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**WAYS OF INSTITUTIONAL DEVELOPMENT OF THE MECHANISM OF
CIVIL CONTROL IN THE FIELD OF NATIONAL SECURITY OF
UKRAINE**

It was determined that the institutional development of public administration in the field of national security of Ukraine is characterized with the civil control. It is indicated that the national legislation requires improvement in the part of concretization of the ways of development of this control. It is also necessary for the increases in effectiveness of the public administration of national security, which is carried out by state institutions. It was proved that the development of democratic civil control in Ukraine should be ensured, in particular, within the implementation of international cooperation and strategizing.

Keywords: *public administration, institutional development, mechanism of civil control, national security.*

Problem setting. In 2003, the Law of Ukraine «On Democratic Civil Control over the Military Organization and Law Enforcement Bodies of the State » and the Law of Ukraine «On National Security of Ukraine» [3] were adopted. These regulations [same] stipulate certain measures from the introduction of democratic civil control at all stages of national security. This innovation indicates the need in comprehensive analysis of institutional sector of Ukraine's security, in particular, the

fields of activities of community.

Recent research and publication analysis. The problem of institutional development of public administration in the context of national security was studied in the scientific works by A. Dehtiar, S. Dombrovska, A. M. Dorman, J. Howorth, J. P. Kaufman, O. Kriukov, P. Pietrzak, V. Sadkovyi, D. M. Snow, H. Sytnyk, V. Stepanov, K. Sobczyk and others [1; 4–7].

Paper objective. Nevertheless, there is the need in comprehensive analysis of institutional development of democratic civil control in the field of national security of Ukraine. This is our paper objective.

Paper main body. Based on the substantial study of the scientific works by national and foreign researchers, as well as the laws and regulations concerning the essence and the tasks of public administration in the field of national security of Ukraine, it was determined that its provision is one of the strategic priorities of Ukraine's domestic and foreign policy. The researchers are consolidated in the fact that the task of national security in our country is the determination of the directions and ways of solution of the problem issues concerning the institutional security activities under the conditions of external aggression, uncertainty and peace. Meanwhile, there is also the need in substantiation of the structure of institutional mechanisms of public administration in the field of national security of Ukraine, which is caused by the need in the provision of its introduction under all regimes of functioning (in peacetime, in a special period and within the grey zone) by the relevant means. It was determined that the main goal of the introduction of effective institutional mechanism of public administration in this field is the provision of sustainable social and economic development, defence capability strengthening and ensuring of national security of Ukraine in the field of foreign policy, as well as the restoration of the foreign reputation of Ukraine as a potential competent state, etc.

It was established that the specific social and political goals, which form a

relevant 'tree,' are a determinative aspect for the formation of institutional mechanisms of public administration in the field of national security (regardless of the fields of their implementation). Taking the general provisions of the science of public administration into account, the notion '*complex institutional mechanism of public administration in the field of national security*' was suggested. The functioning of this mechanism is aimed at the implementation of national interests (of the country, society and individuals), the development of economy and social structure, as well as the relations within the society, the systems of life support and socialization of communities by way of identification, prevention, neutralization, counteraction, elimination and reflection of external and internal dangers and threats, which may damage national security objects.

On this basis, the grounds for effective functioning of institutional mechanisms of public administration in the field of national security were characterized, namely: the scientific-methodological, legal, organizational, informational and communicative, and technological groundwork. These preconditions of institutional mechanisms of public administration in the field of national security are characterized with their integrated nature, which, in turn, stipulates the reasonable and effective internal and external political activities of Ukraine in organizational and legal direction. The attention is focused on the progressive implementation of these directions of public administration activity in the field of national security, which stipulates the *ascending administration of the subjects* (covering the fundamental public administration activity) and *descending administration of the subjects* (under the condition of improvement of feedback in this field).

It was established that the definition of a democratic civil control as an effective tool, with the help of which the institutes of civil society join the process of national security provision, has developed in the legislation in force. In this field, it obtained the form of institutional support and is implemented by the range of governmental authorities and NGOs. In Ukraine, it is based on the following laws and regulations:

The Laws of Ukraine “On Democratic Civil Control over Military Organization and Law Enforcement Bodies of the Country” (2003) and “On National Security of Ukraine” (2018), the Regulation of the Government of Ukraine “On the Attraction of the Public to Formation and Implementation of State Policy” (2010), etc. Let’s focus on some provisions of these documents (Table 1).

Based on the assessments of European experts [1; 5; 6], the parliamentary control in the field of national security as a type of administrative civil control is carried out in the following directions (areas of activities of security structures):

- 1) determination of the principles of security policy;
- 2) formation (determination) of the personnel size in one or another security structures;
- 3) financial, materiel and technical, and other support.

It is known that within the frameworks of the first direction, the Parliament of Ukraine implements the right to form the principles of security policy by adopting the fundamental laws and regulations in this field, including strategies, concepts, laws, programmes, etc. As of now, the Law of Ukraine “On National Security of Ukraine” [3] does not contain a special article on the implementation of the powers indicated above.

Table 1

TABLE OF COMPARISON

of some provisions of the laws and regulations concerning the implementation of the parliamentary civil control in the field of national security of Ukraine

No.	Law of Ukraine “On Democratic Civil Control over Military Organization and Law Enforcement Bodies of the Country” (2003)	Law of Ukraine “On National Security of Ukraine” (2018)
1	<i>The direction of parliamentary civil control “Definition of the principles of security policy”</i>	
	Paragraph 1, part 1, Article 8 – When carrying out the control over military organization and law enforcement authorities, Verkhovna Rada of Ukraine determines the principles of foreign and domestic policy	Part 1 Article 6 – In accordance with the Article 85 of the Constitution of Ukraine, Verkhovna Rada of Ukraine carries out the parliamentary control and adopts laws
2	<i>The direction of parliamentary civil control “ Definition of the personnel size in one or another security structures”</i>	
	Paragraph 2, part 1, Article 8 – approves the general structure, size, determines the functions of the Armed Forces and the Security Service of Ukraine, and other military formations,	Paragraph 2, part 6, Article 27 – The main criteria for the change of the security sector personnel size are the changes of security environment and real economic and financial potential of

	Ministry of Internal Affairs of Ukraine	the country
3	<i>The direction of parliamentary civil control “Financial, materiel and technical, and other support”</i>	
	<p>Part 1, Article 12 – Control over the use of means of the State budget of Ukraine, which are allocated for the needs of national security and defence, on law enforcement activities, is carried out by the Accounting Chamber on behalf of Verkhovna Rada.</p> <p>Paragraphs 5–7, part 1, Article 5 – The subject of civil control in the field of security and defence is the approval and use of funds allocated for the needs of national security and defence determined by the state budget of Ukraine</p>	<p>Part 1, Article 6 – In accordance with the Article 85 of the Constitution of Ukraine, Verkhovna Rada of Ukraine carries out the parliamentary control, approves the relevant budget allocations and makes the decisions concerning the report on their use by security and defence sector authorities.</p> <p>Paragraph 2, part 3, Article 26 – Implementation of the National Security Strategy of Ukraine is carried out with the attraction of international advisory, financial, materiel and technical assistance.</p> <p>Article 24 – International cooperation on the issues of national security is carried out under the general direction of the President of Ukraine</p>

Source: made on the grounds of [3]

Thus, during the last 15 years, Ukraine constantly has an established direction concerning the possibility to carry out the parliamentary control and adopt the laws concerning the regulation of the activities of the security sector authorities [3, part 1, Article 6 “Control carried out by Verkhovna Rada of Ukraine”]. Nevertheless, a more detailed definition of the peculiarities of implementation of the law-making function by the Parliament of Ukraine in the field of national security was in the Law of Ukraine “On Democratic Civil Control over Military Organization and Law Enforcement Bodies of the Country” [3]. Unfortunately, this Law [same] is no longer in force, however, it recognized the possibility of implementation of law-making function in the field of national security not only by the adoption of the laws, but also under the condition of implementation of the state programmes of reformation and development of the security and defence sector, as well as the other programmes aimed at the social protection of the military.

The second aspect stipulates the determination of the personnel size in one or another security structure. Within this power, as it was mentioned above, the Parliament of Ukraine approves the personnel policy plan, i.e. carries out a human resources management. It happens by way of defence forces manning, as well as by the determination of the personnel size in the sector of national security. Moreover, Verkhovna Rada of Ukraine shall approve the appointment of one or another higher military commander (see the Law of Ukraine “On Democratic Civil Control over Military Organization and Law Enforcement Bodies of the Country” (2003) [3]. Meanwhile, within the implementation of the parliamentary civil control [3], the Law of Ukraine “On National Security of Ukraine” does not establish in the Article 6 the requirements to the personnel size in one or another security structure. This definition may be found during the analysis of the other articles of this Law [same, paragraph 2, part 6, Article 27]. In this context, it should be noted that the powers of the approval of the personnel size in the national security sector shall be clearly defined in the present-day Ukrainian legislation and shall be scientifically grounded.

As for the third aspect, it stipulates the control over the budget at three levels of its formation including the clause-by-clause one and the one intended for specific programmes of implementation. This aspect was studied in details by us within the frameworks of the other scientific works [2; 4].

Thus, in accordance with the national legislation, the features of democratic civil control include lawfulness, systematic character, comprehensiveness, universality, timeliness, objectivity, effectiveness and publicity. Therefore, the institutional sector of security must assert itself in the society based on the fundamental parameters of the democratic civil legislation (Fig. 1). This means that its obligation is to publicly and openly report to the society about the course of performance of its functions and, by this, to increase public's trust in the activities aimed at the national security.

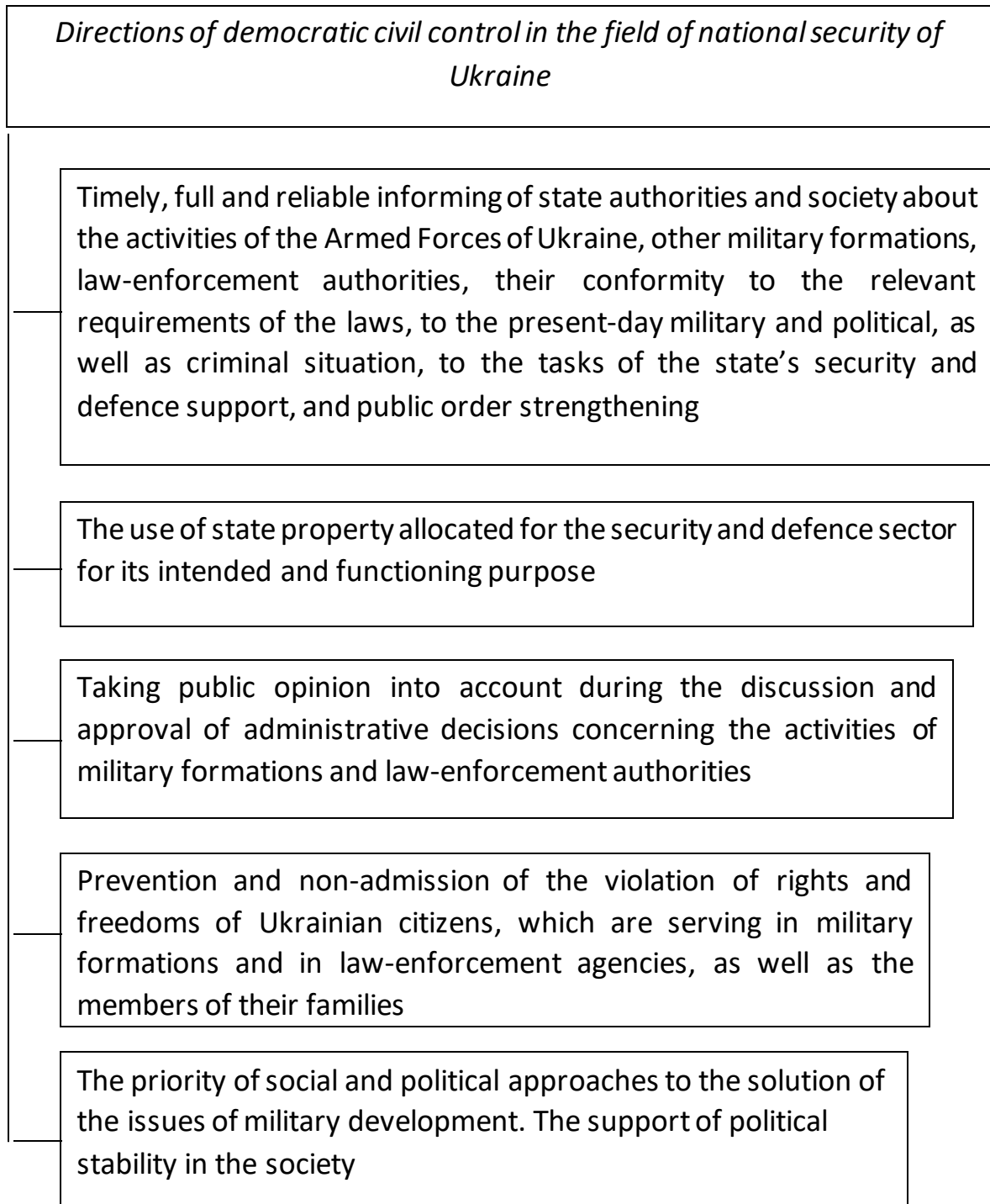


Fig. 1. Directions of democratic civil control in the field of national security of Ukraine

Source: author's work

In order this activity to obtain real characteristics of a constitutional state it is proved that it must be introduced in the system of legal regulations and institutes of open society. In this context, the attention is focused on the fact that the institutional structure of national security requires reliable democratic civil control, and the systems of this control introduced in the USA, Norway, Finland, Sweden, etc. may be taken as an example. In these countries with developed democratic traditions, civil control in the field of national security is a mechanism of law and order support. Being stipulated by the real social relations, its stabilizing aspect is expressed in the coordinated interactions and relations among people in the field of human activity. That is why an absent or weakened control, as a rule, causes social chaos and discord, while under these conditions, the demands to guarantee social, economic or political security remain only declarative elements. Exactly the corresponding norms, which are supported by the civil control, are the best way to reflect stability, constant connections and interactions in the social organism as a whole, and in the system of national security in particular.

Conclusions of the research. Thus, the mechanism of attraction of the representatives of the public to the formation of the state policy in the field of national security requires specification. This mechanism shall not be restricted to the formation of non-governmental advisory civil councils under the agencies of the national security sector. Moreover, it is appropriate to attract the institutes of civil society (experts) to the discussion of certain issues of security policy. For this purpose, the activities of NGOs in the system of civil control require the support from the top management of the country, its parliament and governments, first of all, through the comprehensive formation of legislative and organizational support.

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