

massive influx of displaced persons, the Council of the EU activated Directive 2001/55/EC on the provision of minimum standards for the provision of temporary protection and the application of measures that contribute to the balance of efforts between member states regarding the reception of such persons and responsibility for the consequences of such reception. Directive 2001/55/EC provides for the possibility of obtaining both temporary protection and refugee status, which determines the relevance of the study.

**Keywords:** *temporary protection, Directive 2001/55/EC, minimum standards of temporary protection, right to asylum, territorial asylum, refugee status.*

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#### **DIRECTIONS OF IMPROVING THE LEGAL REGULATION OF NATIONAL SECURITY IN UKRAINE UNDER MARTIAL LAW**

**Каміль Примаков. НАПРЯМИ УДОСКОНАЛЕННЯ ПРАВОВОГО РЕГУЛЮВАННЯ НАЦІОНАЛЬНОЇ БЕЗПЕКИ В УКРАЇНІ В УМОВАХ ВОЄННОГО СТАНУ.** У статті проведено дослідження правового регулювання національної безпеки в Україні. Автором проаналізовано поняття національної безпеки та його складові. У статті досліджено систему нормативно-правових актів у сфері забезпечення національної безпеки, визначені основні недоліки законодавства у цій сфері. З'ясовано, що законодавство у сфері забезпечення національної безпеки в Україні не відповідає сучасним викликам та загрозам, пов'язаним із національною безпекою. Аргументовано, що нормативно-правові акти у сфері національної безпеки не належним чином узгоджені між собою та містять ряд недоліків, що негативно впливає на рівень забезпечення національної безпеки.

За результатами проведеного дослідження сформульовано висновки та надано пропозиції щодо удосконалення правового регулювання національної безпеки в умовах воєнного стану. Запропоновано, для досягнення стану покращення та підвищення ефективності правового забезпечення національної безпеки в Україні необхідно розробити систематизовану, логічно зв'язану та взаємопов'язану нормативну базу в даній сфері, узгодити термінологічні поняття між собою, повноваження суб'єктів забезпечення національної безпеки. Це допоможе вирішити ті важкі виклики, які стоять перед системою національної безпеки та створити правове підґрунтя для її ефективного розвитку.

Обґрунтовано, що головною метою правового регулювання національної безпеки є створення цілісної та комплексної державної політики у сфері національної безпеки, яка має бути розрахована як на сьогоднішній день так і на перспективу. Законодавство у сфері національної безпеки повинно відображати сучасні виклики та загрози і містити чіткі заходи для їх протидії, а також містити ефективні механізми впровадження законодавчих приписів, що діють не тільки для суб'єктів системи безпеки і оборони, але й для всіх суб'єктів суспільних відносин, які можуть бути залучені до виконання завдань, пов'язаних із забезпеченням національної безпеки.

**Ключові слова:** безпека, національна безпека, державна безпека, безпека в умовах воєнного стану, правове регулювання, удосконалення.

**Relevance of the study.** The main priorities of Ukraine's national security include the protection of sovereignty, territorial integrity and state borders, ensuring national interests in the political, trade and economic, informational and other spheres, as well as restoring the

territorial integrity of Ukraine and ensuring victory and peace in our state. In order to achieve these goals, effective interaction and cooperation of all interested subjects of ensuring the national security of the state, both at the national and international levels, as well as strengthening the Ukrainian state by ensuring progressive socio-political and socio-economic development of the country, despite the conditions war. In connection with this, the state policy in the field of national security should be aimed at effective protection of national interests in all spheres of life, in particular in the political, economic, informational, social and humanitarian spheres. For this, it is necessary to carry out a comprehensive reform of the state administration system, aimed at ensuring national security, and to create an effective system of security and defense of Ukraine, a security environment in the middle of the state. The multifaceted and complex nature of problems in the field of national security requires in-depth research of all constituent elements, identification of shortcomings and timely adoption of effective measures aimed at improving legal regulation and state management in the field of national security. Solving such complex tasks is closely related to the state of legal regulation of national security, the quality and effectiveness of the relevant legislation. Therefore, the study of problematic issues related to the development and improvement of public relations and legislation in the field of national security is of great importance.

**Recent publications review.** Modern research conducted by V. Antonov [1], I. Doronin [2], I. Yevtushenko [3], A. Murashko [4], L. Nalyvaiko [5], O. Reznikova [6], I. Rusnak [7], H. Sytnyk [8], Yu. Khatniuk [9], L. Shipilova [10] et al., devoted to various aspects of legal regulation and the mechanism of ensuring national security. At the same time, the issue of a comprehensive approach to the system of legal support of national security remains outside the attention of researchers, and as a result, there are no works outlining the prospects for its development.

**The research paper's objective** is to analyze the legal regulation of national security, outline the shortcomings in this area and propose ways to improve the legal regulation and development of the national security system.

**Discussion.** The need to increase the efficiency and improve the legal provision of national security in Ukraine requires, from the beginning, to determine the essence and content of the conceptual and categorical apparatus, namely, such concepts as "security", "national security", "ensuring national security". The theoretical interpretation of the meaning of the concept of "security" in the process of development of scientific opinions constantly underwent changes, which, on the one hand, complicated its essential understanding, but on the other hand, increased its theoretical and methodological importance for understanding the meaning of various types of security, classification and definition of specific threats and dangers

Therefore, the primary task is to define an accurate conceptual apparatus that allows a deeper understanding of the essence of various types of security and the practical meaning of the main threats and dangers facing the country. This will become the basis for the further development of security theory and effective legal measures aimed at ensuring the national security of Ukraine.

If we turn to scientific approaches regarding the essence of the concept of national security, there is no unity of opinion here. The concept of "national security" was studied by specialists in political, military, philosophical, economic, legal and other sciences. National security was studied and is being studied in the context of combating crime and public administration. It is worth citing the conclusions of V. Antonov on this issue, who notes that national security is considered by most scientists as: "a state of protection of the individual, society and the state from internal and external threats; the most important condition under which the vital activity of a person, society and the state is ensured; protection of the vital interests of a person and citizen, society and the state; etc." [1, p. 27; 11, p. 14].

The main problematic points in the application of terminology are certain legislative inconsistencies between such concepts as state security, national security, military security, public security and others, which are mentioned in the Law of Ukraine "On National Security" [12]. Thus, the Law of Ukraine "On the National Security of Ukraine" provides such a definition of the concept of state security as the protection of "state sovereignty, territorial integrity and the democratic constitutional system and other vital national interests from real and potential threats of a non-military nature" (clause 4, part 1 of Article 1). At the same time, the term "state security" in the text of the law is used twice in Art. Art. 18 and 19 in the context of the performance of tasks by the relevant entities. Also in clause 9, part 1 of Art. 1 of the Law of Ukraine "On National Security" defines national security as "the protection of state

sovereignty, territorial integrity, the democratic constitutional order and other national interests of Ukraine from real and potential threats" [12].

Such legislative definitions are not very successful, given the certain blurring of terms, objects of state and national security. At the same time, when it comes to state security, concepts such as "vital national interests" are used here, although what they are is not clearly defined in the law. As for national security, "other interests" are mentioned here, it can be assumed that the degree of their importance will be different, compared to the objects of state security. Although one cannot fail to pay attention to the fact that in Part 3 of Art. 3 of the Law of Ukraine "On National Security", the legislator provides an interpretation of the concept of "fundamental interests" [12]. The aforementioned legislative interpretations of the term "security" and "national security" in combination with historically established terminology and scientific interpretation of various types of security complicate the perception and unequivocal understanding of such a concept as "national security" in combination with other types of security.

The next thing I would like to draw attention to is that the problem of ensuring the national security of Ukraine is becoming more and more urgent and today it is attracting more and more attention not only in our country. This issue has become a global problem of great importance to the world community. Ensuring national security, the mechanism for implementing measures to eliminate potential and existing threats is a topical issue that is widely researched and covered not only in the pages of legal literature.

In connection with this, one cannot fail to pay attention to the circle of social relations that make up national security.

1. State strategic planning in the field of national security. This process is evaluated through the prism of the needs and features of public administration in terms of potential and existing threats and challenges. This includes the issue of the formation of state policy in the field of national security and planning, as well as the limits and mechanisms of control over the implementation of measures.

2. Public relations related to the defense of the state and economic provision of defense measures cover the following aspects: state policy in the field of defense and economic provision of defense measures. This includes the peculiarities of the formation and implementation of state policy in the field of defense, the competence and order of activity of various subjects, the regulation of the activity of subjects that have the introduction of administrative and legal regimes, the state regulation of the economic sphere with the provision of defense needs, etc.

3. Public relations related to information security. This includes: obtaining particularly important information in the interests of the state; intelligence and counter-intelligence activities. information security, which is becoming key in the face of growing threats to cyber security and cyber espionage.

4. Conducting external events (strategic communication events). This aspect includes various instruments of diplomacy and foreign policy, which contribute to the protection of the interests of states, strengthening of international partnership and cooperation.

5. Countering the subversive activities of foreign states and organizations using non-military or "hybrid" methods: This includes preventing and countering measures to influence actions by foreign actors aimed at destabilizing the situation in the country and maintaining national security.

6. Relations related to the legal problems of the temporary occupation of the territory of Ukraine are aimed at ensuring the protection of the rights and interests of Ukrainian citizens in the occupied territories. An important aspect is maintaining ties with citizens in the occupied territory to ensure their rights and assistance in conflict situations. In addition, it is important to work on the processes of deoccupation and integration of these territories back into Ukraine after the restoration of peace.

These social relations can become the basis for improving the terminology, which was discussed above. In addition, the specified list indicates only the main problematic directions of social relations that already exist, and therefore, in further scientific research, this list of directions can be clarified. A deep study of social relations in the field of national security and the legal framework is a task, a basis for the development of both domestic legislation and legal science in general.

The life activity of the state unfolds in various spheres, and in each of them negative factors can arise that threaten national security. National security covers various aspects, such

as political, economic, social, military, informational, environmental, state-management security and others. The totality of these components creates a system of national security that allows the state to effectively respond to challenges and threats in all spheres of its functioning.

In connection with the diversity and multi-levels of national security, an existing systematic approach to its organization, implementation of legal regulation and management is necessary. The system approach is becoming key in modern knowledge and practice of management in various spheres of public life, and mostly it concerns national security. All fields of science and practice need a systematic analysis of reality. The integration of modern social life into the ever-increasing interaction of political, economic, social, managerial and other processes is growing. Changes in one area can significantly affect other areas that are important for the entire society.

Having made certain conclusions, it should be noted that for a deep and comprehensive understanding of the processes, some of which affect national security, it is necessary to use a systematic method of learning the patterns of social development. This method illuminates the society as a system consisting of interconnected elements, links and ties in the context of existing relationships and interests. Therefore, it requires a comprehensive approach in the implementation of legal regulation and management of national security, especially taking into account the threats and challenges associated with military aggression.

The influence of normative legal acts on various spheres of social relations, including national security, will be effective only when these acts contain clear, unambiguous and correctly defined norms. It is important that the legislation creates a single legal field for the regulation of social relations in the sphere of national security, and represented a complex unified nationwide system. Regulatory and legal acts that regulate the provision of national security must contain clear norms and be well written, ensuring the appropriate level of legal regulation, protection and effectiveness of the national security system.

In the sphere of ensuring national security in Ukraine, the system of normative legal acts currently does not meet the modern challenges and tasks facing the state, the subjects of ensuring national security. The main problem is the dispersion of legislation, uneven regulation of the processes of ensuring various, interrelated types of security. It is necessary to improve and harmonize the legal framework in the field of ensuring national security, to bring it into a single comprehensive system. After all, effective legislation is the basis for solving important tasks in the field of ensuring the country's national security.

Today, legislation in the field of national security is represented by numerous legal acts, namely: Laws of Ukraine "On the National Security of Ukraine" [12], "On the Defense of Ukraine" [13], "On Ensuring Chemical Safety and Management of Chemical Products" [14], "On the Fight Against Terrorism" [15], "About Information" [16], defines the legal, organizational and economic principles in the field of ensuring chemical safety and management of chemical products, etc.; by-laws, such as Decree of the President of Ukraine No. 56/2022 dated February 16, 2022, which implemented the decision of the National Security and Defense Council of Ukraine dated December 30, 2021 "On the Strategy for State Security" [17], the Military Security Strategy [18] ], the Information Security Strategy [19] and the Action Plan for its Implementation [20], the Comprehensive Strategic Plan for the Reform of Law and Order Bodies as a Part of the Security and Defense Sector of Ukraine for 2023-2027 [21] and others.

The above-mentioned normative legal acts are not properly coordinated among themselves and contain a number of shortcomings, which negatively affects the level of ensuring national security. These shortcomings of the legislation lead to problems of coordination of actions and ensuring interaction between various subjects of ensuring national security, and which direct efforts and activities to ensure an adequate level of security in our state. In our opinion, the improvement of legal regulation in the field of national security should be carried out by developing a coherent, systematized and interconnected legal framework. And this should happen not by creating a significant array of legislative and by-laws, but by unifying and systematizing (perhaps codifying) the existing ones.

**Conclusions.** The conducted research confirms that the current system of regulatory and legal acts in Ukraine in the field of ensuring national security does not meet modern challenges and threats. The legal system is not comprehensive and unevenly regulates the process of ensuring different, interconnected types of security and the powers of the relevant subjects.

In order to achieve a state of improvement and increase the effectiveness of the legal provision of national security in Ukraine, it is necessary to develop a systematized, logically

connected and interconnected regulatory framework in this area, to agree on terminological concepts among themselves, and the powers of subjects of national security provision. This will help solve the difficult challenges facing the national security system and create a legal basis for its effective development.

The main goal of legal regulation of national security is the creation of a coherent and comprehensive state policy in the field of national security, which should be calculated both for today and for the future. Legislation in the field of national security should reflect modern challenges and threats and contain clear measures to counter them, as well as contain effective mechanisms for the implementation of legislative prescriptions that apply not only to the subjects of the security and defense system, but also to all subjects of public relations, which may be involved in performing tasks related to ensuring national security.

*Conflict of Interest and other Ethics Statements*

The author declares no conflict of interest.

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#### ABSTRACT

The article examines the legal regulation of national security in Ukraine. The author analyzed the concept of national security and its components. The article examines the system of normative legal acts in the field of ensuring national security, identifies the main shortcomings of legislation in this field. It was found that the legislation in the field of ensuring national security in Ukraine does not meet modern challenges and threats related to national security. It is argued that normative legal acts in the field of national security are not properly coordinated among themselves and contain a number of shortcomings, which negatively affects the level of ensuring national security. Based on the results of the research, conclusions were formulated and suggestions were made regarding the improvement of the legal regulation of national security in the conditions of martial law. It is suggested that in order to achieve a state of improvement and increase the effectiveness of the legal provision of national security in Ukraine, it is necessary to develop a systematized, logically connected and interconnected regulatory framework in this area, to agree on terminological concepts among themselves, and the powers of subjects of national security provision. This will help solve the difficult challenges facing the national security system and create a legal basis for its effective development. It is substantiated that the main goal of legal regulation of national security is the creation of a coherent and comprehensive state policy in the field of national security, which should be calculated both for today and for the future. Legislation in the field of national security must reflect modern challenges and threats and contain clear measures to counteract them, as well as contain effective mechanisms for the implementation of legislative prescriptions that apply not only to the subjects of the security and defense system, but also to all subjects of public relations, who may be involved in tasks related to ensuring national security.

**Keywords:** *security, national security, state security, security under martial law, legal regulation, improvement.*

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### **MEDIA BETWEEN STATE, LAW AND SOCIETY DURING INTERNATIONAL ARMED CONFLICTS. PART ONE: WORLD WAR I, THE ENTENTE**

**Андрій Самотуга. Рікардо Фурфаро. МЕДІА МІЖ ДЕРЖАВОЮ, ПРАВОМ ТА СУСПІЛЬСТВОМ ПІД ЧАС МІЖНАРОДНИХ ЗБРОЙНИХ КОНФЛІКТІВ. ЧАСТИНА І: ПЕРША СВІТОВА ВІЙНА, КРАЇНИ АНТАНТИ.** Оскільки будь-які суспільні події, зокрема конфлікти, заслуговують на висвітлення, вони привертають велику увагу з боку медіа. Взаємодія між медіа (друкованими чи електронними) та збройними конфліктами набувала різноманітних

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