequences of the Kakhovka hydroelectric power plant explosion; high level of industrial pollution,
- 6) energy threats are, first of all, the global energy crisis; damage to energy infrastructure due to enemy shelling; low level of energy policy of the state. As N. Matviichuk notes, "significant threats to Ukraine's energy security today are also the lack of effective structural reforms in the energy sector, a high-quality and effective energy

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management system; lack of effective control over the activities of natural monopolies; high level of negative impact of energy facilities on the environment; an inefficient system of subsidies for housing and communal services, which does not encourage the population to carry out energy-saving and energy-efficient measures; the high price of energy resources and the low level of income of the population, which lead to high sensitivity to the increase in tariffs for housing and communal services and the emergence of significant financial debt for electricity and heat supply" (Matviichuk, 2018, p. 123).

7) information and psychological threats - pose the greatest potential danger, as they directly affect the consciousness and psyche of a person. The list includes: revision of the information policy, which is currently being implemented in the format of the "United News" telethon; subversive activities in the information and communication sphere: spreading fakes, conducting IPSO (information and psychological special operations), cybercrime; information feeding and use of "stratification of the civil identity of Ukrainians into "those who are fighting", "those who are suffering" and "those who are fleeing or avoiding mobilization"; incitement of national hatred on the basis of language; incitement of religious hatred through its agency in the Moscow Patriarchate; dissemination in the media and social networks of materials and information about violations of human and civil rights and freedoms in Ukraine; use of storytelling (materials in the form of stories of different people), which affects the intellectual and emotional level, demoralizes society; demonstration (leakage) of materials about violent and abusive behavior creates a sense of fear and hopelessness (Current challenges and threats to Ukraine's economic security in the context of martial law, 2023) and others. Today the issue of ensuring certain aspects of information security is attributed to the tasks of various state authorities (Parliament, Government, executive authorities, law enforcement agencies, etc.). However, this multiplicity of subjects of information security and the difference in their powers necessitates the creation of an appropriate coordinating agency with special powers in the mentioned area (Kobko, 2021; Kobko, 2022a; Kobko, 2022b).

8) man-made (field of civil protection) are those factors and prerequisites that cause harm to the civilian population, their housing, harm to state enterprises, forests, and the ecosystem. As rightly noted in the scientific literature, "the development of the security and defense sector of Ukraine is necessary for the systematic protection of Ukraine from threats to national security. For this, the state system of civil defense is optimized by improving its structure and management (coordination) system, the response to threats related to emergency situations of any nature is improved, tasks for peacetime and during a special period are specified" (Boiko, 2022, p. 362). Man-made threats include: occupation of the territory of the Zaporizhzhia nuclear power plant by occupiers and captivity of its workers; significant scale of destruction from hostilities and shelling; danger of nuclear terrorism; potential threats to man-made accidents and disasters at enterprises, etc. Currently, the only normative legal act regulating the issue of population protection in the event of man-made or emergency situations is the Concept of Protection of the Population and Territories in the Event of Threats and Emergency Situations, which was approved by the Decree of the President of Ukraine No. 284 back in 1999. Accordingly, the specified legal act needs to be improved.

Thus, our proposed classification of threats to Ukraine's national security is certainly not exhaustive, since the latter can also be classified into: internal and external; national and international; according to the level of determinism: natural and accidental, etc. However, bringing the basic legislation in the sphere of national security of the state into line is a necessary step towards establishing effective ways to overcome and stop existing threats to national security, ensure sustainable development of society, and protect the rights and legitimate interests of citizens. Ukrainian society must constantly develop, thereby showing the entire civilized world that we are unwavering, united and strong in spirit.

## **CONCLUSIONS**

Identifying current threats to the national security of Ukraine is one of the main tasks of the state on the way to protecting its independence, territorial integrity and inviolability.

Threats to the national security of Ukraine are factors or phenomena that complicate or impede the implementation of the national security policy, the activities of state authorities, and the normal development of society and citizens. Depending on the sphere of proliferation, the following threats to national security can

be distinguished: political, economic, social, cultural, military, environmental, energy, information and psychological, and man-made (field of civil protection). This classification can be supplemented, and the study of each of them requires a separate scientific research.

Identifying clear threats to national security involves determining the sources of their origin, the prerequisites for their realization and possible consequences. Under martial law, it is very important to adequately identify and detect existing threats to Ukraine's national security, as well as to promptly eliminate their consequences.

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