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*Nevodchokova I., postgraduate student of National University of Civil Defence of
Ukraine, Cherkasy*

ORCID: 0009-0008-5998-8822

ANALYSIS OF THE LEGISLATIVE FRAMEWORK IN THE SPHERE OF PUBLIC MANAGEMENT OF THE SECURITY AND DEFENSE SECTOR OF UKRAINE IN TERMS OF EXISTING RISKS

The main risks associated with the organizational and legal support of public management of the security and defense sector of Ukraine were investigated. The regulatory and legal acts in the field of the functioning of the security and defense sector were analyzed, their structural and substantive flaws were identified, and the risks that affect the effectiveness of increasing the level of national security were systematized. The methods of comparative analysis, risk management, and data visualization were applied. A heat map of risks and a diagram of the relationships between entities providing organizational and legal support for the functioning of the security and defense sector have been constructed.

Keywords: *public administration, public administration system, organizational and legal mechanism, national security, security and defense sector, crisis situations, strategizing, legal regulation, legislation, modeling.*

Problem setting. The security and defense sector is a system-forming element of state governance, which ensures the stability of the state, preservation of sovereignty, territorial integrity and protection of citizens. Legislative regulation of this sector determines the framework within which strategic, organizational and personnel decisions are implemented. Imperfection of legal norms can turn into a risk factor, creating gaps in the functioning of public administration mechanisms. In the context of armed aggression of the Russian Federation and hybrid threats, Ukraine is in the process of constant improvement of the

regulatory and legal framework in the field of security and defense [5]. However, this process is accompanied by a number of risks, which are both legal and managerial in nature.

Recent research and publications analysis. Organizational, legal, and other aspects of ensuring of the development of security sector are the subject of consideration by V. Bashtannik, S. Belay, O. Bondarenko, A. Vasyliiev, I. Volkov, V. Gorbulin, Yu. Gladun, Yu. Dreval, E. Zhivilo, O. Kravchuk, O. Kryukov, O. Lyshevska, N. Nyzhnyk, V. Novikov, V. Oluyko, O. Parkhomenko-Kutsevil, S. Poroka, O. Trush, T. Yarovoy, and others [3; 5; 6]. At the same time, the relevance of scientific research dedicated to the assessment of the development of security and defense sector in today's minds is becoming more relevant.

Paper objective. The purpose of this article is to highlight the features of the project approach to the thorough development of public administration mechanisms in the sphere of security and defense sector in Ukraine.

Paper main body. The modern system of public administration of the security and defense sector of Ukraine is in a state of deep transformation, caused by both internal political reforms and external challenges related to the ongoing armed aggression of the Russian Federation. Changes in the structure of government bodies, adaptation of legislation to NATO and EU standards, and expansion of the role of civil society - all this creates new conditions for legal regulation of the security sector [1].

However, despite the presence of a large-scale regulatory framework, the effectiveness of its implementation remains ambiguous. The reason for this is the presence of systemic security risks that arise due to inconsistency, duplication, or obsolescence of legal norms. Legislative acts adopted in different historical periods often do not take into account modern hybrid threats, cyber risks, as well as new forms of international cooperation in the security sector [2].

Therefore, a comprehensive understanding of the legislative system of security management not only as a set of norms, but as a risk management mechanism that should ensure adaptability, flexibility, and preventiveness of the state's response to threats becomes an urgent task.

As is known, risks in the field of security and defense are defined as potential factors that can reduce the effectiveness of state policy due to the inconsistency of regulatory acts

with modern challenges. They can be:

- – institutional (dispersion of competencies between government bodies);
- – procedural (insufficient coordination and transparency of procedures);
- – resource (shortage of financial, personnel or information support);
- – legal (inconsistency or obsolescence of norms).

“Legal security risks” are understood as a set of legal and procedural factors that can cause a violation of the stability, effectiveness or legitimacy of the actions of public institutions in the security sector. Unlike classical management risks, legal risks are structural and reproductive in nature, that is, they are enshrined in the system of laws, regulations and by-laws [3; 5].

The concept of public security management requires systemic coherence between levels of state power, mechanisms of parliamentary control, public oversight and executive discipline. When conflicts arise between these levels, the predictability of management processes is lost. This creates zones of regulatory turbulence in which decisions are made situationally, rather than strategically.

- In modern science, several approaches to assessing legal risks are distinguished (table 1):
- – institutional, which analyzes the degree of interaction between management entities;
- – functional, which focuses on the processes of policy formation and implementation;
- – regulatory, which considers the stability of legislative norms in dynamics [4].

Table 1

Typology of security risks in legislative support

Risk category	Content of the manifestation	Potential consequences
Regulatory and legal	Conflicts between basic laws, unclear terms	controversial decisions, legal nihilism
Institutional	Uncertainty of competencies between the Ministry of Defense, SBU, and the Ministry of Internal Affairs	duplication or gaps in the performance of functions
Organizational	Insufficient coordination between agencies	reduced effectiveness of response to threats
Resourceful	Lack of human and financial resources	limitations in implementing security strategies
Digital	Lack of unified cyber defense standards	vulnerability of government data systems

Source: author's development

The above categories demonstrate that the issue of legislative risks is complex. Risks of one level generate others: regulatory contradictions – institutional conflicts, organizational inconsistency - resource losses, etc. At the same time, the fact of asymmetry of influence between the subjects is obvious: the President and the NSDC retain the strategic initiative, while government structures carry out executive coordination, often without clear legislative regulation of feedback loops (table 2).

Table 2

Risk heatmap

Regulatory scope	Probability of risk occurrence	Impact of risk on national security	Risk level
Cybersecurity	0.82	0.79	High
Human resources policy	0.76	0.81	High
Financing	0.61	0.63	High
Public control	0.49	0.55	Moderate
Legislative conflicts	0.85	0.88	Critical

Source: author's development

The heat map (presented in Table 2) shows that the highest level of risk is observed in the areas of legislative conflicts and personnel policy, since they directly affect the stability of the security sector management vertical.

The legal framework is formed by the Constitution of Ukraine, the laws “On National Security of Ukraine” (2018), “On Defense of Ukraine”, “On the Legal Regime of Martial Law”, “On the Security Service of Ukraine”, etc [1; 2]. Despite their formal completeness, there are significant differences in the conceptual apparatus between the documents, which gives rise to interpretive contradictions in practical application.

For example, in the Law “On National Security of Ukraine”, the concept of “state security policy” is defined as a system of coordinated actions of state authorities, while in the Law “On Defense of Ukraine” it has a connotation of “military-political activity”. This semantic difference creates the basis for dual management, when the functions of defense and security overlap between different entities [1; 5].

Another problematic aspect is the instability of the legislative environment. Frequent changes in regulatory legal acts without proper analytical assessment of their impact lead to a decrease in trust in the legislation among executors and citizens.

To increase the resilience of the regulatory environment to risks, it is advisable to introduce the following mechanisms:

1. Risk-oriented approach to rulemaking. Before adopting each regulatory act, its impact on the security system should be assessed, in particular in terms of legal compatibility, institutional coordination, and managerial adaptability [6].

2. Institutional integration. It is necessary to create an interdepartmental group for assessing regulatory risks at the National Security and Defense Council, which will function as an analytical center for monitoring legislative changes.

3. Digitalization of control processes. Using a single information platform for analyzing regulatory acts in real time will make it possible to identify duplications and contradictions even at the stage of developing draft laws.

4. Involvement of civil society. Expert organizations and analytical centers should participate in the development of regulatory documents in order to strengthen transparency and public control.

Conclusions. Security risks of the legislative framework for the management of the security and defense sector of Ukraine are not only a consequence of martial law or the complexity of the political system, but also the result of insufficient strategic integration

between the legal, administrative and institutional levels. The fragmentation of legislation, frequent changes to regulatory acts without comprehensive analysis, uncertainty of terms and competencies create an environment of legal instability, which reduces the state's potential to respond promptly to threats.

An effective solution to the problem is possible only through the implementation of a model of risk-oriented legislation, which provides for a deep expert assessment of the consequences of each regulatory act for the national security system, strengthening parliamentary control and transparent interaction with civil society. Thus, the formation of an adaptive, predictable and sustainable legislative field is a key condition for ensuring the defense capability and political stability of the state in the 21st century.

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