

UKRAINE'S NATIONAL SECURITY POLITICAL AND LEGAL SUPPORT UNDER DEMOCRATIC TRANSITION CONDITIONS

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Abstract: The essence and elements of the Ukraine's national security political and legal support process are researched in the paper. It has been proved that the democratic transition process in Ukraine led up to a change in approaches of understanding the essence of national security and practice of its support. Nowadays, a value-oriented approach plays a significant role in scientific thought and at the legislative level. It is deduced that democratic changes in the security and defense sector have not been completed and finally implemented in the process of implementing national security policy. Problems of economic and ideological nature, the unwillingness of society to systemic transformation, the polarization of political actors as for domestic and foreign policy priorities is often the obstacle to democratic transition in the field of national security.

Keywords: civil society, democracy, democratic transit, public administration, national security, national stability.

1 Introduction

The theory of national security has undergone a rather long time of development, and understanding of the security essence was reflected in certain approaches to the practice of ensuring it. Understanding of the security essence and choosing of its ensuring methods is inseparably connected with practical policy, dominating values in a society, and the type of a political regime. Ukraine has been in the process of changes its political system since it gain independence after the collapse of the USSR. And those changes not always were democratic. The retreat from the totalitarian and later authoritarian Soviet political system did not mean for Ukraine the final approval of the democracy principles, particularly regarding approaches of national security support. The democratic transformations of the period 2005-2009 were replaced by the policy of the authoritarian regime of ex-President V. Yanukovich. After its overthrow as a result of the Revolution of Dignity in 2014, during which security forces used force of arms against civilians, the process of democratic transition resumed - the transition from an authoritarian to a democratic form of government, accompanied by appropriate institutional changes. This was reflected in the change of Ukraine's security and defense sector structure, as well as in regulatory support of national security.

2 Research Methods

The following scientific methods were used in the paper: systematic, synergetic, logical-dialectical, comparative, structural-functional, formalization, idealization, modeling, generalization. In particular, systemic, structural-functional, comparative methods became the basis of the research and allowed to achieve the following: to find out the elements, state and directions of political and legislative support of the national security of Ukraine, to systematize scientific sources, legislative and regulatory acts; specify the terms and concepts of public administration in the field of national security. The synergetic method allowed to study the phenomenon of civil society as a self-organizing process, characterized by the emergence of new ordered structures, and to study the national security system as a complex dynamic system in different states: from the state of balance to bifurcation. The method of generalization was used to generalize the processed materials in order to formulate conclusions and recommendations based on the results of the research.

3 Research Results

Until the early 1990s, the greatest threat to the world community was considered the confrontation between two superpowers - the

USSR and the United States, which could lead to a global thermonuclear conflict. Considering the dominant nature of the external (military) threat, most scientists focused on the problem of state defense potential. Under the conditions of the Cold War, the "policy of deterrence" was important in support of the national and international security, the essence of which, according to V. Kaufman is "a kind of policy to warn a potential adversary about the risk that threatens him in the event when he tries to implement his planned measures ... "[5].

The approach in which national and state security were equated was dominating in the USSR. The priority of state interests was being determined. According to such approach the national security does not exist outside the state influence.[8]. The geopolitical changes in the end of the twentieth century, associated with the collapse of the USSR and the termination of the Warsaw Pact Organization, the finally unresolved ethnopolitical conflicts in Africa, the Middle East, on the territory of the former Soviet Union and Yugoslavia (Kosovo) necessitated new approaches to international and national security problems. A kind of threats vector shift to the domestic sphere has taken place, which, in turn, determines the need to consider national security in the context of not only external but also internal threats. In addition, as Ukraine's experience shows, internal vulnerabilities can be used in the process of an external military aggression. The current situation in the world is characterized by a string of threats and related with them security issues that are not limited to its external military component: emergencies of various kind, including pandemics, organized crime, cyberterrorism, illegal migration, and so on. At the same time, military threats remain in the system of international relations.

All this factors necessitated a broader understanding of national security and separating of its economic, political, informational, environmental, and humanitarian components. Thus, the law "On the Fundamentals of National Security" (adopted in 2003 and repealed in 2018)[9] defined national security as the protection of vital interests of an individual and citizen, society and the state, which ensures sustainable development of society, timely detection, prevention and neutralization of real and potential threats to national interests in various spheres. Characteristically, there are three main objects of national security: an individual (his rights and freedoms), the society (its spiritual, material, and natural values) and the state (its constitutional order, sovereignty, territorial integrity and inviolability).

Within this approach, there is a broader understanding of national security, which is not limited to its state component. At the same time national interests of a vital nature are emphasised. Until 2014 the problem of national values in supporting of national security has been investigated in the works of Ukrainian scientists, but the emphasis was on national interests[1, p.16].

The "Revolution of Dignity" was not only an important stage of democratic transition in Ukraine, but also led to the enshrinement of the course to European and Euro-Atlantic integration in the Constitution. National values are beginning to play a greater role in national security understanding. This is a value-oriented approach that developed within the framework of Western national security theory. Democratic values of society protection is emphasized. Among the basic values there are political independence, economic prosperity, territorial integrity, equality, human rights and freedoms, development, justice, and so on. The axiological aspects of national security are emphasized in contemporary researches[2].

The current Law on National Security of Ukraine (2018) defines national security as "protection of state sovereignty, territorial integrity, democratic constitutional order, and other national interests of Ukraine from real and potential threats." In this

regard, it should be noted that state sovereignty, territorial integrity, democratic constitutional order are precisely national values, and their protection belongs to national interests. National interests, as in the previous law, are defined in the context of vital interests of an individual, society and the state.

The process of transition to democracy results in corresponding changes in the structure of the security and defense sector of Ukraine. In the context of this article, it is reasonable to use the approach of the modern transitology founder, American political scientist D. Rastow (1970), who considered democratic transition as "a period of time immediately before the transition to immediately after the transition to democracy" and identified its three phases:

- 1) the preparatory phase (the process of various socio-political forces struggle);
- 2) the decision-making phase (institutionalization of democracy mechanisms: adoption of relevant regulations, coordination of democratic procedures, consensus as for democratic methods of struggle);
- 3) the habituation phase (new democratic rules, procedures, and values assimilation by society).

According to this approach, Ukraine, like its security and defense sector, is in the transition process from the second to the third phase of democratic transit. The fact is that a number of reforms have been carried out, some of which, including the reform of the judiciary and law enforcement systems, have not been completed. Vestiges of the past are present in the practice of national security support: doubling of powers of different entities and conflicts between them, critical dependence of the security and defense sector on political changes and the ruling political elite interests, maintaining a high level of corruption, insufficient efficiency of interaction between state and non-state entities supporting national security. In other words, the democratic changes declared and partly adopted by the legislation and the entities in the security and defense sector, are still not in practice (the phase of habituation is at the initial stage).

It could be explained by a longlasting period of hybrid political system development[3] which is characterised by "facade" superficial changes of an artificial nature. In this case the transition to a democratic system cannot take place and be quickly and effectively perceived by society.

Ukraine moved from the military to the sectoral principle of forming the system of national security only in 2018. The military organization of the state was directly aimed at solving problems of the state interests protecting from external and internal threats and had not institutions of civil society. On the other hand, the Security and Defense Sector of Ukraine includes both government entities, which activities are aimed at protecting Ukraine's national interests from threats and are under democratic civilian control, and citizens and public associations that voluntarily participate in ensuring national security.

The state law enforcement system has suffered sweeping changes. To replace the militia the National Police was created, the Internal Military Forces of the Ministry of Internal Affairs were liquidated, and the National Guard of Ukraine was formed as a military formation with law enforcement functions, which has dual subordination. The National Guard reports to the Minister of the Internal Affairs in administrative and military-political aspects and to the Ministry of Defense in cases of personnel recruitment by conscription and performance of state defense functions under the legal regime of martial law. Double subordination reduces a risk level of using the National Guard forces in political struggle.

For corruption control the Specialized Anti-Corruption Prosecutor's Office (SAP) and the National Anti-Corruption Bureau of Ukraine (NABU) were established. A number of steps have been taken to eliminate doubling of law enforcement powers. The pre-trial investigation functions of the prosecutor's

office were transferred to NABU and other law enforcement entities. A draft law has also been elaborated, which envisages the transfer of pre-trial investigation functions from the SSU (Security Service of Ukraine) to the SBI, NABU, the Police and the Bureau of Economic Security within their competences by the end of 2022.

At the same time, the State Bureau of Investigation and the National Anti-Corruption Bureau of Ukraine in accordance with Art. 12 of the current law "On National Security of Ukraine" is not included in the security and defense sector entities. Although they perform important functions to counter threats. For example, the main function of such a law enforcement entity as NABU is to control corruption at the highest level of public administration (category A civil servants). At the legislative level corruption is recognized as one of the greatest threats to Ukraine's national security. SBI therefore is a law enforcement entity that investigates criminal proceedings against judges, law enforcement officers, and civil servants in three categories. The non-inclusion of these entities in the security and defense sector can be explained by the fact that according to this law the general management of the security and defense sector is carried out by the President of Ukraine. At the same time NABU and SBI are legally independent bodies and should not be subordinate to the President.

The legal support of national security in Ukraine should be understood as a system of regulations aimed to create a set of measures that ensure the protection of national values and the realization of national interests, while creating a mechanism for effective prevention (neutralization) of national security threats.

According to Art. 2 of the Ukraine's law "On National Security" the legal basis in the field of national security and defense is the Constitution of Ukraine, this and other laws of Ukraine, international treaties, the consent for necessity of which was adopted by Verkhovna Rada of Ukraine, and also which were issued to implement the Constitution and laws of Ukraine and other regulations[10].

That said, it should be noted that in accordance with Art. 9 of the Constitution of Ukraine[6] and Part 2 of Art. 19 of the Law of Ukraine "On International Treaties of Ukraine" it is provided that if the international treaty of Ukraine, which entered into force according to the standard procedure, establishes rules other than those provided for in the relevant legislative act of Ukraine, the rules of the international treaty apply[11].

Thus the above allows us to determine the following four levels of Ukraine's national security legal support, which can be ranked by legal force from the highest: Constitutional level, level of ratified international treaties, legislative level, and level of bylaws. Characterizing the constitutional level of Ukraine's national security legal support, it should be noted that Art. 16-18 of the Constitution of Ukraine are directly related to this issue.

According to above noted articles the following types of security are defined in Ukraine: environmental, economic, informational, and state security. Moreover, it is noted in Art. 17 that the protection of the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security are the most important functions of the state, the business of the entire Ukrainian people. It should be noted that according to Art. 18 of the Constitution of Ukraine our state has established its obligation to comply with generally accepted norms and principles of international law, as well as to maintain peaceful and mutually beneficial cooperation with members of the international community.

That is why the next level of national security legal support will be international agreements ratified by the Verkhovna Rada of Ukraine. Undoubtedly, the main place in the system of such acts belongs to the UN Charter. Of course, the most important principle of international law for Ukraine is that which defined by paragraph 4 of Art. 2 All Members shall refrain in their international relations from the threat or use of force against the

territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.[14].

Despite the fact that Russia, as the successor to the USSR, is a permanent member of the UN Security Council, it grossly violated this principle of international law by annexing Crimea and occupying certain areas of Donetsk and Luhansk regions. In addition to gross violations of international law, Russia virtually destroyed the entire system of international security, which was formed after World War II. At the same time, the whole world community understands that the norms of international law are no longer a guarantee of their territorial integrity and sovereignty safety.

Regarding the legislative level of legal support of national security, it is represented by a fairly large set of legislative acts, among which are the following: "On Defense of Ukraine", "On Defense, Mobilization Training and Mobilization", "On the Armed Forces of Ukraine", "On the National Security and Defense Council", "On Intelligence" and a number of other laws. The main act of law at the Ukraine's national security legislative level is the Law of Ukraine "On National Security of Ukraine". The above mentioned law was adopted in 2018 and is an amended version of the identical law, which was adopted in 2003. The valid law contains both positive and negative aspects of national security support.

First of all, it should be noted that both the new law and the previous one did not comply with the constitutional level of legal support of Ukraine's national security. First and foremost, this applies to the types of national security, none of the laws singled out environmental security, and the current law also lacks economic security. Such a situation leads to a very narrow understanding of national security as a phenomenon designed to ensure the defence of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats. At the same time, issues of economic, humanitarian and economic security remained outside the scope of legislative support.

Moreover, based on the definition provided in the law "On National Security", it can be concluded that national security consists of only two types: military security and state security, and the difference between them is that they have a common object of protection, but they carry it out taking into consideration different types of threats, respectively of a military nature, and not of a military nature. Such a primitive understanding of national security and the corresponding legal implementation can lead to a real lowering of the national values protection level and the entire national security system. This state requires clarification of certain provisions of the law "On National Security of Ukraine".

Regarding the bylaw level of legislative support of national security, it is the most numerous group of regulatory acts, their number is several thousands. Of course, it is not possible to analyze them in the scope of this article research. However, among the whole set of regulatory acts, the most important is the Decree of the President of Ukraine №392/20 "On the decision of the National Security and Defense Council of Ukraine of September 14, 2020 "On the National Security Strategy of Ukraine"[12]. This strategy has both positive aspects, such as the introduction of the concept of sustainability, which should significantly improve the state of national security, and negative aspects, in particular, the absence of indicators of goals achievement, which makes such a strategy too declarative.

At the present stage of public administration reforming under the conditions of democratic transition Ukraine is characterized by finding new management solutions in the process of social transformation and new forms of social problems solving. The transformation during the transition from authoritarian regimes to democracy takes place mainly in the political and legal spheres, where the monopoly system of public administration becomes pluralistic and covers all spheres of public life.

Democratic transition is a political transformation that has an institutional focus, it leads to institutional breakdown and the establishing of new, democratic institutions, without going beyond the boundaries of the country regulatory environment. Civil society institutions take a special place in the processes of democratic transit.

A crucial task for the Ukraine's national security current system of state management is the necessity for a fundamental revision of the interaction mechanisms with civil society, which is one of the pillars of national stability and, accordingly, national security. National stability of society is a reaction of a social system to certain external and internal destructive influences without significant loss of its functionality. Such a stability is resilience, flexibility, the ability to adapt to a new security environment, new challenges and to remain resistant to social crises, as well as to recover quickly after them. In the world scientific thought, national stability is one of the most common concepts in the field of national security, and civil society is considered as its core component *pleno jure*.

The real testing of the national stability of Ukrainians was the annexation of Crimea by the Russian Federation in 2014 and the armed conflict in eastern Ukraine. In 2014 it is civil society which became an active part of the national resistance, which gave rise to such forms as volunteer movements supporting Ukraine Armed Forces, Volunteer Battalions of Territorial Defense of Ukraine, and charity of Ukrainian business. Thus, since 2014 Ukraine has experience in using the potential of civil society in the processes of implementing national stability and supporting national security. Precisely because the rapid and effective self-mobilization of civil society in 2014 the country has not lost its state sovereignty over most of its territory. According to Estonian experts opinion, the International Center for Defense and Security (ICDS) is currently the ground and a laboratory of innovative ideas and practices that form the basis of a whole-of-society approach to security and defense, according to which representatives of all population groups take responsibility and contribute to national security at the same level and together with public authorities[7, p.1].

In 2021 Ukraine began the process of institutionalization of the phenomenon of national stability and its legislative enshrinement in the government strategic documents in the field of national security, in particular in the National Security Strategy of Ukraine, the Military Security Strategy. Thus, the National Security Strategy of Ukraine specifies that one of its main basic principles is sustainability: the ability of society and the state to adapt quickly to changes in the security environment and maintain sustainable functioning, in particular, by minimizing external and internal vulnerabilities [12]. Current reforms in the governance of Ukraine's security and defense sector create opportunities for more intensive cooperation and synergies between government entities and civil society in the field of national security and bringing national stability to a new institutional level.

One more level of participation of civil society actors in the processes of national security is information and analytical support of national security. A necessary prerequisite for this activity is the organization of mutually beneficial cooperation and interaction between the governing entities, public organizations and businesses on the basis of trust and respect. In Ukraine information and analytical support of national security is provided by civil society entities in two directions: informational: counteraction to fakes from the Russian propaganda and struggle against destructive informational influences on public consciousness of Ukrainian citizens; and analytical: intellectual support of state and administrative decisions taking.

Some examples of non-governmental entities concerning supporting information security are the Ukrainian Crisis Media Center, the Bureau for Combating Hybrid Warfare, the International Center for Combating Russian Propaganda, and the "Bastion" International Information Consortium, which includes:

"Informatsiyni spryvtv" (informational resistance, "IC"); Army Research, Conversion and Disarmament Center; InformNapalm International Volunteer Network; "Myrotvorets" (Peacemaker) Center. Already in 2016 "Bastion" signed a Memorandum of Cooperation with the National Security and Defense Council of Ukraine (NSDC), the purpose of which is to coordinate the actions of the consortium with the entities of Ukraine's security sector: data exchange as for the information aggression of the Russian Federation against Ukraine, holding bilateral consultations in order to counteract the negative information influence of the Russian Federation, as well as developing recommendations for government entities and media organizations to identify and counter the information operations of the Russian Federation; involvement of IIC "Bastion" experts in the development of conceptual documents, as well as tactics and strategies for defence the interests of Ukraine in the information space.

The StopFake project is a crowdsourcing project created in March 2014 by teachers, students and graduates of the School of Journalism in National University of Kyiv Mohyla Academy. The idea of its establishing arose after the occupation of Crimea and in response to an aggressive propaganda campaign in the Russian media.

The system of intellectual support of state administration in the field of national security by the non-governmental sector is represented by think tanks, opinion factories, that provide intellectual support to government entities in decision-making. An additional area of work of think tanks is the training of the management elite, the formation of a vision of future international policy, cooperation with government entities, the involvement of civil society leaders in political activities, political education of the public.

According to the results of the annual Global Go To Think Tank Index Report 2020, presented by the "Think Tanks and Civil Society" (TTCSP) Program of the Lauder Institute of the University of Pennsylvania, the world's leading think tanks have been identified. The program conducts research as for the role of think tanks in the development of civil society and political institutions around the world. According to the research Ukraine ranks 6th among 22 Eastern European countries as for the number of think tanks: Ukraine has 39. In the Top Think Tanks Worldwide ranking, which consists of 177 positions, the Ukrainian Razumkov Center (Institute for Economic and Policy Research) ranks 45th. It is the only domestic think tank, which is marked in four categories: Top Defense and National Security; Top Foreign Policy and International Affairs Think Tanks; Top International Development Policy Think Tanks; Top International Economics Policy Think Tanks. And among the think tanks of Central and Eastern Europe, the Razumkov Center took 1st place for the second time in a row [4].

In addition to the Razumkov Center seven other Ukrainian think tanks are listed in the overall ranking of the region among 109 organizations. These are: the International Center for Policy Studies (ICPS), Kyiv National University of Economics, the Ilko Kucheriv Democratic Initiatives Foundation, the Dnipro Center for Social Research, the Institute for Economic Research and Policy Consulting, the Institute for Analytics and Advocacy, and the Institute for Mass Media.

The participation of civil society in the processes of democratic transition can also be defined as support for personnel reform of public administration. High-quality human resources should provide socio-political and socio-economic reforms which are underway in modern Ukraine. The development of high-quality and diverse personnel potential of the state is a matter of national security of Ukraine and its international image. Ukrainian civil society in the period from 2014 to the present has been becoming the main human resource that helps the public administration system to perform functions to support national security. After 2014 volunteers, representatives of domestic business, and veterans of the Anti-Terrorist Operation were employed in government entities on civil service positions.

Many of the volunteers left their own successful businesses for the sake of the country and found employment in government entities and are professionally engaged in politics. They were elected deputies at the national and local levels, some of them became the military. Below there are some examples: Yuriy Biryukov: Ukrainian businessman, public figure, politician, founder of the group of volunteers "Phoenix Wings", which provided support to Ukrainian troops during the war in eastern Ukraine, adviser to President Petro Poroshenko (from August 2014 to May 2019), adviser to the Minister of Defense (October 2014 to 2019), member of the Central Council of the political party "European Solidarity"; Tetyana Rychkova: Assistant Minister of Defense and Chief of the General Staff (since 2015), People's Deputy of Ukraine (Verkhovna Rada of Ukraine of the VIII convocation) (since 2016); Adviser to the Deputy Minister of Defense and volunteer Natalia Voronkova; and others. At their public and political positions volunteers expose corruption and control the transparency of finances in security and defense sector entities, fight the bureaucracy of civil servants and their inaction, implement innovative projects, and so on. Nowadays the level of confidence in volunteers among the public is rather high. 66% of Ukrainian pollee citizens trust volunteer organizations [14].

Democratic civilian control over the security and defense sector is an important element of democratic transition processes. This is one of approaches that assumes, that a democratically elected political power and civil society are liable for making strategic decisions in the military sphere, not military command. The Law of Ukraine "On National Security of Ukraine" provides the following definition of this notion: "Democratic civilian control is a set of legal, organizational, informational, personnel and other activities carried out in accordance with the Constitution and legislation of Ukraine to ensure the rule of law, legality, accountability, transparency of security and defense entities, along with other entities, whose activities are connected with limitation of human rights and freedoms in cases defined by the legislation, supporting their effective activity and carrying out the functions assigned to them, strengthening Ukraine's national security".

Taking into consideration the fact that strategic decisions, such as the decision to start or end a war, have a great impact on the lives of all citizens, society's ability to control the military bloc is often seen as an integral part of a democratic country. The notion of democratic civilian control over the armed forces combines several processes at once:

- Civil society control over decision-making in military sphere
- Parliamentary control over defense policy
- Judicial control over compliance with the law in the military field
- Civil control by non-governmental organizations, independent media, trade unions.

There has formed a comprehensive system of democratic civilian control over the security and defense sector in Ukraine, the main elements of which are the following:

- control by the President of Ukraine, which is exercised over through the National Security and Defense Council of Ukraine, authorized officials and entities;

- parliamentary control exercised by the relevant committees, the Accounting Chamber and the Verkhovna Rada Commissioner for Human Rights;
- control by the Cabinet of Ministers of Ukraine, executive bodies and local self-government bodies;
- judicial control;
- public control.

In general, Ukraine has implemented all the basic provisions of the Parliamentary Assembly of the Council of Europe recommendations on democratic control over internal security services, in particular:

- the Verkhovna Rada of Ukraine has developed and adopted laws regulating the activities of intelligent services and law enforcement agencies, including as for operational and service activities, during which the rights of citizens may be temporarily limited;
- the Parliament of Ukraine approves the budget of the security and defense sector entities and monitors the status of its implementation through the Accounting Chamber of the Verkhovna Rada of Ukraine;
- executive bodies exercise consistent control over the activities of law enforcement agencies, which provide annual reports on their activities, as well as periodically prepare white papers;
- Judicial authorities carry out preliminary and subsequent control, by issuing permits for measures that temporarily limit human rights. All citizens can also apply to the court with petitions as for possible violations of their constitutional rights;
- Public associations and citizens have the right to access information collected by security sector entities. Exceptions to exercise this right may be only in case of achieving information with limited access, which specified by the legislation of Ukraine;
- The Verkhovna Rada Commissioner for Human Rights examines citizens' petitions regarding possible violations of their rights; tables submissions on the issues of observance of the rights and freedoms of citizens to the Prosecutor General, to heads of law enforcement agencies, military formations and intelligent services; provides appropriate proposals for adoption of legislative acts;
- According to the Law on Information, every citizen can apply to intelligent services or law enforcement agencies concerning a particular issue. Such requests must be compulsorily examined in accordance with the competence and requirements of the legislation.

4 Discussion

Taking into account above said and European principles of formation and development of the system of democratic civilian control over the security and defense sector, the following ways of developing and improving the efficiency of such a system in Ukraine can be specified:

- 1) improving the efficiency of democratic civil control entities, which includes development of government administration system of the security sector, providing for:
 - coordination of functions, powers, responsibilities and control over its parts;
 - getting feedback from independent (impartial) control over management parameters;
 - strengthening the coordination capabilities of the National Security and Defense Council of Ukraine along with ensuring the systematic approach and comprehensiveness of its management decisions concerning the security and defense sector;
- 2) ensuring the effectiveness of public authorities in developing the Armed Forces and other military formations, the military-defense complex with the priority definition of the conceptual foundations of political management of the defense sector, functions and tasks of all security and defense sector entities;
- 3) scientific substantiation of institutional transformations and administrative decisions on issues related to security and defense. Development and practical application of democratic civil control, scientifically based criteria and methods of step-by-step evaluation of the results of the functioning of all security sector structures, taking into account the specifics of their tasks, functions and powers;
- 4) improving the effectiveness of parliamentary control, in particular by:
 - inclusion in the practice of the Verkhovna Rada of Ukraine of issues related to consideration and approval of state programs for the establishing and development of security sector entities, which provides responsibility for the effectiveness of their implementation;
 - strengthening control over the entire defense budget and over its most important elements;
 - initiating an open public dialogue on strategic issues of defense and security policy, followed by the implementation of the prepared proposals;
- 5) optimization of the procedure of providing periodic reports and personal responsibility of senior government officials for the quality and implementation of decisions in the field of military reform, military-political and economic efficiency of defense spending;
- 6) ensuring transparency of conceptual decision-making processes in the defense and security spheres, in particular on issues of the defense budget, personnel policy, social and legal protection, which will create conditions for independent expertise, awareness of citizens and society;
- 7) refining of mechanisms of involvement in the practice of formation of the state defense policy and system of democratic civil control by scientific institutions, institutes of civil society, non-state think tanks and mass media.

5 Conclusion

1. The democratic transition process in Ukraine led up to a change in approaches of understanding the essence of national security and practice of its support. Today, in a scientific thought and at the legislative a value-oriented approach plays a significant role, based on the necessity to protect democratic values, which are the basis for the formation and implementation of national interests.
2. Ukraine has moved from a military organizing of a national security system to a sectoral approach of organizing. The structure and functions of the security and defense sector, which includes citizens and public organizations, have been determined. At the same time, the State Bureau of Investigation and the National Anti-Corruption Bureau of Ukraine are excluded from it. This is caused by the independence of these law enforcement agencies.
3. Democratic changes in the security and defense sector have not been completed and finally implemented in the process of implementing national security policy. Problems of economic and ideological nature, the unwillingness of society to systemic transformation, the polarization of political actors as for domestic and foreign policy priorities is often the obstacle to democratic transition in the field of national security. In addition, the remnants of a hybrid-type political system, characterized by corruption, nepotism, and cases of using authoritarian, informal practices in public administration, are preserved. At least the successful completion of democratic transition in the field of national security is impossible without democratization in the system of public relations.
4. It should be noted that at the constitutional level of national security legal support, changes are not urgent and its current state is sufficient to ensure national security. At the same time, as the experience and practice of some UN institutions show that it is urgent to amend the UN Charter to allow the UN General Assembly 2/3 of the composition to overcome the veto of any permanent member of the UN Security Council, or in the case when an international court will determine an act of aggression of any permanent member of the UN Security Council, in relation to any other country, while voting to respond to an act of aggression, the aggressor state should be deprived of the right to vote. This caused by the fact that the current situation allows almost with impunity, from the point of view of international law, permanent members of the UN Security Council to commit acts of aggression against other countries, and then veto any decisions on this issue in the UN Security Council.
5. The legislative level of national security legal support also needs to be improved, first of all, with regard to the need to harmonize the norms of laws with the requirements of the Constitution of Ukraine, provide more precise wording of

basic concepts, and more clearly structure such legislation. In general, each lower level of legal support should accord to and be consistent with the higher level.

6. The bylaw level of national security legal support should be streamlined. The National Security Strategy, as well as other Strategies adopted on its basis, should contain specific goals, quantitative and qualitative indicators, as well as the period during which these goals should be achieved.
7. Active and strong civil society can and should participate in the processes of protection of national values and realization of national interests, so it is an important factor in ensuring the security of democratic countries. This statement becomes especially relevant in the context of new hybrid threats Ukraine is facing.

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