АДМІНІСТРАТИВНО-ПРАВОВЕ РЕГУЛЮВАННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ В УМОВАХ ГЛОБАЛЬНИХ ВИКЛІКІВ ТА ГІБРИДНИХ ЗАГРОЗ

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Background research is conditioned by the peculiarities of the current stage of the military-oriented reformatting of the architecture of the development model of Ukraine as a whole, by determining the ways of its post-war restoration in particular, by the triggers of the legal regime for ensuring these processes, which are the growth of quantitative parameters and the complication of the qualities of internal and external threats to national security, the increase in the intensity of state and public countering these hybrid threats in the context of Russia's full-scale war against the Ukrainian people. This empirically observed process, however, remains without proper theoretical reflection. The study of the administrative-legal regime for countering hybrid threats and global challenges to national security makes it possible to streamline activities to ensure national security, which has both theoretical and practical significance. That is, the legislator and other subjects of lawmaking require analytical tools that allow them to determine the elements of the legal regime, model practices regulated by law, predict the effectiveness of changes in legal regulation in the field of security, and reasonably construct mechanisms for legal regulation in the field of ensuring national security.

National security [4] is a subject that is difficult for legal analysis and requires the development of an integrated approach that is achievable on the basis of an integrative legal understanding involving political science, economic and socio-philosophical categories. With a complex description, a methodological dilemma arises in choosing the appropriate category. In domestic economic and legal science [2–3; 5] such a category is most often considered a system, mechanism or complex institution of law. Epistemologically, they certainly reflect certain aspects of national security and are related to practice [6], however, they are not able to solve the problem of a comprehensive description of the impact of the state with the help of legal norms on public relations in the field of national security [1]. Given the interdisciplinary nature of the national security problem, a one-sided passion for these categories can lead to ignoring the real state of affairs, in particular, global challenges and hybrid threats. As a category that complements and summarizes the above, we propose and justify the use of the category of administrative and legal regulation in its dualistic understanding. Such an understanding makes it possible to
link the content of objective law as a single phenomenon, its implementation in socially significant behavior and in the minds of participants in law enforcement.

Since law is an important part of modern society, and the process of ensuring national security takes place in a legal form, we have found that law can reflect and affect national security in three aspects: as a subject of regulation (a set of social relations); as a static legal regime (a set of legal means) that is realized in dynamics, that is, as a legal ideology.

The administrative-legal counteraction to hybrid threats to national security in statics is a set of legal means that ensure the legal regulation of public relations in the field of national security and the legal impact on the consciousness of law enforcers and the social environment that can counteract hybrid threats. Such an administrative-legal regime for counteracting hybrid threats to national security in dynamics is a certain configuration of the law and order, in which the state of protection of the interests of the individual, society and the state is ensured, as well as a set of social relations that are directly or indirectly aimed at maintaining such a state. At the same time, the administrative-legal ideology of national security is a combination of knowledge and emotional assessments, as well as psychological attitudes in the field of security. It characterizes the influence of the administrative-legal regime of countering hybrid threats to national security on the legal consciousness of law enforcers and the legal mentality in general.

Taking into account the peculiarities of national security as a social phenomenon, we have formulated in general terms a system for the implementation of national security through the prism of the category of “administrative and legal regulation of national security”. Ensuring national security is a broader category than countering hybrid threats and global challenges to national security and includes such regimes as ordinary security support in the system of social practices, political and legal modernization, and the legal infrastructure of the legal regime for countering hybrid threats to national security.

Nevertheless, these administrative and legal processes directly affect the implementation of the legal regime for countering hybrid threats to national security, inductively having many common features among themselves, despite different areas, interacting with each other at the horizontal level, according to the law of the transition of quantity into quality, forming a single regime. global challenges and hybrid threats to national security. The latter is an important visible part of the administrative and legal regulation of the process of ensuring national security, but it also relies on other legal norms and regimes. This justified the need to describe a kind of conceptual and legal foundation that makes it possible to consider the administrative and legal process of countering hybrid threats to national security as a special phenomenon that reflects the patterns of development of modern society through the use of research tools for the legal infrastructure of administrative and legal counteraction to hybrid threats and global challenges to national security.

In the conditions of the military state of Ukraine, as a special period in the development of the state, national security, remaining a key need, is ensured through extra-legal or even non-legal means, making it impossible to use the traditional set of tools for analyzing the legal infrastructure of administrative and legal counteraction to hybrid threats and global challenges to national security.
Empirically, the administrative-legal regulation of the regime for countering hybrid threats to national security is based on two levels of legal infrastructure: conceptual and proper regulatory. At the conceptual level, the features of national security as a modern social phenomenon are constructed. Its tasks: to form a discourse of national security, key categories and value bases of administrative and legal support for countering hybrid threats to national security. The leading means are declarative and definitive norms, as well as such a unique form of law as acts of strategic planning. The leading channel of functioning is the legal impact on the legal consciousness of lawmakers, law enforcers and law enforcers.

Unfortunately, in practice, this level of legal infrastructure is often underestimated. Therefore, at the present stage, it is necessary to provide an addressed instruction to law-making bodies on the need to take into account the conceptual level of legal regulation, improve the legal technique for formulating declarative legal norms and mechanisms for bringing them to the addressees, including legal propaganda and other ways and forms of influencing legal awareness. The legal definition of national security is formed at the regulatory level itself. The provisions fixed at the conceptual level are legally concretized, the concept of the nation and key norms about security in general are formed. Its task is to formulate national security as a legal construct that can be used at the level of legal regimes to counter hybrid threats to national security. The leading legal means are the norms-principles, the norms of constitutional law, the norms fixing the competence of the bodies in the field of security and giving definitions, and describing the methods of carrying out activities that ensure national security.

References: