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## МЕТОДОЛОГІЧНІ ЗАСАДИ ПІЗНАННЯ ПРАВА НАЦІОНАЛЬНОЇ БЕЗПЕКИ УКРАЇНИ

**Анотація.** У статті досліджуються проблеми застосування методологічних підходів у пізнанні права національної безпеки України, як галузі національної системи права. Актуальність дослідження полягає у винятковій важливості проблем, які стосуються правового забезпечення національної безпеки України в умовах глобалізаційних змін світового правопорядку, порушення суверенітету і територіальної цілісності України внаслідок агресії Російської Федерації. Метою дослідження є розкриття методологічних основ права національної безпеки України, як галузі у системі національного права. Для досягнення мети дослідження використані сучасні наукові підходи і методи. В основу пізнання права національної безпеки України покладено міждисциплінарний і системний наукові підходи. Міждисциплінарний підхід забезпечує дослідження усіх складових права національної безпеки з використанням можливостей різних наук та галузей юриспруденції. Системний підхід, маючи всеосяжний характер, дозволяє розкрити структуру цієї галузі права, визначити місце і роль суб'єктів соціальних комунікацій у системі національної безпеки України, а також здійснити критичну переоцінку методології структуралізму і теорії структурації з огляду на особливості права національної безпеки. Інституціонально-функціональний підхід доповнив можливості системного підходу і дозволив розкрити інституційні властивості права національної безпеки України, його функціональне призначення. Особливе значення у пізнанні права національної безпеки виявляє холістичний науковий підхід, який допомагає визначити предметну цілісність цієї галузі права з використанням теорії цілісності. За допомогою синергетичного підходу розкрито закономірності самоорганізації права національної безпеки з виділенням нелінійних характеристик, які з необхідністю обумовлюють використання парадигми ризому та орієнтують на аксіологічну основу цієї галузі права. Результатом дослідження стало розкриття теоретико-методологічних основ права національної безпеки України, а застосування розглянутих у роботі методологічних підходів пізнання поряд з використанням відповідного правового режиму дозволило автору науково обґрунтувати концепцію права національної безпеки у системі права України.

**Ключові слова:** право національної безпеки, цілісність права, парадигма ризому, правовий режим, методологія права національної безпеки.

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## METHODOLOGICAL BASES OF KNOWLEDGE OF THE UKRAINE'S NATIONAL SECURITY LAW

**Abstract.** *The article deals with the problems of using methodological approaches in the knowledge of the Ukraine's national security law as a branch of the national legal system. The relevance of the research is of the utmost importance of the problems concerning the legal support of Ukraine's national security in the context of globalization changes in the world order, violation of the sovereignty and territorial integrity of Ukraine due to the aggression of the Russian Federation. The purpose of the research is to disclose the methodological bases of the Ukraine's national security law, as a branch in the system of national law. Modern scientific approaches and methods are used to achieve the purpose of research. The basis of knowledge of the Ukraine's national security law is interdisciplinary and systematic scientific approaches. An interdisciplinary approach provides for the research of all components of the national security law through the use of the means of various sciences and branches of jurisprudence. The system approach in understanding the Ukraine's national security law is comprehensive, allows you to discover the structure of this branch of law, defines the place and role of personality in social communications of the Ukraine's national security system, and to critically re-evaluate the methodology of structuralism and the structuration theory in the light of the particularities of national security law. The institutional-functional approach complemented the capabilities of the systematic approach and allowed to reveal the institutional features of the Ukraine's national security law, its functional purpose. Of particular importance in the knowledge of national security law is the holistic scientific approach that helps to determine the substantive integrity of this branch of law using the theory of integrity. The synergistic approach reveals the regularities of self-organization of national security law with the release of non-linear characteristics, which necessitate the use of the paradigm of rhizomes and orient the axiological basis of this branch of law. The research resulted in the discovery of the theoretical and methodological foundations of the Ukraine's national security law, and the application of the methodological approaches of cognition considered in the work, along with the use of the appropriate legal regime, allowed the author to substantiate the concept of national security law in the legal system of Ukraine.*

**Keywords:** national security law, the integrity of law, the paradigm of rhizomes, legal regime, methodology of the national security law.

### INTRODUCTION

Cognition of national security law is based on the reflection of many social phenomena, actions and objects of the material world, which form a universal, general and individual security environment. At the same time, a scientific strategy for the study of national security law, as a certain systemic integrity, must take into account, first and foremost, the needs of human and society for a safe life and existence based on the interaction of law and the state with addressing practical issues of protection

against external and internal threats. National security law, as a subject of research, has unique features that are based on a systemic vision and are distinguished due the specificity of internal organisation, functional factors, and therefore require a special approach in understanding the meaningful and essential characteristics of its integrity.

The peculiarity of the interaction of law and the state in the context of solving the problem of national security lies in the formation of legal regimes, those concepts that provide significant opportunities for understanding the legal nature of national security, its dependence on law in any social organisation and at all levels of development and existence of society, which is manifested, first of all, in providing reliable protection of national interests against external and internal threats.

Scientific research on national security law focuses on several areas. Philosophical, theoretical and methodological problems of national security were reflected in the works of A.P. Dzoban [1]. Political and legal aspects of national security were considered by A.F. Belov [2]. The research of legal bases of national security as a complex problem was carried out in the works of V.G. Pilipchuk [3]. The problem of state policy of national security and its conceptual foundations became the subject of consideration of G.P. Sitnik [4]. The law of national security of Ukraine as a branch of law is stated in the works of V.A. Lipkan [5]. However, the analysis of scientific developments showed that there is no methodological justification for the concept of national security law of Ukraine, which does not contribute to the solution of this problem and especially emphasises the relevance and timeliness of the research conducted within the article.

The aim of this study is to uncover the methodological arsenal formed on the basis of ideological and scientific approaches, which is used and functions in the knowledge of national security law. In the conceptual vision of national security law, in the first place not just defining the nature, content and purpose of this area of law, but revealing rational features of such a complex and at the same time important doctrinal problem, which in national jurisprudence is national security law. The doctrine of national security law depends entirely on the methodological possibilities of cognition of the normative-value formation that arises in the system of national law, in fact, the right of national security, providing necessary and sufficient legal influence on social communications existing in the field of national security, implemented by the state and not related to not only society but also an individual. In this context, scholars' positions on the inextricable interconnection of methodology, theory of law and legal practice are extremely important [6]. It can be stated that the methodological foundations of national security law substantiate not only its epistemological characteristics but also the empirical background, test the ability of the national security right to exercise legal intent directly in the field of national security.

## **MATERIALS AND METHODS**

The methodology of knowledge of national security law, first of all, must be based on the fact that in jurisprudence, national security is a complex problem, the solution

of which is possible due to the development of most research areas of jurisprudence, state and law in their dialectical unity and interaction. National security, as a phenomenon of social importance and civilisation order, is based on humanistic principles, and therefore the importance of the concept of national security law to address issues not only of the state and society, social institutions, but of an individual, is understood and perceived not only in domestic jurisprudence.

At the same time, law and national security are inseparable in the formation of models of social communications, where human attitude to the environment, its relations with numerous institutions and interpersonal relations are characterised by predictability, non-conflict or tend to remove internal and external conflicts. The role of national security law is to form and develop numerous legal communications that determine the security of an individual, society and the state against internal and external threats. Consequently, the methodological basis for cognition of national security law is quite complex, it contains many scientific approaches, among which are interdisciplinary, systemic, institutional-functional, holistic, synergistic approaches. Structural theory is important for understanding the concept of national security law. In such circumstances, the methodological foundations of knowledge of national security law are based on the application of general scientific methods that are sensitive to worldview. Abstraction in identifying the methodological basis of knowledge of national security law provides a certain, but still conditional purity of scientific development, the opportunity to focus on the general patterns of systemic vision of law and its components. Instead, the method of specification reveals the integrative properties of national security law, focuses on its complex nature, but does not remove the issue of sectoral origin in the system of law. Systematic analysis in the application of scientific approaches has a significant effect in determining the features of national security law, its regulatory and institutional features, the interaction of the internal elements of its own system and no less complex interaction with other components of the system of law. The holism method reveals and accompanies the characteristics and capabilities of a holistic approach towards defining the integrity of national security law, providing an approximation to the systemic understanding of this complex formation. It must be noted that the methodological principles of knowledge of national security law do not have any restrictions on the application of research methods, since there are no restrictions on the use of ideological and scientific approaches to address this complex problem of modern jurisprudence, the state of scientific development of which is currently not justified.

In the end, the conceptual vision of national security law is appropriately doctrinal through the separation of methodological tools that allow not only posing the problem but also finding the right solution, to draw a perfectly clear rational line of unity between the regulatory, institutional and organisational components of national security law. In this context, national security law receives a methodological platform that enables the development and resolution of a range of problems in this area of law in favour of a

more effective action of both the entire social and the greater state mechanism of national security.

It is important to apply innovative methods to substantiating not only the sectoral affiliation of national security law to the system of national law in such a systemic quality, but also internal characteristics, peculiarities of social origin of this branch of law and its functioning among other normative communicative factors existing in society. This is facilitated by the proposed and expanded nonlinear characteristics of the system of law, with the separation of the epistemological centre, which is the rhizome paradigm. It must be recognised that the rhizome of law becomes theoretically applicable in the formation not only of the methodological foundations of knowledge, but also of a correspondingly thorough concept of national security law.

## RESULTS AND DISCUSSION

National security law, as the subject of the study, affirms its own integrity, but has clearly defined complex features due to the peculiarities of national security [7]. It is natural that in such circumstances the study of national security law should be conducted using an interdisciplinary approach, which sufficiently ensures the methodological relevance of the research program on the way to the described aim [8].

Of course, an interdisciplinary approach, with all its powerful methodological arsenal and considerable methodological capabilities, is sufficiently effective but not sufficient in view of the complexity of the methodological challenge in revealing all the frontiers of national security law as a whole. Therefore, the interdisciplinary approach does not in any way limit the use of other scientific approaches, which include not only systemic, holistic, but also institutional, functional and synergistic approaches. At the same time, it must be acknowledged that, in addition to the objective necessity of its application, the interdisciplinary approach guarantees the greatest scientific effect in the research work on the disclosure of the concept of national security law and its integrity. Moreover, the institution nature of law and the state requires the use of research methods that fully reveal the features of not only legal and state institutions in the field of national security, but also the interaction of law and the state in solving the problems of national security [9]. The empirical nature of national security, which should be emphasised, is in identifying the features of the real state of protection of an individual, society and state against external and internal threats<sup>1</sup>. At the same time, the epistemology of national security does not appear without adequate interdisciplinary research, which strongly confirms the general thesis that a multidisciplinary approach is needed in the study of national security law and its integrity.

It should also be noted that an interdisciplinary approach to national security law is driven by the functional features of law and the state. The legal regime of national security is based on the implementation of practically all functions of law and the state,

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<sup>1</sup> Law of Ukraine “On National Security” (2018, June). Retrieved from <http://zakon.rada.gov.ua/laws/show/2469-19>.

both in their separation and in dialectical combination. Characterisation of the functions of law and the state forces a researcher to use methods and ways of cognition of different branches of jurisprudence, which is determined precisely by the interdisciplinary approach. Therefore, an interdisciplinary approach to national security law is necessary and important given the subject matter and strategy of the study. An interdisciplinary approach allows substantiating the concept of national security law of Ukraine, exploring issues of formation and development of this branch of law in the system of law of Ukraine. National security law in its formation undergoes a complex process of structuring, and therefore structural analysis is important for the definition and characterisation of this area of law. The structure of national security attests to its holistic nature, bringing it closer to systemic perception and definition of the unity and interaction of all system elements.

Systematic features of national security law are based, first of all, on the systematic nature of the law, but it is difficult to present the legal form and legal content of national security as a system. There is some inconsistency between the perception of national security as a system under which the state of security of an individual, society, state, and the legal solution of national security at the ontological level are formed. This inconsistency requires a scientific explanation, which is why it is needed to turn to the understanding of systematic law in the context of the formation of conceptual principles of national security law. Scientific studies of the system of law have been conducted and are being conducted quite actively, which generally contributes to the development of conceptual ideas that underpin not only the legal system but also the national legal systems. In this case, the choice of a methodological approach to research focuses primarily on the application of a systematic approach, other methodological approaches are used to the extent that compensates for the deficiency of techniques, principles and rules of cognition defined by the research program. However, it is important to understand that the system of law contains not only doctrinal but also ideological characteristics, and therefore exhibits a dualism of ideology and doctrine.

Systematic nature of law is not only its most important property, systemic nature is a methodological setting of cognition of any legal phenomena, the formation of legal constructs, among which legal integrity is important. Integrity, as a characteristic of the subject matter of the study, which is a national security law, is only one of the defining features of systematic nature. Therefore, it is expectable to turn to a systematic approach and its epistemological capabilities in understanding national security law as a certain structured integrity. The jurisprudence methodology proposes to apply a systematic approach and characterise its features at several levels. At the same time, according to the author, it is necessary to use both the classical understanding of the systematic approach and the postclassical, which is manifested, in particular, in the polysystemic vision of legal phenomena that form a general conception of law as a system in a state of constant development, and a static state of which has only a certain temporal dimension.

Polysystem [10] in the methodological provision of knowledge of law in general and national security law, in particular, allows expanding the boundaries of the systematic approach and to bring scientific research closer to understanding legal integrity. Therefore, this is not about contrasting the systemic approach to the polysystemic vision of the object of study to which it is entitled, but about forming a holistic picture of our conceptions of law and its phenomena by identifying the components that shape the common law system as separate systems. Such a research picture of the polysystemic vision of law is its integrity.

It can be argued that a polysystemic understanding of the content and properties of law allows one to successfully solve any ontological problem, including cognition of national security law. In this sense, national security receives important and necessary legal elements for internal unity, thus forming its own systemic integrity.

The question naturally arises as to whether it is worthwhile to deepen into the features of a systematic approach in the context of the formation of a conceptual model of legal integrity, and in particular of national security law as a whole. System methodology is based on many root causes. Among such root causes, polysystem and integrity are important, but not the key. At the same time, more careful clarification proves that the use of the previously accumulated arsenal of knowledge about system methodology in today's postmodern perception of law remains ineffective. This also applies to the use of the classical understanding of the systematic approach to determine the conceptual framework of national security law.

The concept of national security law must, first of all, be tested for its compliance with the universal requirement of systematicity, with the identification of institutional and functional characteristics. In solving this problem, the question remains concerning the study of the structure of law and legal phenomena, to which the law of national security certainly applies, using the provisions of structuralism. The current state of jurisprudence shows that structuralism manifests itself in post-structural views on law and legal phenomena.

The effectiveness of cognition of law using post-structural ideas is beyond doubt, but the structurality of law underlying such ideas is only one element of its system's characteristics. The structure of law in the context of applying a systematic approach remains a necessary and sufficiently organic element of the epistemological knowledge of national security law, the structure of which is complex, but affirms the integrity of this area of law. It should be borne in mind that post-structuralism for overcoming internal contradictions, which can be considered in national security law, allows going beyond the structure of objects and phenomena. Instead, the dogmatism of structuralism has a negative impact on the effectiveness of successful methodological tasks in the study of national security law. With regard to post-structuralism, the modern methodological arsenal of this epistemological approach focuses more on the philosophical explanation of reality, which has largely led to the emergence of postmodernism with the accentuation of ideas about the crisis of rationalism, deconstructivism, and ulti-

mately numerous social problems whose solutions are either unattainable or not subject to scientific discourse. Of course, it is not necessary to consider such methodological settings as acceptable for the cognition of national security law for many reasons, but the main point is that in postmodern conditions, issues of security of an individual and society come to the fore, are of primary importance for theoretical substantiation and practical application and are forced to search for more effective methodological tools. It is obvious that in the social aspect similar methodological tools and techniques are contained in the theory of structuring [11]. National security law, as a concept that needs to determine its unity, integrity in the system of law, cannot ignore the provisions of structural theory. The theory of the structure of society, and this needs to be focused on, based on a systematic approach to the study of social activity, where priority is given not just to an individual – an active social actor, but to social practices, the constant reproduction of certain social actions by individuals (social figures) [11]. These provisions are certainly important for legal communications, including in the field of national security. The theory of structuring, among other things, sufficiently substantiates the systemic paradigm of organising a society, the main actor of which is a person, as an active subject. Based on the theory of structuring, the active understanding of social reality is relevant to the cognition of law, its integrity, without which, in the end, the system itself is not imagined. The active perception of the national security system with the isolation of the subjects of this system particularly emphasises the importance of structural theory for the formation of the concept of national security law. Thus, the comprehension of law as a whole and of national security in particular, using structural theory, remains relevant and important.

The methodological possibilities of structuralism, post-structuralism, the theory of structuring, in our opinion, are conditioned by and based on the active, creative role of the systematic approach. Returning to the peculiarities of the systematic approach, it is necessary to pay attention to the important fact that systematic nature as a common property of organised phenomena and objects, as a necessary qualitative property of social activity, allows not only to successfully isolate and combine components of the system in their unity and interconnections, but to determine the peculiarities interaction between a subject and object in the process of cognition, which is not less important in the methodological aspect. This makes it possible to conclude the use of a systematic approach in the formation of the theory of legal integrity, which focuses on the integrity of law, legal phenomena that accompany not only the existence and activity of social actors, but also their associations in less complex and more complex social forms, to which national security law belongs.

All the complex aspects of systems of natural and social origin make it possible to understand the general theory of systems. Systems of social origin, of course, include, with some differences, the national security system. The difference between the national security system is that the systematic features are somewhat weakened in structural and functional dimensions. The components of the national security structure

operate independently, their autonomy is natural, but the teleological purpose of any institutional formation of the national security system compels the laws of the system, focusing solely on the goal achievement. The purpose, which is the safe conditions of human life, the existence of society and the state, determines the integrity not only of national security, but also of national security law.

Another issue that needs to be addressed and is methodologically supportive of the concept of national security law is epistemological pluralism existing in modern legal science. The multivariate scientific approaches, the widespread use of research methods cannot but affect the content and effectiveness of the systematic approach. The systematic approach has significantly expanded its cognitive capabilities, is sufficiently active in the outlook of the world, focusing not only on the epistemological disclosure of the causes and conditions of being right, but also on its institutional characteristics, largely dependent on the purpose of law, its rule in any national law system [12]. Formal features of the rule of law are more successfully revealed at a new methodological level, which can be considered as a continuation of the development of a systematic approach. Such a methodological level of research is an institutional and functional approach that is extremely relevant for scientific developments in national security law.

The institutionalisation of law is a complex enough process that demonstrates and reveals the internal linkages of law, its steady dependence on principles and rules, procedures that are manifested in both law-making and law enforcement. The solution to this problem lies in the plane of understanding law, the law as a certain social construction, which individual scholars refer to problems that are solved in the context of legal policy, not just legal doctrine [13]. At the same time, the theoretical and practical aspects of the interaction between law and the state give reason to emphasise the problem of institutionalisation. It turns out that the institutionalisation of law is closely linked to the institutionalisation of the state, it is through the institutions of law that legitimisation of state activity occurs, and the institutions of state power are increasingly seeking to actively influence the formation of the national system of law. Moreover, the activity of the institutions of state power in international relations leads to the extension of the legal foundations of the state mechanism, to the filling of the national system of law with new rules, which are effectively implemented into national legislation and legal practice, into the national legal system. This is facilitated by a continuous and dynamic process of legal acculturation.

The ontological foundations of the formation of national security law as a systemic integrity determine the question of institutional characteristics and functional purpose of such integrity, which not only in theory but also in practice allows revealing the peculiarities of the interaction of law, state and society in the direction of national security. Such interaction occurs through the regulatory and legal definition of those institutions of the state and civil society, which have to perform their functions to achieve a state of security, protection of national interests, among which the protection of fun-

damental rights and human freedoms are main. Moreover, the state of national security is considered in this case as the purpose of the activity of these state institutions, as an exclusive guarantee of the legal status of a person.

The possibility of ensuring national security is of universal importance and it is implemented with the obligatory use of institutional and functional means, which in their combination provide the basis for applying the institutional and functional approach.

Separation of social institutions, as system complexes that share common features and have the same orientation in social activity, is paramount in implementing the institutional and functional approach. The same orientation of social institutions is based on the performance of certain socially conditioned functions. That is why the society has the appropriate institutional characteristics, and the institutions operating in the society perform certain functions assigned by the purpose of these institutions. This conclusion applies not only to the state but also to law and is reinforced by the interaction of law and the state in the context of national security.

Institutional and functional approach is applied not only in the study of legal and state institutions, the unity of which in the power mechanism ensures its stability, which significantly affects the effectiveness of legal influence [14]. This methodological approach is necessary to justify the content and purpose of social systems, which are the law and the state. At the same time, focusing the cognitive process around social values, interests, goals and tasks of the establishment and development of the institutions of law and state allows identifying systemic features, concluding about the community and difference of such institutions, their static integrity and dynamic unity with respect to the respective social systems. This circumstance is extremely important for national security law, whose system is a matter of discourse and requires doctrinal justification today. However, the lack of unity in understanding the ontology of national security law and its system does not mean that such a phenomenon does not exist. The institutional and functional approach makes it sufficiently convincing to reveal the specific features of national security law and to confirm the reality of its existence within the national legal system. In fact, the law and the state, in their essence, produce social institutions that are functionally related. This is where the peculiarity of interdependence arises and clearly manifests itself – society requires legal institutions that are not only declared but also produced by the state. The state is not an impersonal, abstract concept in the social organisation of society, since it is represented in the society by certain institutions, which are formed solely on the basis of a corresponding functional order, which must come from and actually originate from society. For national security law, it is important that imposing on the public society those institutions, which do not meet social needs, is impossible, and such impossibility is based, first of all, on the effective operation of law and established constitutional mechanisms. The idea of constitutionalism [15], as one of the leading ideas of the general principle of the rule of law, is realised in the ability of the state mechanism to create such institutions that, first,

meet the requirements of law, and, secondly, exist and act (fulfil certain functions) solely on based on the requirements of law.

Turning to the institutional-functional approach, we go through a consistent, methodologically validated path that goes through the knowledge and understanding of the foundations of institutionalism and functionalism. However, the phenomenology of institutionalism and functionalism, of course, is separated from the understanding of the essence of institutions as certain groups of norms that perform certain social functions on the basis of legal prescriptions, it does not allow forming and, therefore, using the institutional-functional approach as an important means of cognition the national security law.

Instead, no matter how grounded are the provisions of the institutional and functional approach in the methodology of legal knowledge, without determining the place of an individual in the complicated mechanism of formation and operation of legal and state institutions, it is impossible to reveal the social nature, and hence the social significance of such an approach to understanding the law of national security as a coherent community in the system of law, which is open in its formation to sectoral entities [16].

The National Security Law Study Program envisages the application of other methodological approaches, including a holistic approach, which substantiates the principle of integrity and allows specifying the boundaries of cognition among systematic studies, enriching the methodological arsenal with new visions of the legal form of national security.

A holistic approach, the possibilities of which were revealed in particular by A.G. Maslow [17] is a precursor to a systemic vision of research. However, it is not possible to relate such a methodological approach to a certain kind of systematic research. A distinctive feature of the holistic approach is the researcher's explicit accent on the integrity of the object as a certain task, which is important when considering such a national security right. Those obstacles that stand in the way of distinguishing, among other characteristics of national security law, its holistic features are resolved by applying the provisions of the philosophy of integrity or holism. In the end, a holistic approach allows an individual qualities of social subjects and social phenomena to be combined into certain systematic, organised entities, which are represented by social institutions, where the determining role belongs not only to an individual, but to organised groups of socially inclined towards the achievement of a specific goal individuals. In such circumstances the mutual dependence of existing legal norms on social practice, which is most clearly represented in ensuring national security by the activity of the respective state institutions, is absolute.

At the same time, a research strategy for cognition of national security law can be successful, given the fact that an important feature (property) of systems is their intrinsic capacity for self-organisation. Self-organisation allows to provide some independence of formation and existence of systems. The system of national security law is

dependent on the system of law, but it has its own specific features that make it possible to distinguish national security law as an independent industry. The system of law, as well as the systemic integrity of national security law, are formed not only by certain common laws, but also by internal processes that have signs of self-organisation under the influence of many external factors. Among these factors, the most active is the influence of the state, its complex mechanism. The law-making and law enforcement activities of the state significantly influence the formation of the legal form of national security, its normative and institutional components, but at the same time, it is subject to the reverse of the law, which limits the possibilities of the state to apply force options for solving conflicts, brings such actions in line with the interests of the whole society and a specific person. In the organisation of the national security system, and therefore the rights of national security, the needs of the individual and society in safe living conditions and existence that clearly reveal social communications with the participation of all subjects in this field, are defining. The formation of national security law, in addition to the patterns that testify the effect of the relevant legal regime, is subject to complex rules of synergy, due to non-linear processes and interaction. The nonlinearity of the system of law and national security law is provided by the rhizome paradigm [18]. A synergistic approach to the cognition of national security law is able to effectively identify the effects of nonlinear processes on the systemic integrity of the national security law, including those characteristic of social revolutions [19].

The national security law research strategy cannot but take into account the axiological characteristics of the law and the state in general and the national security axiology in particular, on the basis of which a valuable picture of national security law is formed. The axiology of national security law proceeds from the properties of law [20], its essential features, which are most evident in legal communications. The properties of national security law not only actualise its content, but also reveal the legal values expressed by this branch of law by streamlining social communications in the field of national security. At the same time, it is precisely the properties of national security law that ensure its interaction with the state, show the ability of the right to bring the activities of state institutions in line with social demands, human needs based on value-normative requirements. There is an inseparable connection of the properties of law with the institutional and functional constituent of the state and further – with the implementation of the possibilities of law in influencing national security.

The properties of law are manifested in the rhizome, which combines the social and moral-ethical energy necessary for self-organisation of the system of law, even in the absence of interaction of law with the state, or in the face of external and internal threats, which are not able to overcome the relevant institutions of public authority belonging to the security and defence sector. In addition, the properties of law are fully responsive to needs and demands of an individual, among which is the security of life is the most important, which is certainly meaningful for the formation of national security law. At the same time, the integration of the properties of law in the

system of legal values allows ensuring the specification of national interests, their harmonisation and protection. Valuable attitudes, the normative beginning of law lead to the achievement of a goal through socially orderly activity, where it is necessary to distinguish the functional aspect of law – its regulative nature in combination with the protective functional purpose.

Social activity and interaction of subjects, undergoing in the process of regulating the value-normative influence of law, are differently manifested in different spheres of social reality, including in the field of national security. This is determined by the peculiarities of communication of social actors, peculiarities aimed at achieving a certain purpose of their activity. Socio-communicative interactions of subjects, or otherwise, purpose-mediated public relations in the field of national security, undergo a complex process of institutionalisation that acquires legal characteristics under the influence of norms of law – mandatory rules of conduct. It is important that in the process of social communication in the field of national security and the achievement of meaningful goals for the participants of communication ties such norms arise due to the reproduction of actions that are permissible and necessary for all without exception, which do not simply destroy the state of security, but form protection and provide the state national security, which is confirmed not only by domestic practice, but also by the experience of other countries not less sensitive to this problem. It is important that the behaviour of subjects in the process of communicative interaction is different. This difference is determined, first of all, by the way that influences the behaviour and in general the communicative interaction of social actors, if more broadly – their activity, as well as – the national interests that underlie this activity. In these circumstances, a certain legal environment of social activity of subjects of national security is created, special conditions for the existence of law in this legal environment, which is conditioned by the need to ensure protection of national interests, where a certain legal regime arises and operates, which forms and approves the national security law in the national system of law.

The methodological principles of knowledge of national security law confirm and expand the scientific position regarding the functional purpose of the methodological tool of jurisprudence [21], which allows to open new facets of legal reality with the assertion of separate legal communities as independent systems that exist and function in the system of law. Among other such systemic regulatory and legal community in the system of law of Ukraine is the right of national security.

## CONCLUSIONS

The proposed methodological approaches to the knowledge of national security law, the search for the methodological basis of its systemic integrity, the identification of the active basis of law in its interaction with the state and civil society through the needs of an individual make it possible to make a reasonable conclusion about the formation of national security law, which occurs as a result of the relevant legal regime and nonlinear processes caused by the rhizome of law. National security law

affirms the most successful and effective active interaction between law, society and the state with a designated anthropological security centre that focuses on a human.

According to the results of the study, the national security law of Ukraine should be considered as an independent branch of law – a coherent, systematic set of rules of law, publicly defined, legitimate rules of conduct aimed at achieving and maintaining safe living conditions for human beings and the existence of society and the state. Thus, the teleology of conscious activity of human and society, the state regarding the legal content of national security, as a certain systemic integrity, and even more so – self-organisation of such activity not only under the influence of the legal regime, but also due to the action of the rhizome at the expense of internal synergy in achieving the goal, which is the national security, allow implementing the appropriate methodological setting and to formulate the concept of national security law as an independent branch in the national system of law.

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