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STRUCTURE OF NATIONAL SECURITY LEGISLATION: THEORETICAL FOUNDATIONS AND SYSTEMATISATION ISSUES

The article discusses the problems of fragmentation and insufficient internal consistency of Ukraine's national security legislation. It is noted that these issues have become particularly acute in the context of martial law, and there is an urgent need for legal certainty in order for the security and defence sector to function effectively. The array of regulatory and legal acts governing the security sphere is characterised by a lack of a unified approach, which complicates law enforcement and hinders reforms. The purpose of the article is to develop and justify an analytical model of the structure of national security legislation, which allows assessing its component structure, internal consistency and hierarchical relationships. Particular attention is paid to the analysis of this structure in the context of fundamental changes introduced by the Law of Ukraine "On Law-Making Activity". It is indicated that the study is based on the comprehensive application of systemic-structural, formal-legal and doctrinal methods of analysis. This made it possible to consider security legislation as a holistic entity, identify its key components and explore the links between them.

Analytical tools have been developed to systematise and assess the quality of security legislation. A model has been proposed to law-making entities and scholars that will help to organise the legislative body in accordance with the principles laid down in the new legislation on law-making, which is critically important for strengthening national security and Ukraine's European integration course.

Based on the results of the study, a four-component model of the structure of national security legislation has been developed, which includes: 1) normative-legal acts of full regulation; 2) normative-legal acts of partial regulation; 3) ratified international treaties; 4) legal links between these elements. It is argued that the adoption of the Law of Ukraine 'On Law-Making' not only confirms the relevance of this approach, but also provides a regulatory framework for its practical implementation, enshrining the principles of consistency and legal certainty. The inexpediency of including non-imperative strategic planning acts in the structure of legislation has been proven.

Keywords: *legal system, law-making activity, security and defence sector, systematisation of legislation, legal links, martial law, European integration.*

Original article

INTRODUCTION. Over the past decade, the modernisation and systematisation of national security legislation has become a strategic priority due to the unprecedented challenges facing Ukraine. The current complex and internally inconsistent body of regulatory and legal acts, which has been formed over the years by various law-making entities, complicates law enforcement, hinders reforms in the security and defence sector, and creates risks for effective counteraction to threats. Therefore, the scientific and theoretical understanding of the structural organisa-

tion of security legislation is not just a relevant academic task, but an urgent need to strengthen the legal foundations of statehood.

The issue has deep historical roots: the conservative state of this sub-sector of legislation has been inherited from the early years of independence, changing mainly on a 'residual' basis and through a non-systemic approach. This situation has led some researchers to note the anaemia of modern security legislation and its chaotic nature (Lipkan, 2009). The realisation of the need for radical modernisation came only with the start of

the Russian Federation's armed aggression in 2014, which required the legislation to be brought into line with the new realities (Kobko, 2022). The situation is complicated by objective internal processes, in particular the evolution of national security law itself (Bohutskyi, 2020; Lipkan, 2009), the expansion of the circle of subjects of security legal relations (Khatnyuk, 2020; Nakonechna, 2022; Zahumenna, Voitsikhovskiy, 2024) and the inclusion of new objects in the sphere of national security, such as cybersecurity, information and biological security. Along with these internal determinants, external factors are key catalysts for change: on the one hand, the constitutionally defined course of European integration, which requires the synchronisation of security standards, and on the other, the full-scale invasion of 2022. Under these conditions, the security function of the state has come to the fore (Doronin, 2020), which has finally confirmed the critical importance of creating a reliable, systematic and internally consistent regulatory and legal framework for its implementation.

PURPOSE AND OBJECTIVES OF THE RESEARCH. The purpose of this article is to develop and substantiate an analytical model of the structure of Ukraine's national security legislation, which should serve as a tool for assessing its component structure, internal consistency and hierarchical links in the context of contemporary challenges, security sector reform and fundamental changes introduced by the Law of Ukraine "On Law-Making Activity".

To achieve this purpose, the following main tasks have been identified:

- to distinguish between the key legal categories of "legislative structure" and "legislative system" based on a systemic-structural approach;
- to analyse doctrinal models of the relationship between the structure of law and legislation and to justify the feasibility of applying the concept of soft determinism to the analysis of security legislation;
- to develop an author's definition and propose a model of the structure of national security legislation that integrates its constituent elements and legal links;
- to identify and classify the main components of the structure of Ukraine's security legislation in accordance with the proposed model;
- to analyse the impact of the Law of Ukraine "On Law-Making" on approaches to structuring and systematising legislation in the field of national security.

METHODOLOGY. The methodological basis of the study is formed by a comprehensive set of tools that combines general scientific and special

legal methods of cognition, the choice of which is determined by the purpose and objectives of the article. This approach made it possible to ensure the comprehensiveness and objectivity of the analysis of the structure of security legislation as a complex, dynamic and multi-level phenomenon.

At the core of the methodology is a systemic-structural approach, which made it possible to consider national security legislation not as a chaotic accumulation of normative-legal acts, but as a holistic, internally organised entity. It was this approach that made it possible to study the structure of legislation as a unity of its component parts and the legal links between them, as well as to determine its role in maintaining the integrity and stability of the relevant sub-sector.

The achievement of the set purpose was also based on an arsenal of general scientific formal-logical methods. Thus, the analysis made it possible to critically deconstruct existing doctrinal approaches and distinguish between the key categories of "system" and "structure" of legislation. Instead, synthesis and modelling became the main tools for constructing new knowledge – building a comprehensive authorial analytical model that integrates ideas about the elemental composition of the structure and the connections between its parts.

Along with general scientific methods, special legal methods played a decisive role. Doctrinal analysis served as the main method for processing scientific sources. Its application made it possible to establish the degree of research on the problem, reveal the absence of a comprehensive scientific concept of the structure of security legislation, and critically evaluate the four models of the relationship between the structure of law and legislation available in jurisprudence, choosing the most optimal one. The main tool for working with the regulatory framework was the formal-legal (dogmatic) method. It made it possible to analyse the provisions of the Constitution of Ukraine that program the key elements of the structure, identify specific laws and other acts that are components of security legislation, and doctrinally justify the exclusion of atypical elements, such as customs and acts of a strategic nature, from the structure, based on an analysis of their legal nature.

RESULTS AND DISCUSSION. Before turning to the search for ways to achieve the research goal, it is necessary to briefly explain the phenomenon of national security legislation in order to avoid possible misinterpretations and erroneous approaches. In considering this issue, we share the view of those experts who refer to this legal entity as an interdisciplinary complex of legislation in the field of national security (Novytskyi

et al., 2022) or, more precisely, a complex sub-sector of legislation that objectively functions at the intersection of constitutional, administrative, economic, financial, environmental, social, medical, criminal and some other areas of legislation and has a clearly expressed public (public-legal) character. Ukrainian legislation recognises domestic policy, foreign policy, military, social, humanitarian, economic, scientific and technological, information, environmental, as well as state security, civil protection and state border security as areas of national security (Smolianiuk, 2018). This is indicated, in particular, by the imperative adoption of a number of strategic documents in specific areas of national security, as directly required by the Law of Ukraine “On National Security of Ukraine”. This makes it possible to structure such institutions of security legislation as institutions of military, cyber, public and border security. At the same time, the authors of the Law “On National Security of Ukraine”¹ have for some reason overlooked the fact that the Constitution of Ukraine also explicitly provides for the existence of institutions of environmental (Article 16, paragraph 6 of Part 1 of Article 92, paragraph 3 of Article 116), economic, information (part 1 of Article 17) and state (part 3 of Article 17, part 1 of Article 37) security institutions². Thus, based on a systematic analysis of the provisions of the Constitution of Ukraine and the Law of Ukraine “On National Security of Ukraine”, the following institutions of security legislation can be identified: 1) institutions mentioned in the Constitution of Ukraine; 2) institutions mentioned in the Constitution of Ukraine and in the Law of Ukraine “On National Security of Ukraine”; 3) institutions mentioned only in the Law of Ukraine “On National Security of Ukraine”. The first group includes institutions of state, economic, environmental and information security, the second group includes the institution of public security (clause 7 of Article 138 of the Constitution of Ukraine, clause 23 of Part 1 of Article 1 of the Law of Ukraine “On National Security of Ukraine”), and the third group includes institutions of military, cyber and border security. Finally, the fourth group includes national security institutions defined in the National Security Strategy “Human Security – National Security”: energy, biological (biosafety) and food

security institutions³. At the same time, this document has expanded the scope of the institution of environmental security, which now also covers legislative acts in the field of climate change adaptation. On the other hand, the components of economic security are defined at the regulatory level as production, demographic, energy, foreign economic, investment and innovation, macroeconomic, food, social and financial security⁴.

An analysis of the structure of any sub-sector of national legislation cannot be complete without taking into account fundamental shifts in general theoretical and normative approaches to law-making. In this context, the adoption on 24 August 2023 of the Law of Ukraine “On Lawmaking” (hereinafter referred to as the Law) should be considered an event of fundamental importance for the entire legal system of the state. This act, which aims to streamline law-making activities and improve the quality of legislation, not only does not contradict the analytical model proposed in this article, but, on the contrary, serves as its powerful normative and ideological justification. First, the Law for the first time officially legalises the doctrinal understanding of Ukrainian legislation as an interconnected and orderly system of normative legal acts of Ukraine and applicable international treaties (Part 1 of Article 9)⁵. This provision is of exceptional importance for our study for two reasons. Firstly, it normatively confirms the thesis that legislation is a system rather than a chaotic accumulation of acts, which, in turn, requires studying its internal organisation, i.e. its structure. Secondly, it directly includes existing international treaties in national legislation, which fully validates their identification as one of the four key components in our proposed model of security legislation structure. Thirdly, the Law establishes a number of principles of law-making that provide a normative basis for our thesis on the need to streamline and structure security legislation. Among them, the key ones are:

– the principle of consistency, the essence of which is that normative legal acts should be

¹ Verkhovna Rada of Ukraine. (2018). *On the National Security of Ukraine* (Law No. 2469-VIII). <https://zakon.rada.gov.ua/laws/show/2469-19>.

² Verkhovna Rada of Ukraine. (1996). *The Constitution of Ukraine* (Law No. 254к/96-BP). <https://zakon.rada.gov.ua/laws/show/254к/96-бп>.

³ President of Ukraine. (2020). *Ukraine's National Security Strategy “Human Security – National Security”* (Order No. 392/2020). <https://zakon.rada.gov.ua/laws/show/392/2020>.

⁴ Ministry of Economic Development and Trade of Ukraine. (2013) *Methodological recommendations for calculating Ukraine's economic security level* (Order No. 1277). <https://zakon.rada.gov.ua/rada/show/v1277731-13>.

⁵ Verkhovna Rada of Ukraine. (2023). *On law-making activities* (Law No. 3354-IX). <https://zakon.rada.gov.ua/laws/show/3354-20>.

mutually consistent and form a single system. The model we propose is an analytical tool that allows us to assess the degree of such consistency in the field of national security and identify potential conflicts and gaps;

- the principle of legal certainty, which is a component of the rule of law, requires clarity and unambiguity of legal norms. Achieving certainty is impossible in the context of a fragmented and unstructured legislative framework. Thus, the application of the model for the analysis and further systematisation of legislation is a practical step towards the implementation of this principle;

- the principle of proportionality, which is used to analyse the structure of legislation, allowing for an assessment of whether the existing body of regulations is adequate, necessary and balanced to achieve national security objectives, avoiding excessive or insufficient regulation¹.

Fourthly, by establishing uniform rules and stages of the law-making process (in particular, planning, development, public consultations and legal monitoring), the Law creates a clear procedural framework. Within this framework, the proposed model can serve as an applied tool for law-making entities, allowing them to systematically integrate new security legislation into the existing structure and ensure its integrity and consistency.

Accordingly, it can be argued that the structure of Ukraine's security legislation consists of a number of cross-sectoral legislative institutions, in particular institutions of information security (Drahomeretskyi, 2023), environmental security (Bryhadyr, 2010), economic security (Lekar, 2019; Pavlichenko, Huzenko, 2020), food security, military security (Bohutskyi, 2020; Dudnyk, 2016), etc., the number of which is growing and whose interaction determines the dynamism and uniqueness of the development of this structure as a whole.

In our opinion, the state of development of this legal entity does not allow us to agree with the position on the existence of the field of national security law and, accordingly, the field of national security legislation as a separate field (Bohutskyi, 2020) given the underdevelopment of such a branch, based on objective criteria which, according to the definitions of legal theory, allow a particular legal entity to be classified as a branch of legislation (Zemko, Pundor, 2021). At the same time, we do not share the view of experts who are trying (so far unsuccessfully) to justify a single-branch determination in the legal regulation of the public law mechanism for ensur-

ing national security (in particular, by defining administrative and legal regulation as a priority (Kobko, 2022) without scientific proof of such priority). It is the complexity of the sub-branch of national security law and the corresponding sub-branch of legislation that makes it possible to qualify the multi-sectoral determination of its components (combining elements of multi-sectoral regulation without the expedient singling out of any one sectoral-legal "dominant").

Given the current state of development of modern theoretical and legal science, we believe that a fundamental conceptual and legal definition of the structure of national security legislation is only possible in the context of using the concept of the systemic and structural organisation of legal matters. A specific explanation of this doctrine in the field of national security is the doctrine of the systemic-structural organisation of security law and legislation. The latter is based on the idea of structure as a complex construction; a method or basis for building or organising a systemic phenomenon². In this case, such a phenomenon is law, as well as legislation as a form of its objectification in normative legal acts. The structure indicates a special, integral quality of the system to be well organised, orderly, stable in accordance with a certain idea, scheme, plan or system³.

In modern legal theory, the structure of the legislative system is mostly: 1) understood as the internal organisation of structured normative legal acts, consisting of interrelated and mutually consistent normative provisions, distributed across branches and institutions of legislation (Khomiuk, 2015); 2) considered as an organisation of these acts, which is expressed in their interconnection, coordination, differentiation and unification into structural subdivisions; 3) interpreted as having (divided into) several structural sections, the distinction of each of which depends on a specific criterion (horizontal (sectoral), vertical (hierarchical) and functional sections) (Ryndiuk, 2021). However, in Western jurisprudence, there are also alternative theoretical approaches, according to which the structure of legislation covers not only current legislation, but also attempts to change and transform its design, i.e. it also concerns the composition of draft legislation (Thornton, 1996). In addition, some foreign scholars focus on the dynamic relationship between fragmentation and coordination trends in

¹ Ibid.

² *Collins English Dictionary*. (2012). Harper Collins Publishers.

³ *Compact Oxford English Dictionary of Current English*. (2013). Oxford University Press.

this structure (Ungurytė-Ragauskienė, 2020), and describe the structure of legislation as a kind of logical pyramid, in which the arrangement of specific elements in the hierarchy of meaningful ideas shows their interrelationships and relative importance (Dickerson, 1981).

It is important that the structure determines not only the multi-element nature, but also the different weight and multi-vector nature of the interrelationships between the constituent elements of the system; these relationships are both hierarchical and horizontal in nature; the structural organisation of legislation is also capable of determining the system of “external” legal connections of this systemic legal entity with other similar entities (for example, the system of security legislation with the systems of environmental, sanitary-epidemiological, economic, etc. legislation). These interrelationships should be studied and taken into account, first and foremost, in the context of the rapid development and increasing complexity of the “design” of Ukraine’s security legislation, which reflects the intertwining of subjective and objective trends in its evolution.

In modern jurisprudence, the importance of the structure of legislation is emphasised by the roles (functions) that the structure has, primarily maintaining the unity, integrity and stability of this legislation, organising the elements of the system and the links between them; achieving a certain “optimum” between stability and dynamism in the development of this systemic-structural legal entity. In this context, legal scholars interpret such a structure as a law of connection between elements, which expresses the orderliness and stability of such connections between elements; it ensures the preservation of the integrity and unity of the phenomenon as a system; it forms its backbone (skeleton), with the help of which the content of such a phenomenon is organised (Yevhrafova, 2014).

Thus, the structure of legislation is in one way or another connected with its system. Depending on different ways of interpreting such a connection (connections) between them, modern jurisprudence distinguishes several theoretical and legal and applied approaches to the formation of the structural organisation of legislation: 1) the recognition of the objective regularity of this structural organisation and its derivative nature from the legal system, the absence of independent value of the structure of legislation. This approach can be conditionally referred to as the concept of the systemic-structural organisation of legislation (where structure plays a subordinate role in relation to the system of legislation); 2) the recognition of the subjective nature of structural organisation, which is entirely (or predominant-

ly) dependent on the will of the subject of law-making activity. This approach is diametrically opposed to the first and can be described as a subjectivist concept of the organisation of the structure of legislation; 3) defending the idea of the primacy (and, therefore, dominance) of the structure of legislation over the system of legislation and the system of law. Here, the structure of legislation determines the specificity of the legal system and legislation, and not vice versa; 4) the recognition of the relative determinism of the structure of legislation from the system and structure of law, balancing subjective and objective tendencies in the structuring of legislation. That is, here there is recognition of the active role of subjects of law-making activity, but this role may change. Based on these four positions, the structure of legislation is understood according to the following logic: in the first approach – in accordance with the primary nature of the legal system, in the second approach – in accordance with the cognition of the peculiarities of specific law-making activities, in the third approach – in accordance with the primary nature of the structure of legislation, in the fourth approach – in accordance with the clarification of the peculiarities of the mutual influence of the system and structure of legislation. During the Soviet period of jurisprudence development, the first approach was undoubtedly predominant, and it continues to maintain its position to this day. At the same time, under modern conditions, the other three approaches have gained some popularity, with the last one, which we consider to be the most optimal in terms of rejecting extremes such as excessive objectivism (as in the first and third approaches) and subjectivism (as in the second approach), being the least popular. Therefore, as a starting point for our further considerations, we support the idea of the existence of not rigid but soft determinism of the structure of legislation from the system and structure of law, combined with the idea of permanent balancing of subjective and objective tendencies in structuring legislation (including the idea of the possibility of the anticipatory significance of active law-making activity at certain stages of the development of the structure of security legislation, since any theoretical legal entity is usually preceded by the practical activity of people, which is embodied in sufficiently stable connections and relationships). At the same time, we must recognise that the external “borders” of the structure of security legislation are formed by a demarcation line that separates security from other (sectoral, sub-sectoral) legal relations, which is formed by the national security law system as the basic legal system for

the security legislation system. We will conditionally call this idea a hypothesis of the coincidence of the external ('demarcation') boundaries of security law and security legislation, which separate security law and security legislation from other systemic legal entities (branches and sub-branches of law and legislation).

To determine the essence of the structure of security legislation, it is necessary to proceed from the approaches established in modern Ukrainian legal doctrine. In legal theory, the outdated debate about whether to understand it as a set of elements or only as a type of relationship has been overcome. Today, the dominant approach is an integrated one, according to which the structure of legislation is its internal organisation, which is an indivisible unity of elements (normative legal acts) and stable legal relationships between them, which ensure the systematic nature of the entire normative body (Ryndiuk, 2021). These connections, which determine the place of each act in the system, are both vertical (hierarchical) and horizontal (sectoral and inter-sectoral) in nature, reflecting the systemic nature of law itself (Yushchyk, 2002).

Such a theoretical approach requires that the criterion for determining the components of the structure be exclusively their nature as formal sources of law. It is the doctrine of sources of law, fundamentally developed in the works of N. M. Parkhomenko (2008), that allows us to clearly distinguish between phenomena that belong to legislation and those that are outside its scope.

Based on this theoretical foundation and relying on the norms of the Constitution of Ukraine, we propose the following model of the structure of Ukraine's security legislation:

1) regulatory legal acts that regulate security legal relations in full (such as the laws of Ukraine "On National Security of Ukraine", "On Defence of Ukraine", "On the Security Service of Ukraine", "On the Armed Forces of Ukraine", "On the Fundamentals of National Resistance", "On Military-Civilian Administrations", "On the National Security and Defence Council of Ukraine", "On the Use of Nuclear Energy and Radiation Safety", "On the Legal Regime of Martial Law", "On the Legal Regime of a State of Emergency", "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine", "On the Condemnation of Communist and National Socialist (Nazi) totalitarian regimes in Ukraine and the prohibition of propaganda of their symbols", "On the State System of Biosafety in the Creation, Testing, Transportation and Use of Genetically Modified Organisms", "On the Economic Security Bureau", etc.). It should be noted

that some of these laws, such as the Law of Ukraine "On Critical Infrastructure", are directly classified as components of national security legislation (see the preamble to the Law¹);

2) regulatory and legal acts that regulate security legal relations in certain areas (e.g., the Constitution of Ukraine, the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine, the Civil Protection Code of Ukraine, the Commercial Code of Ukraine, Fundamentals of Ukrainian Legislation on Health Care, the Laws of Ukraine "On Environmental Protection", "On the National Police", "On the National Guard of Ukraine", "On the State Border of Ukraine", "On the Participation of Citizens in the Protection of Public Order and the State Border", "On Foreign Economic Activity", "On the Cabinet of Ministers of Ukraine", "On Local Self-Government in Ukraine", "On Local State Administrations", "On International Treaties of Ukraine", "On Information", "On Freedom of Conscience and Religious Organisations", "On Ensuring the Functioning of the Ukrainian Language as the State Language", etc.);

3) international treaties on security issues ratified by the Verkhovna Rada of Ukraine and, in accordance with Part 2 of Article 8 of the Constitution of Ukraine, forming part of the national legislation of Ukraine (in particular, the Association Agreement between Ukraine and the EU, Joint Security Commitments between Ukraine and the European Union, the Agreement on Cooperation in the Field of Security between Ukraine and the Republic of Poland, the Agreement on Cooperation in the Field of Security between Ukraine and France, the Agreement on Cooperation in the Field of Security between Ukraine and Portugal, etc.);

4) legal relations between them.

This structure allows us to logically justify the inappropriateness of including such phenomena as legal customs, which are a separate source of law, different in nature from normative legal acts, in the structure of legislation (Parkhomenko, 2008). Similarly, acts of a strategic nature (strategies, concepts, doctrines) remain outside the structure, as they have no independent normative significance and, as a rule, are approved by relevant normative legal acts. There is no reason to expand the structure to include the programme documents of political parties, as they are only political and ideological in nature, not legal, which is consistent with doctrinal approaches to defining sources of law (Shemshuchenko et al., 2010). At the same time, in more detail, the block of

¹ Verkhovna Rada of Ukraine. (2021). *On Critical Infrastructure* (Law No. 1882-IX). <https://zakon.rada.gov.ua/laws/show/1882-20>.

normative legal acts in the field of national security can be supplemented by such acts as acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, acts of central executive bodies and local normative legal acts. The possibility of issuing normative legal acts in the field of national security by bodies that are atypical for the constitutional system, such as military-civilian and military administrations (Shevchenko, 2019; Melnyk, 2022) attests to the significant specificity of the structural organisation of security legislation, which at the local level can be significantly modified under extreme legal regimes.

CONCLUSIONS. Therefore, the structure of national security legislation is understood as the stable internal structure of this sub-branch of Ukrainian legislation, formed as a result of purposeful law-making activities, consisting of relevant components (normative legal acts or their constituent parts) and legal relationships established between them at both horizontal and vertical levels. This doctrinal model, based on the methodological foundation of the concept of “soft determinism”, defines the structure of security legislation as consisting of: 1) normative legal acts that regulate security legal relations in full; 2) normative legal acts that partially regulate these relations; 3) ratified international treaties on security issues; 4) legal links between these components.

The analysis shows that the proposed analytical model of the structure of security legislation

not only remains relevant, but also receives strong normative confirmation with the entry into force of the Law of Ukraine “On Law-Making Activity”. In particular, the legal definition of the concept of “legislation of Ukraine”, which includes existing international treaties, and the consolidation of the principles of consistency and legal certainty provide an official basis for the proposed four-component approach. Hence, the Law creates not only an ideological but also a procedural framework for the practical application of the developed model with the aim of systematising and improving the quality of the legislative body in the field of national security.

The significance of the developed model lies in the fact that it serves as a tool for systematising knowledge in a dynamic legal field, streamlines the internal organisation of security legislation and ensures its systemic unity. At the same time, when critically evaluating the results, it should be recognised that any theoretical model faces challenges when confronted with reality. The rapid evolution of the security environment, caused by war and European integration processes, will constantly test the proposed model for stability, potentially blurring the boundaries between its components. In particular, the classification of acts as regulating relations “fully” or “partially”, although methodologically justified, may be controversial in practice and requires further consideration.

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СТРУКТУРА ЗАКОНОДАВСТВА ПРО НАЦІОНАЛЬНУ БЕЗПЕКУ: ТЕОРЕТИЧНІ ЗАСАДИ ТА ПРОБЛЕМИ СИСТЕМАТИЗАЦІЇ

У статті розглянуто проблеми фрагментарності та недостатньої внутрішньої узгодженості законодавства України про національну безпеку. Зазначено, що ці проблеми набули особливої гостроти в умовах воєнного стану, а також виникла нагальна потреба у їх правовій визначеності для ефективного функціонування сектору безпеки та оборони. Масив нормативно-правових актів, що регулюють безпекову сферу, характеризується відсутністю єдиного підходу, що ускладнює правозастосування та гальмує реформи. Метою статті є розробка та обґрунтування аналітичної моделі структури законодавства про національну безпеку, яка дозволяє оцінити його компонентний склад, внутрішню узгодженість та ієрархічні зв'язки. Особливу увагу приділено аналізу цієї структури в контексті фундаментальних змін, запроваджених Законом України «Про правотворчу діяльність». Зазначено, що дослідження ґрунтується на комплексному застосуванні системно-структурного, формально-юридичного та доктринального методів аналізу. Це дозволило розглянути безпекове законодавство як цілісне утворення, виокремити його ключові компоненти та дослідити зв'язки між ними.

Розроблено аналітичний інструментарій для систематизації та оцінки якості безпекового законодавства. Запропоновано суб'єктам правотворчої діяльності та науковцям модель, що сприятиме впорядкуванню законодавчого масиву відповідно до принципів,

закладених у новому законодавстві про правотворчість, що є критично важливим для зміцнення національної безпеки та євроінтеграційного курсу України.

За результатами проведеного дослідження розроблено авторську чотирикомпонентну модель структури законодавства про національну безпеку, яка включає: 1) нормативно-правові акти повного регулювання; 2) нормативно-правові акти часткового регулювання; 3) ратифіковані міжнародні договори; 4) юридичні зв'язки між цими елементами. Обґрунтовано, що ухвалення Закону України «Про правотворчу діяльність» не лише підтверджує актуальність такого підходу, але й надає нормативну рамку для його практичного впровадження, закріплюючи принципи системності та юридичної визначеності. Доведено недоцільність включення до структури законодавства актів стратегічного планування, що не мають імперативного характеру.

Ключові слова: *правова система, правотворча діяльність, сектор безпеки і оборони, систематизація законодавства, юридичні зв'язки, воєнний стан, євроінтеграція.*

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