THE ROLE OF LAW ENFORCEMENT AGENCIES IN ENSURING NATIONAL AND ECONOMIC SECURITY OF UKRAINE

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Abstract. The subject of the study is the institutional, theoretical and methodological aspects of the activities of law enforcement agencies to ensure national and economic security of the state. The methodological foundations of the study of national and economic security in legal science are based on the interdisciplinary nature of this category. The purpose of the study is to determine the role of law enforcement agencies of Ukraine in ensuring national and economic security on the basis of research, analysis of current legislation and practice of its application, taking into account the current conditions in Ukraine. The publication presents the views of scientists on the definition of the concept of "national security of the state" and the participation of law enforcement agencies of Ukraine in its provision. The state, development and ways of reforming the national and economic security of Ukraine are one of the most pressing issues for the state today. It is emphasized that the state legal policy in the sphere of national security is based on the provisions of the Constitution on the defense of the state, on the definition of the strategic development of Ukraine, which is the course towards European and Euro-Atlantic integration. The problems of determining the place and role of law enforcement agencies in ensuring national and economic security of Ukraine are considered on the basis of the analysis of the system of normative legal acts and the results of law enforcement agencies. The main law enforcement agencies that ensure the national security of the state are: the Prosecutor's Office, the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the National Anti-Corruption Bureau of Ukraine, the State Bureau of Investigation, the Military Law Enforcement Service in the Armed Forces of Ukraine, the state border protection agencies and others. It is emphasized that all law enforcement agencies of Ukraine indirectly ensure the national security of the state. It is concluded that the system of ensuring national security of Ukraine, built during the years of independence, has shown its unpreparedness to neutralize real threats to national interests during the armed conflict in Ukraine. Therefore, in modern conditions, it is necessary to restructure the system of guaranteeing the national security of Ukraine, improve the legislative framework of Ukraine and the practical activities of law enforcement agencies.

Key words: strategy, security, national security, economic security, national interests, state legal policy, law enforcement agencies.

JEL Classification: L10, F52

1. Introduction

Further legal development of Ukraine as a democratic, independent and sovereign state is primarily related to ensuring its national security. Modern global challenges and military threats have caused a radical transformation of the world economic and social order, which is accompanied by a change in political configurations.

Threats to the realization of national interests arise in various spheres of life of society and the state. Thus, in the analytical report of the National Institute for Strategic Studies to the extraordinary address of the President of Ukraine to the Verkhovna Rada of Ukraine "On the Internal and External Situation of Ukraine in the Sphere of National Security" in 2014, it was noted that the system

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of ensuring the national security of Ukraine was unable to effectively counter Russian aggression. Among the main reasons for this situation is the inconsistency of the management system of both military formations and law enforcement agencies with the requirements of modern military conflicts, low level of their material, technical and personnel support, etc. (Analytical Report of the National Institute, 2014, p. 7) Understanding the need to ensure national security is the most important fundamental value of any society and acts as an object of social activity, embodies and determines its orientation, meaningfulness and effectiveness.

Taking into account the geopolitical and internal situation, the activities of all state authorities in Ukraine should be aimed at forecasting, timely detection, prevention and neutralization of external and internal threats to national security, protection of sovereignty and territorial integrity of Ukraine, guaranteeing personal security, constitutional rights and freedoms of man and citizen.

Law enforcement officers are forced to respond to modern challenges and threats, because the issue of national security in the context of the hybrid war unleashed against us by the Russian Federation is very important today. Given the above, it is obvious that modern law enforcement agencies of Ukraine are the subjects of ensuring the national security of the state.

Currently, in the Ukrainian scientific literature there are heated discussions on the essence of national security, the content of the main threats and responses to them. Analysis of recent publications shows that the following scholars have studied the issue of ensuring national security of Ukraine by law enforcement agencies: V. Antonov (2017), O. Holovkin (2017), L. Kazakova (2021), O. Kovalova (2020), M. Korniienko (2020), V. Makarchuk (2021), Yu. Mykhailova (2017), O. Reznikova (2022), I. Skazko (2017), O. Sosnin (2021), O. Cherednychenko (2022), O. Shevchenko (2021) and other.

2. State legal policy in the field of national and economic security

The defining principle of the state legal policy in the sphere of national and economic security is the rule of law. The prospects of national development of Ukraine are based on the system of national interests and priorities and include the national security strategy of the state, which defines the principles, priority goals, objectives and mechanisms for ensuring the vital interests of the individual, society and the state. The state legal policy in the field of national security has a certain structure that demonstrates the integrity of the system itself and its functional orientation. It is believed that the phrase "national security" was introduced into the political discourse in 1788 by A. Hamilton, one of the "founding fathers" of American democracy (Reznikova, 2022, p. 55). Currently, there are different approaches to the interpretation of this term in scientific and expert circles due to its complex, multicomponent and interdisciplinary nature.

Formulated and enshrined by the legislator in Paragraph 9 of Article 1 of the Law of Ukraine "On National Security of Ukraine" is an authentic definition of the definition of "national security of Ukraine", which means the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats (On the National Security of Ukraine, 2018).

Scientists provide different views on the meaning of this term. Thus, O. Sosnin understands national security as an indicator of the ability of society and the state, independently or jointly with other friendly countries (peoples, nations), to protect national interests, to deter or eliminate internal and external threats to national sovereignty, territorial integrity, social order and economic development, other important elements of spiritual and material life; the degree of protection of the interests of the individual, society and the state from external and internal threats (Sosnin, 2021). The phrase "national security", according to the author, can be interpreted as: the security of the people, the nation, that is, the population of the country, including both mono-ethnic and multi-ethnic people, when representatives of different nationalities act as fellow citizens; security of society, i.e., the totality of people united by historically determined conditions of common life; security of the state, that is, the organizational and legal form of the union of peoples, the nation, which is a means of conducting common affairs (Sosnin, 2021).

L. Kazakova proposes to understand the national security of Ukraine not only in terms of its military component, that is, the actions of the state to protect the state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats, but also as the activities of the state to ensure the protection of human and civil rights and freedoms within the national territory and at the international level (Kazakova, 2021, p. 131).

National security of the Ukrainian state is the subject of V. Antonov's monographic study "Constitutional and Legal Foundations of National Security of Ukraine", in which national security of Ukraine is considered as a state of protection of vital interests of a person and a citizen, society and the state, which ensures sustainable development of society, timely detection, prevention and neutralization of real and potential threats to the national interests of the Ukrainian state (Antonov, 2017, p. 33).

The goal of ensuring national security in general is the absence of threats and dangers or their overcoming. If under the influence of a threat society or the state suffered significant losses and destruction, it can be assumed that the ultimate goal of the national security system is not achieved, and the system itself is ineffective (Reznikova, 2022, p. 58–59).

The system of ensuring national security of Ukraine is created and developed in accordance with the Constitution of Ukraine and other normative legal acts regulating public relations in the field of national security management. In accordance with the Law of Ukraine "On the Fundamentals of National Security of Ukraine", the legal basis of the state policy in the spheres of national security and defense is the Constitution of Ukraine, laws of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine, as well as other normative legal acts issued in pursuance of the Constitution and laws of Ukraine. This policy is aimed at protection:

– of human and citizen, their life and dignity, constitutional rights and freedoms, safe living conditions;

- of society, its democratic values, welfare and conditions for sustainable development;

 of the state – its constitutional order, sovereignty, territorial integrity and inviolability; territory, natural environment, from emergency situations (On National Security of Ukraine, 2018).

The National Security Strategy of Ukraine defines the general principles, priority goals, objectives and mechanisms for protecting the vital interests of the individual, society and the state from external and internal threats. The current National Security Strategy of Ukraine "Human Security – Security of the Country" was approved by the Decree of the President of Ukraine No. 392/2020 of September 14, 2020. Taking into account the fundamental national interests defined by the Constitution of Ukraine and the Law of Ukraine "On the Fundamentals of National Security of Ukraine", the priorities of national interests of Ukraine and ensuring national security are:

protection of independence and state sovereignty;

- restoration of territorial integrity within the internationally recognized state border of Ukraine;

- social development, primarily the development of human capital;

– protection of rights, freedoms and legitimate interests of citizens of Ukraine;

European and Euro-Atlantic integration (National Security Strategy of Ukraine, 2020). It should be

noted that the National Security Strategy defines the current threats to the national security of Ukraine.

Among the main directions of foreign and domestic policy activities of the state to ensure its national interests and security are the following:

- The direction of foreign policy of the state is primarily aimed at ensuring independence and state sovereignty, restoration of territorial integrity of Ukraine;

– Ukraine's active participation in the fight against terrorism, proliferation of weapons of mass destruction, international crime, drug dealing, trafficking in human beings, political and religious extremism, illegal migration, cyber threats, negative consequences of climate change, as well as in preventing and overcoming the consequences of natural and man-made emergencies;

- Ukraine's full membership in the European Union and the North Atlantic Treaty Organization (National Security Strategy of Ukraine until 2020). It should be noted that the President of Ukraine is the guarantor of the implementation of the strategic course of the state for Ukraine's membership in the EU and NATO.

The implementation of the National Security Strategy of Ukraine is ensured by the Cabinet of Ministers of Ukraine, executive bodies, bodies of the security and defence sector of Ukraine, other state bodies in accordance with their competence. The state authorities are guided by the Strategy during the development and implementation of legislative acts, concepts, doctrines, strategies, programs, plans and individual measures, conclusion of international treaties and agreements, other international legal documents.

The Strategy is the basis for the development of planning documents in the areas of national security and defense, which will determine the ways and tools for its implementation. This involves the creation of 15 separate "sectoral" strategies that specify the main directions of the state security policy of Ukraine, such as: human development strategy; military security strategy of Ukraine; strategy of public security and civil protection of Ukraine; economic security strategy; energy security strategy information security strategy; cyber security strategy of Ukraine; foreign policy strategy; state security strategy and others (National Security Strategy of Ukraine, 2020).

According to O. Shevchenko, Ukraine's national security strategy largely eliminates existing conceptual uncertainty and inconsistency in assessments of real and imagined threats and challenges facing our country, as well as ways and means of effective countermeasures (Shevchenko, 2021, p. 158). The implementation of the strategy by all state institutions should ensure not only the cessation of aggression

and restoration of the territorial integrity of Ukraine within its internationally recognized state border on the basis of international law, but also guarantee a high level of human rights protection.

Thus, the state legal policy in the sphere of national security is based on the provisions of the Constitution on the defense of the state, on the definition of the strategic development of Ukraine, which is the course towards European and Euro-Atlantic integration. And in generalized form, national security is the protection of national interests and national values from external and internal threats.

3. Legal activities of law enforcement agencies in the field of national and economic security

Ensuring national security in the context of globalization changes in the world order is a systematic impact on potential and real threats. The legal activity of state institutions belonging to the security and defence sector is to implement the mechanism of ensuring national security. Institutions of state power should act exclusively within their powers, implement the duties defined by law. And here a natural question arises regarding the activities of law enforcement agencies in the field of national security. The legislation of Ukraine does not contain a clear list of state bodies that are law enforcement agencies, and does not directly define their functions in ensuring national security.

The activities of law enforcement agencies are multifaceted, their legal activities are aimed at blocking social deviations, localization of social tensions, legal conflicts. The state of internal security of the state and its ability to withstand external threats depend on how effectively the law enforcement system functions (Cherednychenko, 2022, p. 27–28).

The national security of Ukraine is ensured by a significant number of entities with different legal status, structure and competence. Thus, modern researchers Prosecutor's include the Office, the Ministry of Internal Affairs of Ukraine, the National Police of Ukraine, the Security Service of Ukraine, the National Anti-Corruption Bureau of Ukraine, the State Bureau of Investigation, the Military Law Enforcement Service in the Armed Forces of Ukraine, the state border protection bodies and others among the main law enforcement agencies that have a significant impact on ensuring the national security of the state. Each of these bodies has a significant impact on ensuring the proper functioning of the national security system of the state (Makarchuk, 2021, p. 24).

The Prosecutor's Office of Ukraine should be considered as a special subject in the system of ensuring national security, since, in addition to the powers common to all subjects, it exercises: - organization and procedural management of pretrial investigation, resolution of other issues in criminal proceedings in accordance with the law, supervision of covert and other investigative and search actions of law enforcement agencies in accordance with the Constitution of Ukraine;

- coordination of activities of law enforcement agencies in the field of combating crime, especially in the fight against organized crime, corruption, which pose a real threat to national security in the field of state security;

- functions of the authorized (central) body of Ukraine on sending requests for international legal assistance in criminal proceedings during pre-trial investigation and consideration of relevant requests of foreign competent authorities;

- representation of the state interests in court in exceptional cases and in the manner prescribed by law (Holovkin, Skazko, 2017, p. 48).

The Ministry of Internal Affairs is the main body in the system of central executive authorities that ensures the formation and implementation of state policy in such areas:

- Ensuring the protection of human rights and freedoms, interests of society and the state, combating crime, maintaining public safety and order;

- protection of the state border of Ukraine and protection of the sovereign rights of Ukraine in its exclusive (maritime) economic zone;

- civil protection, protection of the population and territories from emergencies and prevention of their occurrence, elimination of emergencies;

– migration (immigration and emigration), in particular combating illegal (illegal) migration, citizenship, registration of individuals, including refugees and other categories of migrants defined by law (On Approval of the Regulation on the Ministry of Internal Affairs, 2016; On the Fundamentals of National Security of Ukraine, 2018). The Minister of Internal Affairs of Ukraine is an ex officio member of the National Security and Defence Council of Ukraine (Constitution of Ukraine, 1996).

Defining the National Police as a subject of the security and defense sector, the legislator in the law on national security did not prescribe the tasks of the police as a subject of this sector. The main tasks of the National Police of Ukraine are to ensure public safety and order, protection of human rights and freedoms, interests of society and the state, combating crime, as well as to provide certain types of assistance to persons who for personal, economic, social reasons or as a result of emergency situations need such assistance (On the National Police, 2015). The participation of the National Police in ensuring territorial security, and territorial defence in particular, is rather vague. Among the main areas of territorial defense provided by the police are: strengthening the

protection of public order and security of citizens; preparation for the fight against sabotage and reconnaissance forces, other armed groups, anti-state illegal armed groups and looters; advance preparation in peacetime for the protection and defense in a special period of important objects and communications of vital activity; maintenance of the legal regime of martial law; ensuring the interaction of territorial defense subjects (On Approval of the Regulation on the Ministry of Internal Affairs, 2015). Together with the Armed Forces of Ukraine and other military formations, the units of the National Police of Ukraine participate in the Joint Forces Operation to repel and deter the armed aggression of the Russian Federation on the territory of Ukraine.

The Security Service of Ukraine occupies a special place in the system of law enforcement agencies, due to the specific range of issues within its competence and the wide opportunities that can be used both to establish the rule of law and ensure state security, and to improperly protect the interests of individual politicians. The Security Service of Ukraine is vested with law enforcement functions that directly affect the formation and implementation of state policy in the field of national security. The tasks entrusted to the Security Service of Ukraine significantly distinguish it from other bodies dealing with law enforcement, security and law and order. The legally defined status of the Security Service of Ukraine is a special-purpose state law enforcement agency that ensures the state security of Ukraine" (Article 1) (On the Security Service of Ukraine, 1992).

In today's difficult conditions, there is an urgent need for the existence and effective operation of specialized anti-corruption institutions that have a wide range of powers in the field of combating corruption, the negative consequences of which pose a real threat to the national economic security of Ukraine. The task of the National Anti-Corruption Bureau of Ukraine is to combat corruption and other criminal offenses committed by senior officials authorized to perform the functions of the state or local self-government and pose a threat to national security, as well as to take other measures provided by law to combat corruption (On the National Anti-Corruption Bureau of Ukraine, 2014).

The significance of the State Bureau of Investigation for national security lies in the fact that it solves the tasks of preventing, detecting, suppressing, solving and investigating the most dangerous crimes committed by officials who hold a particularly responsible position (On the State Bureau of Investigation, 2015). The establishment of such a body indicates that the state seeks to overcome the criminality of officials of the highest state authorities and law enforcement agencies of Ukraine.

Despite a fairly wide range of subjects of ensuring the national security of Ukraine, threats in the foreign policy sphere, in the sphere of state security, threats in the military sphere and in the sphere of state border security of Ukraine are of particular concern today (Mykhailova, 2017, p. 154). The duty to protect the state sovereignty of Ukraine, its territorial integrity, protection and reliable defense of the state border is entrusted to the State Border Guard Service of Ukraine. The implementation of the legally established functions is, in its essence, the operational and service activity of the State Border Guard Service of Ukraine. The priority task of ensuring national security by the state border guard agencies is to protect and secure the state border, including from manifestations of international organized crime in the form of illegal migration, smuggling, human trafficking, etc. (On the State Border Guard Service of Ukraine, 2003) The increased attention to the State Border Guard Service is related to the current threats to national security and violation of the territorial integrity of Ukraine.

In the conditions of martial law, the Military Law Enforcement Service of the Armed Forces of Ukraine is of particular importance for ensuring national security, which ensures law and order and military discipline among the servicemen of the Armed Forces of Ukraine in the places of deployment of military units, prevents offenses in the Armed Forces of Ukraine; protects the life, health, rights and legitimate interests of servicemen, persons liable for military service and employees of the Armed Forces of Ukraine; protects the property of the Armed Forces of Ukraine from theft and other illegal encroachments; participates in counteracting sabotage and terrorist acts at military facilities (On the Military Law Enforcement Service in the Armed Forces of Ukraine, 2002).

Law enforcement agencies also play an important role in ensuring the economic security of the state. Therefore, for a long time the reform of law enforcement agencies of Ukraine was aimed at creating a single law enforcement agency in the field of economic security. Such a central executive body is the Bureau of Economic Security of Ukraine, which is tasked with counteracting offenses that affect the functioning of the state economy. The main tasks of the Bureau of Economic Security of Ukraine are: identifying and assessing risks and threats to the economic security of the state; ensuring the economic security of the state by preventing, detecting, suppressing and investigating criminal offenses that infringe on the functioning of the state economy; analysis of information on offenses that infringe on the economic security of the state; preparation of analytical conclusions and recommendations for state bodies in order to improve the

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efficiency of their management decisions on the regulation of relations in the economic sphere and others. It is important to emphasize that the activities of such a law enforcement agency are aimed not only at investigation, but also at preventive response measures and in-depth analysis of economic processes in our country.

Thus, it can be argued that law enforcement agencies play an important role in the system of subjects ensuring national and economic security of the state. This is due to the fact that law enforcement agencies, taking into account their specific sphere of activity, occupy one of the leading places in the fight against threats to the national and economic security of Ukraine. It should also be noted that the effectiveness of ensuring national and economic security of Ukraine by law enforcement agencies depends on proper interaction and coordination of their legal activities.

4. Conclusions

National and economic security is extremely important for any state. The system of ensuring national and economic security of Ukraine, built during the years of independence, has shown its unpreparedness to neutralize real threats to national interests during the armed conflict in Ukraine. Ukrainian scientists define the national security of the state as the protection of vital interests of man and citizen, society and the state, which ensures sustainable development of society, timely detection, prevention and neutralization of real and potential threats to national interests.

Conducting military operations, temporary occupation of the territories led to the emergence of so many social, economic, legal and other problems, which did not exist in all previous years of Ukraine's independence. Both the subjects of national security and the legislative framework of their activities were not ready for these challenges. Analysis of the state of the legislative framework and practical activities of law enforcement agencies on ensuring national security, the current sociopolitical and economic situation in Ukraine allows us to state that today a profound restructuring of the system of guaranteeing national security of Ukraine is necessary, which will be based on improving both the legislative framework of Ukraine and the practical activities of law enforcement agencies. And in connection with the radical change in the security situation that occurred as a result of the military aggression of the Russian Federation against Ukraine, there is a need to review the powers of law enforcement agencies and expand their operational capabilities.

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