

UDC 355.45



Yu. Babkov



O. Bondarenko

THE SPECIFICS OF ENSURING UKRAINE'S INTERNAL SECURITY UNDER MARTIAL LAW

The article identifies the specific features of ensuring Ukraine's internal security under martial law. Based on an analysis of existing approaches to defining the concept of "internal security," a framework for distinguishing national security into external and internal components is proposed. The key actors responsible for ensuring human and citizen security, as well as public, state, and military security, are highlighted. These include central executive authorities, military formations, state and specialized law enforcement agencies, and intelligence bodies of Ukraine. The most significant factors influencing the current military-political and socio-political environment on the process of ensuring internal security in Ukraine are outlined. Key directions for improving this process under the challenging conditions of war are formulated.

Keywords: national security, external security, internal security, potential.

Statement of the problem. For over 2.5 years, Ukraine has been engaged in armed defence following the full-scale invasion by the Russian Federation. The Defence Forces are conducting active military operations across a significant territory, while the entire country operates and resists under the legal regime of martial law. This undeclared, localized war, in essence, affects all aspects of the nation's life.

Under such conditions, alongside fulfilling defence objectives, the tasks of ensuring Ukraine's national security – both its external and internal dimensions – remain critically important.

Although issues of national security, including internal state security, have been addressed in various studies both in Ukraine and abroad, the specifics of this process during a prolonged war of a new type and generation – characterized by greater technological and asymmetric dimensions – remain insufficiently explored and require focused examination.

Analysis of recent research and publications. The issues of internal and external security of Ukraine have been explored by numerous researchers, including O. M. Bandurka, V. V. Sokurenko, I. F. Korzh, V. A. Lipkan, O. M. Litvinov, S. M. Popova, N. R. Nyzhnyk, O. O. Sychenko, H. O. Ponomarenko, M. I. Panov, and others.

The study [1] examines the key aspects of the concept of Ukraine's internal security, outlining

and summarizing priority security categories in the context of internal and external functions. It defines internal security as a component of national security and identifies key factors of internal threats. It also highlights the role of the security and defence sector within the system of central executive authorities. Tasks of internal security are shown to be assigned to public authorities, military formations, and law enforcement agencies within their respective competencies. The study also examines the activities of the Ministry of Internal Affairs (MIA) in ensuring Ukraine's internal security, including measures to address negative challenges in developing the national security and defence sector.

In article [2], some aspects of internal state security provided by the MIA system – one of the fundamental state institutions – are analyzed. The study reviews scientific contributions and current legislative and regulatory frameworks concerning internal security against threats. It classifies threats into categories such as subjects, objects, sources, and operational methods. Internal security threats are defined as a set of factors and conditions posing risks to specific objects, essential interests of individuals, society, and state institutions from real and potential non-military threats. Key internal threats to Ukraine include "oligarchic" interest groups influencing key economic, financial, and banking sectors, effectively undermining governmental control. The article emphasizes the necessity for state authorities,

particularly law enforcement agencies, to mitigate these influences. A definition of "internal state security threats" is proposed, along with recommendations for improving legislation in this area.

Publication [3] analyzes trends in internal security assurance and explores the relationship between "national security" and "internal security." It defines internal security as the protection of the vital interests of individuals, society, and the state, ensuring sustainable societal development and timely identification, prevention, and neutralization of real and potential threats within the country across critical sectors. While this definition closely mirrors the concept of "national security" in Ukraine's 2003 Law on National Security, it does not fully elaborate on the specifics of internal security.

Study [4] investigates the theoretical foundations of ensuring internal security by law enforcement agencies, including the role of maintaining public order as a necessity for personal, societal, and state development. It highlights the specifics of law enforcement activities, focusing on interactions with government bodies, local self-government, public organizations, and citizens.

Article [5] addresses the reform of Ukraine's security sector legislation, stressing the importance of integrating international experience. The study categorizes internal and external security into economic, social, ecological, political, and informational dimensions, emphasizing priorities like demographic issues and combating corruption in security and defence strategies.

Research [6] focuses on additional powers granted to the National Police during martial law, analyzing relevant regulatory acts and their implications for police operations under current conditions. It highlights the need to refine, specify, and systematize legal frameworks for effective functioning under martial law. The study also advocates for improving mechanisms of interaction and delineation of authority between the National Police, state authorities, and local governments.

The analysis of these studies reveals the development of a theoretical foundation for ensuring Ukraine's internal security. However, the findings do not fully align with current realities and are predominantly focused on the MIA and its affiliated entities.

The purpose of the article is to identify and systematize the specific features of ensuring internal security during wartime by the components of the security and defence sector.

Summary of the main material. To begin with, it is necessary to define the concept of "internal security of the state," as scholars in the

field of national security propose varying interpretations of this term. Furthermore, it is essential to outline its scope and position within the framework of Ukraine's national security.

In American political science, the term "homeland security" is understood as a coordinated national effort aimed at preventing terrorist attacks within the United States, reducing vulnerabilities to terrorism, and minimizing damages while managing the aftermath of potential terrorist acts [3].

According to I. F. Korzh, internal security refers to a balanced state of functioning among individuals, society, and the state. This balance is achieved when public legal relations are directed at forecasting, preventing, detecting, and mitigating actual and potential challenges, risks, dangers, and threats within the country, or at avoiding them altogether. This approach preserves societal and state values and ensures their development. In contrast, external security pertains to protecting the same entities from threats originating outside the state [7].

In his dissertation, H. O. Ponomarenko divides national security into external and internal dimensions. External security is defined as the protection of vital interests of individuals, society, and the state against actual and potential external threats. Similarly, internal security is seen as safeguarding these interests from domestic threats.

According to an analysis of current regulations, internal threats include economic and political instability, corruption, criminal activity, and inadequate oversight of controlled substances and equipment. Other risks include attempts to establish illegal armed groups, separatism, and violations of citizens' rights during elections, as well as interethnic or interfaith conflicts and radical activities. These threats necessitate viewing internal security in broad and narrow senses: broadly, as protection against all internal threats, and narrowly, as protection from threats arising from illegal acts [8].

The evolving military-political and socio-political environment calls for a broader understanding of internal and external security. The Law of Ukraine "On National Security" (adopted June 21, 2018) redefined the terminology and concepts in this field. Unlike earlier definitions, this law prioritizes the interests of the state, society, and individuals in its interpretation of security types, such as:

1. National security: safeguarding sovereignty, territorial integrity, democratic constitutional order, and other national interests of Ukraine from real and potential threats.

2. Public safety and order: protecting vital societal

and individual interests, rights, and freedoms from unlawful activities and emergencies threatening significant harm to life, health, and property.

3. State security: protecting sovereignty, territorial integrity, and national interests from non-military threats.

4. Military security: protecting sovereignty, territorial integrity, and national interests from military threats [9].

Using the framework provided by this law, internal security can be defined as the protection of Ukraine's sovereignty, territorial integrity, democratic constitutional order, and other national interests from real and potential internal threats. These threats include unlawful acts, armed conflicts, terrorist activities, and emergencies that endanger the integrity and safety of the country.

A schematic representation of the division between external and internal aspects of national security is illustrated in Figure 1. The diagram demonstrates the intersection of human and citizen

security, public safety, state security, and military security. These elements often overlap and possess both external and internal dimensions.

The term "security" in a broad sense can be interpreted as the existence of a potential within security-providing entities and the conditions for its implementation to protect against threats and counter them. The nature, scale, and level of threats determine the required level of security, which, in turn, is characterized by the magnitude of the potential and the conditions for its realization.

The level of threats evolves (Figure 2), progressing from challenges to dangers, and is characterized by the probability of harm ranging from minimal to maximal.

Security is ensured through the creation, enhancement, maintenance of the required level, and restoration of lost or depleted potential, as well as the utilization or conservation of excessive potential, which are functions of the respective security system.

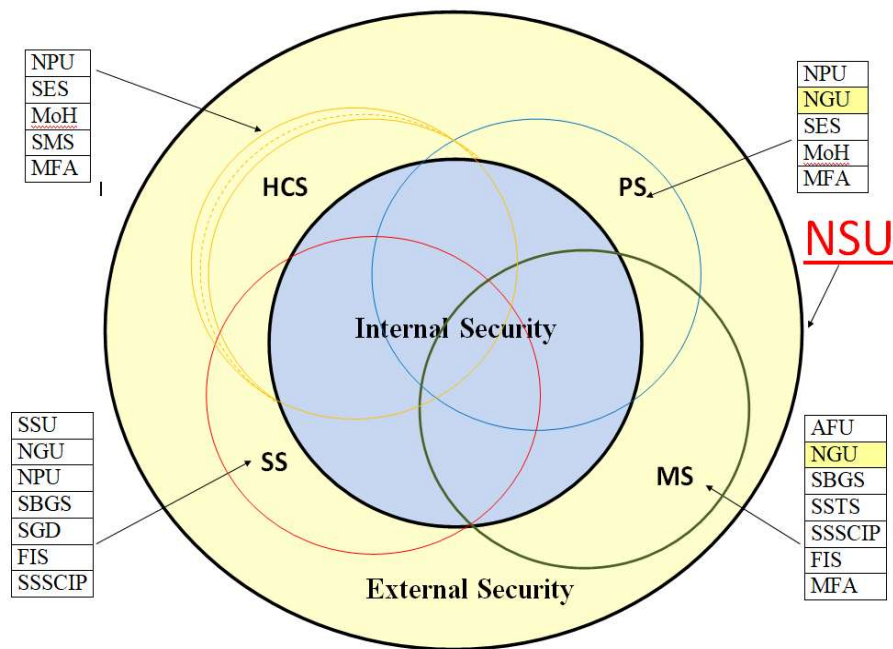


Figure 1 – Division of Ukraine's National Security into External and Internal Security

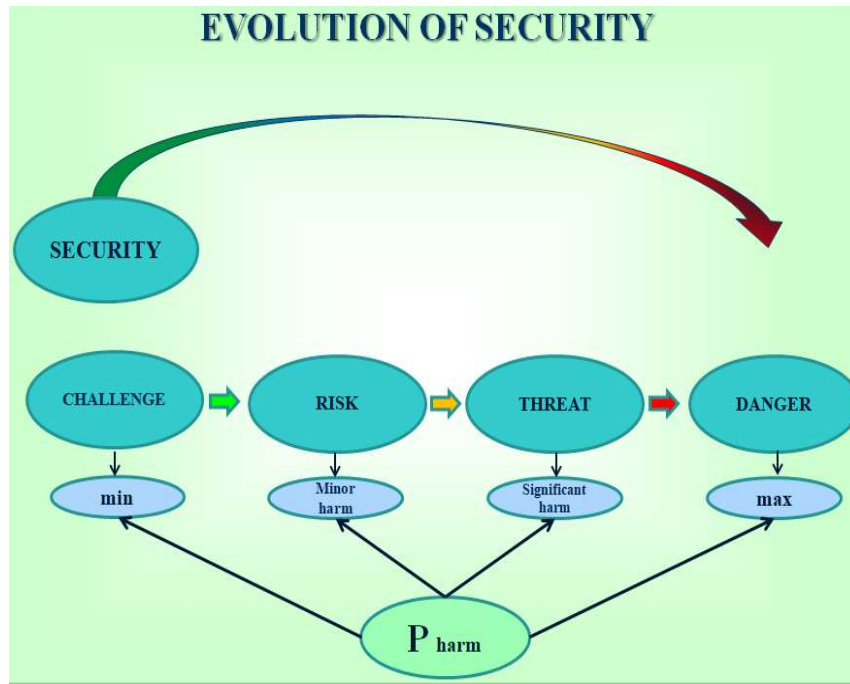


Figure 2 – Schematic representation of the process of evolution from security to danger

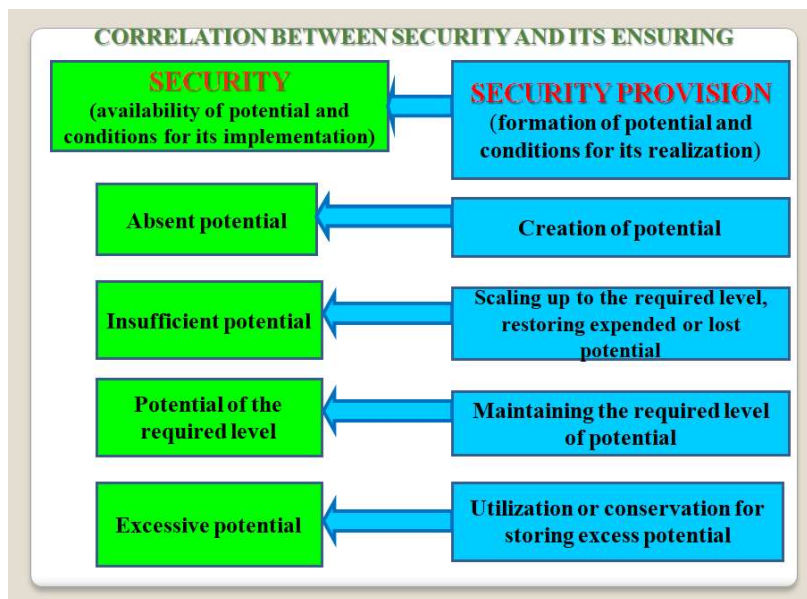


Figure 3 – Correspondence between the Level of Security and the Directions of Its Provision

It is advisable to identify the main components of the system for ensuring Ukraine's internal security.

According to the study [10], the Ministry of Internal Affairs of Ukraine (MIA) and the central executive bodies whose activities are coordinated and directed by the Minister of Internal Affairs of Ukraine – namely, the National Police of Ukraine, the National Guard of Ukraine, the State Border Guard Service of Ukraine, the State Migration Service of Ukraine, and the State Emergency Service of Ukraine – are integral parts of the

national security sector. These entities are considered the main actors in forming and ensuring the internal security of the state.

However, this approach somewhat limits the scope of actors to law enforcement agencies, although other components of the security and defence sector are also involved in ensuring human and citizen security, public safety, state security, and military security in response to internal threats. Thus, it is necessary to identify the following key actors (Figure 1).

Key actors in ensuring human and citizen security:

- National Police of Ukraine;
- State Emergency Service of Ukraine;
- Ministry of Health of Ukraine;
- State Migration Service of Ukraine;
- Ministry of Foreign Affairs.

Additional actors in ensuring public safety are the National Guard of Ukraine, a military formation with law enforcement functions.

Key actors in ensuring state security:

- Security Service of Ukraine (a special-purpose state body with law enforcement functions);
- Special-purpose law enforcement agencies: the State Guard of Ukraine and the State Border Guard Service of Ukraine;
- State Service for Special Communications and Information Protection of Ukraine;
- National Guard of Ukraine;
- Foreign Intelligence Service of Ukraine.

Key actors in ensuring military security:

- Armed Forces of Ukraine;
- State Special Transport Service of Ukraine;
- National Guard of Ukraine;
- State Border Guard Service of Ukraine;
- Foreign Intelligence Service of Ukraine;
- Ministry of Foreign Affairs.

It is essential to identify the factors influencing the internal security provision process under current conditions, which determine its specific characteristics, namely:

- limitations in the country's economic capabilities;
- significant dependence of the country's integrated potential on partner assistance;
- asymmetry in military potentials between Ukraine and the Russian Federation;
- imperfections and complexities in the mobilization process for new units of military formations, special-purpose state bodies with law enforcement functions, and special-purpose law enforcement agencies;
- significant losses of personnel, weapons, and military equipment within the security structures;
- a large number of internally and externally displaced persons, prisoners of war, and uncontrolled labour migration;
- a wide network of enemy intelligence agents;
- the temporary occupation of approximately 25 % of the country's territory;
- a substantial number of wartime emergencies resulting from terrorist attacks on civilian infrastructure;
- enemy psychological operations and cyberattacks, among other factors.

These factors significantly complicate the

socio-political situation in the country and create certain risks and threats.

According to an expert survey conducted by the National Institute for Strategic Studies on July 14, 2023, as part of the research project "Analysis of Threats to National Security in the Sphere of Internal Policy" [11], the risks also stem from:

- corruption;
- issues with government efficiency and the resilience of state institutions;
- the potential for horizontal disintegration within society (experts identify risks of potential conflicts among various groups within Ukrainian society);
- the presence of Russian influence tools, such as the Ukrainian Orthodox Church (Moscow Patriarchate), pro-Russian politicians, and media resources;
- demographic losses, depopulation, and the depletion of human capital.

Additionally, the following factors are significant, although, according to experts, they have not yet reached critical levels or scales:

- the degradation of democratic institutions, restrictions on political freedoms, and the deterioration of vertical dialogue quality;
- the "war fatigue" factor;
- the lack of a clear vision for the country's future;
- political conflicts;
- ineffective information policies [11].

The level of internal security depends on the ability of the security system to counteract real and potential threats. In this regard, the internal security system must meet two requirements: it must be reliable, ensuring the timely and complete fulfilment of functions by competent authorities in this field; and it must be adequate, determined by actual needs and the state's available material and financial resources [8].

Untimely and ineffective responses by security and defence sector entities (prevention, detection, localization, neutralization, and elimination) to challenges, risks, threats, and dangers hinder the process of building the necessary potential and conditions for its implementation, corresponding to the level of internal threats.

Conclusions

According to the analysis of factors influencing the process of ensuring internal security under conditions of war, internal threats, and risks, the following key features can be highlighted.

1. The creation of new capabilities to counter internal threats and risks, as well as the conditions

for their implementation, is limited by the state's actual resources and the prioritization of ensuring national defence and security. This process is partially supported through international financial assistance and the utilization of the country's economic and intellectual potential.

2. The expansion and restoration of lost or depleted capabilities are constrained by significant expenditures on preparing for and conducting high-intensity military operations, substantial losses of personnel, weapons, equipment, and infrastructure of security forces, continuous destructive impacts on critical and social infrastructure, and a certain decline in the moral and psychological state of personnel and the population amid a prolonged "war of attrition" employing modern forms and methods of information and psychological warfare.

3. Maintaining the required level of capabilities is achieved only in specific areas, largely thanks to the support of allies and partners.

4. The disposal or conservation of excessive capabilities is virtually absent due to their scarcity or insufficiency.

Future research will focus on systematizing the measures taken by internal security actors in the context of ongoing warfare.

References

- Zahorulko A. P. (2019). *Teoretyko-pravovyi analiz vyznachennia poniattia "Vnutrishnia bezpeka Ukrainy"* [Theoretical and legal analysis of the definition of the concept "Internal security of Ukraine"]. *Visnyk Natsionalnoho universytetu tsyvilnoho zakhystu Ukrainy. Seriya: derzhavneupravlinnia. Kharkiv*, no. 2 (11), pp. 19–28 [in Ukrainian].
- Boiko I. (2020). *Zabezpechennia vnutrishnoi bezpeky derzhavy orhanamy systemy MVS Ukrainy: aktualni zahrozy* [Ensuring the internal security of the state by the bodies of the Ministry of Internal Affairs of Ukraine: actual threats]. *Administratyvne pravo i protses*, no. 8, pp. 132–140 [in Ukrainian].
- Prokudin O. S. (2016). *Rozuminnia poniattia vnutrishnoi bezpeky Ukrainy vid protyvopravnykh posihan v suchasni nauksi* [Understanding the concept of internal security of Ukraine against illegal encroachments in modern science]. *Sudova ta slidcha praktyka v Ukraini*, no. 1, pp. 96–98 [in Ukrainian].
- Nikitenko O. I. (2015). *Pravookhoronna diialnist shchodo zabezpechennia vnutrishnoi bezpeky Ukrainy* [Law enforcement activities to ensure the internal security of Ukraine]. *Pravo i suspilstvo*, no 3, pp. 98–101 [in Ukrainian].
- Ponomariov S. P. (2018). *Vnutrishnia i zovnishnia bezpeka derzhavy: shliakhy yii zabezpechennia* [Internal and external security of the state: ways to ensure it]. *Visnyk Luhanskoho navchalno-naukovoho Instytutu imeni E. O. Didorenka*, no. 2 (82), pp. 169–176 [in Ukrainian].
- Kovbasa V. M., Kusko R. V., Drozd T. V. (2022). *Diialnist Natsionalnoi politsii v umovakh voiennoho stanu: okremi problemni pytannia* [Activities of the National Police under martial law: specific problematic issues]. *Yurydychnyi naukovyi elektronnyi zhurnal*, no. 6, pp. 245–248. Retrieved from: <http://surl.li/vulsvy> (accessed 27 March 2024) [in Ukrainian].
- Korzh I. F. (2012). *Derzhavna bezpeka: metodolohichni pidkhody do systemy skladovykh poniattia* [State security: methodological approaches to the system of components of the concept]. *Pravova informatyka*, no. 4 (36), pp. 69–75 [in Ukrainian].
- Ponomarenko H. O. (2018). *Administratyvno-pravovi zasady upravlinnia u sferi zabezpechennia vnutrishnoi bezpeky derzhavy* [Administrative and legal principles of management in the field of ensuring the internal security of the state]. Doctoral's thesis. Kharkiv, 442 p. [in Ukrainian].
- Zakon Ukrainy "Pro natsionalnu bezpeku Ukrainy" № 2469-VIII [Law of Ukraine about the National Security of Ukraine activity no. 2469-VIII]. (2018, June 21). *Vidomosti Verkhovnoi Rady Ukrainy*, no. 31, st. 241 [in Ukrainian].
- Matiushkova T. P. (2023). *Vnutrishnie bezpekove seredovyshe v Ukraini: formuvannia, zabezpechennia, otsinka rivnia efektyvnosti* [Internal security environment in Ukraine: formation, provision, evaluation of the level of effectiveness]. Proceedings of the International scientific practical conference "Natsionalna bezpeka yak konstytutsiina tsinnist: suchasni vyklyky" (Ukraine, Chernivtsi, June 22, 2023). Kharkiv, pp. 92–95 [in Ukrainian].
- Pavlenko I., Nahirnyi V., Potapenko V., Maliarevskiy Ye. (2023). *Analiz zahroz natsionalni bezpetsi u sferi vnutrishnoi polityky. Ekspertne opytuvannia* [Analysis of threats to national security in the field of domestic policy. Expert survey]. *Natsionalnyi instytut stratehichnykh doslidzhen*. Retrieved from: <http://surl.li/sjayaq> (accessed 27 September 2024) [in Ukrainian].

The article was submitted to the editorial office on 10.10.2024

УДК 355.45

Ю. П. Бабков, О. Г. Бондаренко

ОСОБЛИВОСТІ ЗАБЕЗПЕЧЕННЯ ВНУТРІШНЬОЇ БЕЗПЕКИ УКРАЇНИ В УМОВАХ ВОЄННОГО СТАНУ

Визначено особливості забезпечення внутрішньої безпеки України в умовах воєнного стану. На основі аналізу відомих підходів до визначення поняття «внутрішня безпека» подано підхід до розподілу національної безпеки на зовнішній і внутрішній складники. Згідно з аналізом чинників впливу на процес забезпечення внутрішньої безпеки в умовах війни та внутрішніх загроз і ризиків виділено такі його особливості, як створення нового потенціалу протидії внутрішнім загрозам і ризикам та умов для його реалізації. Це обмежується реальними можливостями держави й пріоритетністю забезпечення воєнної безпеки і оборони країни, хоча частково здійснюється завдяки міжнародній фінансовій допомозі і використанню економічного й інтелектуального потенціалів країни.

Нарощування, відновлення втраченого чи витраченого потенціалу обмежені значним рівнем витрат на підготовку і ведення воєнних дій великої інтенсивності, високим рівнем втрат особового складу, озброєння, техніки, інфраструктури силових структур, практично безперервним руйнівним впливом на об'єкти критичної та соціальної інфраструктури, певним зниженням морально-психологічного стану особового складу і населення в умовах тривалої «війни на виснаження» з використанням сучасних форм та методів інформаційно-психологічного протиборства.

Виокремлено основні суб'єкти з числа центральних органів виконавчої влади, військових формувань, державних і правоохоронних органів спеціального призначення, розвідувальних органів України, відповідальних за забезпечення безпеки людини і громадянина, громадської, державної та воєнної безпеки. Окреслено найвагоміші чинники впливу сучасної воєнно-політичної і суспільно-політичної обстановки на процес забезпечення внутрішньої безпеки України. Сформульовано основні напрями вдосконалення такого процесу в складних умовах війни.

Ключові слова: *національна безпека, зовнішня безпека, внутрішня безпека, потенціал.*

Babkov Yurii – Honored Education Worker of Ukraine, Candidate of Technical Sciences, Associate Professor, Professor of State Security and Administration Department National Academy of the National Guard of Ukraine

<https://orcid.org/0000-0001-5586-4103>

Bondarenko Oleksandr – Doctor of Sciences in Public Administration, Associate Professor, Head of the State Security and Administration Department National Academy of the National Guard of Ukraine

<https://orcid.org/0000-0003-1755-3333>